

IDAHO ADMINISTRATIVE BULLETIN

October 2, 2019 – Vol. 19-10

Office of the Governor
Division of Financial Management
Office of the Administrative Rules Coordinator
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IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

October 2, 2019 – Vol. 19-10

PREFACE	8
IDAPA 06 – BOARD OF CORRECTION	
06.02.02 – Rules Governing Release Readiness Docket No. 06-0202-1901 Notice of Proclamation of Rulemaking	16
IDAPA 07 – DIVISION OF BUILDING SAFETY	
07.02.02 – Rules Governing Plumbing Permits Docket No. 07-0202-1901 (Fee Rule) Notice of Rulemaking – Vacation of Proposed Rulemaking	19
07.02.03 – Rules Governing Permit Fee Schedule Docket No. 07-0203-1902 (Chapter Repeal) Notice of Rulemaking – Vacation of Proposed Rulemaking	20
07.02.04 – Rules Governing Plumbing Safety Inspections Docket No. 07-0204-1901 (Chapter Repeal) Notice of Rulemaking – Vacation of Proposed Rulemaking	21
07.02.05 – Rules Governing Plumbing Safety Licensing Docket No. 07-0205-1901 Notice of Rulemaking – Vacation of Proposed Rulemaking	22
07.02.07 – Rules Governing Civil Penalties Docket No. 07-0207-1901 (Chapter Repeal) Notice of Rulemaking – Vacation of Proposed Rulemaking	23
07.03.01 – Rules of Building Safety Docket No. 07-0301-1901 Notice of Rulemaking – Proposed Rule	24
07.08.01 – Idaho Minimum Safety Standards and Practices for Logging Docket No. 07-0801-1901 Notice of Rulemaking – Proposed Rule	38
IDAPA 08 – IDAHO STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION	
Docket No. 08-0000-1900 Notice of Public Hearing for Omnibus Rulemaking	78
08.01.13 – Rules Governing the Opportunity Scholarship Program Docket No. 08-0113-1901 Notice of Rulemaking – Temporary and Proposed Rule	79
08.02.01 – Rules Governing Administration Docket No. 08-0201-1902 Notice of Rulemaking – Proposed Rule	85

08.02.02 – Rules Governing Uniformity
Docket No. 08-0202-1901
 Notice of Rulemaking – Proposed Rule93
Docket No. 08-0202-1903
 Notice of Rulemaking – Proposed Rule95
08.02.03 – Rules Governing Thoroughness
Docket No. 08-0203-1901
 Notice of Rulemaking – Proposed Rule98
Docket No. 08-0203-1902
 Notice of Rulemaking – Proposed Rule102
08.02.04 – Rules Governing Public Charter Schools
Docket No. 08-0204-1901
 Notice of Rulemaking – Proposed Rule104

IDAPA 12 – DEPARTMENT OF FINANCE
12.01.08 – Rules Pursuant to the Uniform Securities Act (2004)
Docket No. 12-0108-1901
 Notice of Rulemaking – Proposed Rule106
12.01.09 – Rules Pursuant to the Idaho Credit Code
Docket No. 12-0109-1901
 Notice of Rulemaking – Proposed Rule111
12.01.10 – Rules Pursuant to the Idaho Residential Mortgage Practices Act
Docket No. 12-0110-1901
 Notice of Rulemaking – Proposed Rule114
12.01.11 – Rules Pursuant to the Idaho Collection Agency Act
Docket No. 12-0111-1901
 Notice of Rulemaking – Proposed Rule116

IDAPA 13 – IDAHO FISH AND GAME COMMISSION
13.01.09 – Rules Governing the Taking of Game Birds in the State of Idaho
Docket No. 13-0109-1801AP
 Notice of Amended Proclamation118
Docket No. 13-0109-1903P
 Notice of Proclamation.....119
13.01.11 – Rules Governing Fish
Docket No. 13-0111-1901AP
 Notice of Amended Proclamation120
Docket No. 13-0111-1904P
 Notice of Proclamation.....121
*13.01.17 – Rules Governing the Use of Bait and Trapping
 for Taking Big Game Animals*
Docket No. 13-0117-1901
 Notice of Rulemaking – Proposed Rule122

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.01 – Rules of the Idaho Time Sensitive Emergency System Council
Docket No. 16-0201-1901
 Notice of Rulemaking – Proposed Rule125

16.02.02 – Rules of the Idaho Emergency Medical Services (EMS) Physician Commission
Docket No. 16-0202-1901
 Notice of Rulemaking – Proposed Rule127

16.02.14 – Rules Governing Construction and Operation of Public Swimming Pools in Idaho
Docket No. 16-0214-1901
 Notice of Rulemaking – Proposed Rule129

16.03.01 – Eligibility for Health Care Assistance for Families and Children
Docket No. 16-0301-1901
 Notice of Rulemaking – Temporary and Proposed Rule.....148

16.03.10 – Medicaid Enhanced Plan Benefits
Docket No. 16-0310-1704
 Notice of Rulemaking – Proposed Rule153

16.03.18 – Medicaid Cost-Sharing
Docket No. 16-0318-1901
 Notice of Rulemaking – Proposed Rule159

16.05.04 – Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding
Docket No. 16-0504-1901
 Notice of Rulemaking – Proposed Rule163

16.06.12 – Rules Governing the Idaho Child Care Program (ICCP)
Docket No. 16-0612-1901
 Notice of Rulemaking – Proposed Rule174

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.04.08 – Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule
Docket No. 18-0408-1901
 Notice of Rulemaking – Proposed Rule179

18.04.16 – Rules Governing Short-Term Health Insurance Coverage
Docket No. 18-0416-1901 (New Chapter)
 Notice of Rulemaking – Proposed Rule208

18.06.06 – Rules for the Surplus Line Regulation
Docket No. 18-0606-1901
 Notice of Rulemaking – Proposed Rule215

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – Rules Governing Mined Land Reclamation
[Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities]
Docket No. 20-0302-1901
 (Second) Notice of Intent to Promulgate Rules – Negotiated Rulemaking.....220

IDAPA 23 – BOARD OF NURSING

23.01.01 – Rules of the Idaho Board of Nursing
Docket No. 23-0101-1901
 Notice of Rulemaking – Proposed Rule221

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – *Rules Governing the Administration of Park and Recreation Areas and Facilities*
Docket No. 26-0120-1901 (Fee Rule)
 Notice of Rulemaking – Proposed Rule230

26.01.36 – *Rules Governing the Winter Recreational Parking Permit Program*
Docket No. 26-0136-1901 (Chapter Repeal)
 Notice of Rulemaking – Proposed Rule252

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.02 – *Idaho Sales and Use Tax Administrative Rules*
Docket No. 35-0102-1901
 Notice of Rulemaking – Vacation of Proposed Rulemaking253

Docket No. 35-0102-1902
 Notice of Rulemaking – Vacation of Proposed Rulemaking254

Docket No. 35-0102-1904
 Notice of Rulemaking – Vacation of Proposed Rulemaking255

35.01.03 – *Property Tax Administrative Rules*
Docket No. 35-0103-1902
 Notice of Rulemaking – Proposed Rule256

Docket No. 35-0103-1904
 Notice of Rulemaking – Proposed Rule262

Docket No. 35-0103-1905
 Notice of Rulemaking – Proposed Rule272

35.01.05 – *Idaho Motor Fuels Tax Administrative Rules*
Docket No. 35-0105-1902
 Notice of Rulemaking – Vacation of Proposed Rulemaking280

35.02.01 – *Tax Commission Administration and Enforcement Rules*
Docket No. 35-0201-1901
 Notice of Rulemaking – Proposed Rule281

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.03 – *Rules Governing Vehicle Dealer’s Principal Place of Business*
Docket No. 39-0203-1901
 Notice of Rulemaking – Temporary and Proposed Rule.....284

39.02.22 – *Rules Governing Registration and Permit Fee Administration*
Docket No. 39-0222-1901
 Notice of Rulemaking – Proposed Rule288

39.02.42 – *Temporary Vehicle Registration When Proof of Ownership Is Insufficient*
Docket No. 39-0242-1901
 Notice of Rulemaking – Proposed Rule293

39.02.75 – *Rules Governing Names on Drivers’ Licenses and Identification Cards*
Docket No. 39-0275-1901
 Notice of Rulemaking – Proposed Rule296

39.02.76 – *Rules Governing Driver's License Renewal-By-Mail and Electronic Renewal Process*
Docket No. 39-0276-1901
 Notice of Rulemaking – Proposed Rule300

39.03.01 – *Rules Governing Definitions Regarding Special Permits*
Docket No. 39-0301-1901
 Notice of Rulemaking – Proposed Rule304

39.03.05 – *Rules Governing Special Permits – Oversize Non-Reducible*
Docket No. 39-0305-1901
 Notice of Rulemaking – Proposed Rule309

39.03.06 – *Rules Governing Special Permits for Extra-Length/Excess Weight,
 Up to 129,000 Pound Vehicle Combinations*
Docket No. 39-0306-1902
 Notice of Rulemaking – Proposed Rule311

IDAPA 40 – COMMISSION ON THE ARTS
 40.01.01 – *Rules of the Idaho Commission on the Arts*
Docket No. 40-0101-1901
 Notice of Rulemaking – Proposed Rule315

IDAPA 46 – BOARD OF VETERINARY MEDICINE
 46.01.01 – *Rules of the State of Idaho Board of Veterinary Medicine*
Docket No. 46-0101-1902 (Fee Rule)
 Notice of Rulemaking – Proposed Rule331

**IDAPA 47 – STATE BOARD OF EDUCATION:
 DIVISION OF VOCATIONAL REHABILITATION**
 47.01.01 – *Rules Governing Vocational Rehabilitation Services*
Docket No. 47-0101-1901 (New Chapter)
 Notice of Rulemaking – Adoption of Temporary Rule.....334

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
 50.01.01 - *Rules of the commission of pardons and parole*
Docket No. 50-0101-1900
 Notice of Public Hearing for Omnibus Rulemaking343

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION
 55.01.03 – *Rules of Career Technical Schools*
Docket No. 55-0103-1901
 Notice of Rulemaking – Proposed Rule344

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
 57.01.01 – *Rules of the Sexual Offender Management Board*
Docket No. 57-0101-1901 (Fee Rule)
 Notice of Rulemaking – Proposed Rule349

IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION
 60.05.01 – *Rules for Administration of the Idaho Resource Conservation
 and Rangeland Development Program*
Docket No. 60-0501-1901
 Notice of Rulemaking – Proposed Rule359

SECTIONS AFFECTED INDEX 362

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 374

**CUMULATIVE RULEMAKING INDEX
OF IDAHO ADMINISTRATIVE RULES** 379

SUBJECT INDEX 415

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 2019

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Bulletin Publication Date	21-day Comment Period End Date
19-1	January 2019		*November 30, 2018	January 2, 2019	January 23, 2019
19-2	February 2019		January 4, 2019	February 6, 2019	February 27, 2019
19-3	March 2019		February 8, 2019	March 6, 2019	March 27, 2019
19-4	April 2019		March 8, 2019	April 3, 2019	April 24, 2019
19-5	May 2019	March 22, 2019	April 5, 2019	May 1, 2019	May 22, 2019
19-6	June 2019	April 19, 2019	May 3, 2019	June 5, 2019	June 26, 2019
19-7	July 2019	May 24, 2019	June 7, 2019	July 3, 2019	July 24, 2019
19-8	August 2019	June 21, 2019	July 5, 2019	August 7, 2019	August 28, 2019
19-9	September 2019	July 19, 2019	August 2, 2019	September 4, 2019	September 25, 2019
19-10	October 2019	August 16, 2019	**August 30, 2019	October 2, 2019	October 23, 2019
19-11	November 2019	September 20, 2019	October 4, 2019	November 6, 2019	November 27, 2019
19-12	December 2019	October 18, 2019	November 1, 2019	December 4, 2019	December 25, 2019

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2020

Vol. No.	Monthly Issue of Bulletin	ARRF Due to DFM	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
20-1	January 2020	November 15, 2019	*November 29, 2019	January 1, 2020	January 22, 2020
20-2	February 2020	December 20, 2019	January 3, 2020	February 5, 2020	February 26, 2020
20-3	March 2020	January 22, 2020	February 7, 2020	March 4, 2020	March 25, 2020
20-4	April 2020	February 21, 2020	March 6, 2020	April 1, 2020	April 22, 2020
20-5	May 2020	March 20, 2020	April 3, 2020	May 6, 2020	May 27, 2020
20-6	June 2020	April 24, 2020	May 1, 2020	June 3, 2020	June 24, 2020
20-7	July 2020	May 22, 2020	June 5, 2020	July 1, 2020	July 22, 2020
20-8	August 2020	June 19, 2020	July 3, 2020	August 5, 2020	August 26, 2020
20-9	September 2020	July 24, 2020	August 7, 2020	September 2, 2020	September 23, 2020
20-10	October 2020	August 21, 2020	**August 28, 2020	October 7, 2020	October 28, 2020
20-11	November 2020	September 18, 2020	October 2, 2020	November 4, 2020	November 25, 2020
20-12	December 2020	October 23, 2020	November 6, 2020	December 2, 2020	December 23, 2020

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

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 24.02	Athletic Commission , Idaho
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 55	Career Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , State Board of and State Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 24.04	Geologists , Board of Registration for Professional

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 15	Governor, Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Division (15.10) Idaho Military Division (Division of Homeland Security) (15.06)
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of
IDAPA 43	Oilseed Commission, Idaho

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Athletic Commission, State (24.02) Barber and Cosmetology Services Licensing Board (24.28) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho State (24.21) Counselors and Marriage and Family Therapists, Licensing Board of Professional (24.15) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Driving Businesses Licensure Board, Idaho (24.25) Genetic Counselors Licensing Board (24.24) Geologists, Board of Registration for Professional (24.04) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of Examiners of (24.19) Shorthand Reporters Board, Idaho Certified (24.29) Social Work Examiners, Board of (24.14) Speech, Hearing and Communication Services Licensure Board (24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission, State
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 24.29	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 06 – BOARD OF CORRECTION
06.02.02 – RULES GOVERNING RELEASE READINESS
DOCKET NO. 06-0202-1901
NOTICE OF PROCLAMATION OF RULEMAKING

EFFECTIVE DATE: Pursuant to Section 20-212(1), Idaho Code, all rules, or the amendment or repeal of rules shall be effective thirty (30) days after the date of publication by the Office of the Administrative Rules Coordinator or sooner by proclamation of the Board with the concurrence of the Governor. The effective date of this rule is November 1, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 20-212(1), Idaho Code, notice is hereby given that this agency has promulgated rules by proclamation. Additionally, Section 20-212(1), Idaho Code, states that the rules of the Idaho State Board of Correction are subject to review of the Idaho State Legislature pursuant to Sections 67-454, 67-5291, and 67-5292, Idaho Code, but no other provisions of chapter 52, title 67, Idaho Code, apply to the Board, except as otherwise specifically provided by statute.

PUBLIC HEARING SCHEDULE: Pursuant to Section 20-212(1), Idaho Code, public hearings concerning this rulemaking will not be scheduled.

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

IDAPA 06.02.02, “Rules Governing Release Readiness,” removes obsolete references and non-substantive sections and provides more concise language in compliance with the Red Tape Reduction Act.

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

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

This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted because Section 20-212(1), Idaho Code, exempts the Idaho State Board of Correction from conducting negotiated rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proclamation, contact Jamie Hess Smith at jamismit@idoc.idaho.gov.

Date this 20th day of August, 2019.

Josh Tewalt
Director
Idaho Department of Correction
1299 N. Orchard St., Suit 110
Boise, ID 83706
(208) 658-2000

THE FOLLOWING IS THE TEXT OF PROCLAMATION DOCKET NO. 06-0202-1901
(Only Those Sections With Amendments Are Shown)

010. DEFINITIONS.

- 01. Board.** The state of Idaho Board of Correction. (2-6-15)
- 02. Commission.** The state of Idaho Commission of Pardons and Parole. (2-6-15)
- 03. Department.** The state of Idaho Department of Correction. (2-6-15)
- 04. Director.** The director of the Idaho Department of Correction. (2-6-15)
- ~~**05. Motivational Interviewing.** An empathic goal-directed communication style used in both group and individual settings to help promote behavior change. (6-19-19)~~
- 06.5. Offender.** A person under the legal care, custody, supervision, or authority of the Board, including a person within or without the state of Idaho pursuant to agreement with another state or contractor. (2-6-15)
- ~~**07. Parolee.** An offender who: (2-6-15)~~
- ~~**a.** Is released from a facility by the paroling authority prior to the completion of his sentence; (2-6-15)~~
- ~~**b.** Agrees to comply with certain conditions established by the paroling authority; and (2-6-15)~~
- ~~**c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)~~
- ~~**08.6. Rider.** An offender who: (2-6-15)~~
- ~~**a.** Is released from a facility by the judicial authority upon completing a retained jurisdiction period; (2-6-15)~~
- ~~**b.** Agrees to comply with certain conditions established by the judicial authority; and (2-6-15)~~
- ~~**c.** Remains under the control of a probation and parole officer (PPO) for the established period of supervision. (2-6-15)~~
- ~~**09.7. Reception and Diagnostic Unit (RDU).** Initial housing for newly committed offenders - except those under sentence of death - where orientation, screening, assessment, and classification occur. (2-6-15)~~

011. ABBREVIATIONS: (RESERVED)

- ~~**01. PPO.** Probation and parole officer. (2-6-15)~~
- ~~**02. RDU.** Reception and Diagnostic Unit. (2-6-15)~~

012. OFFENDER PROGRAMMING.

- 01. Core Philosophies.** The department will deliver an offender program management philosophy that will embrace the following core concepts: (2-6-15)

- a. Strength-based (supportive accountability); (2-6-15)
 - b. Assertive case management; and (2-6-15)
 - c. Solution-focused interventions. (2-6-15)
- 02. Core Intervention Tools for Offender Engagement.** The department will only employ those intervention tools that foster respect and accountability without compromising the safe operation of its correctional facilities and probation and parole district offices. Intervention tools should enhance communication, technology, and partnerships, and include, but are not limited to, the following: (2-6-15)
- a. Communication methods designed to enhance motivation; (6-19-19)
 - b. Technology for tracking and oversight; and (2-6-15)
 - c. Collaboration with internal, public, and private entities. (2-6-15)
- 03. Reentry Plan.** The department will develop a reentry plan for all offenders utilizing the information obtained from the assessment and screening process. Program managers will use a multidisciplinary team approach to consider both the current needs of the offender and the transition and aftercare components of the reentry plan upon release of the offender into the community. PPOs will continue the reentry plan while the offender is in the community. (6-19-19)
- 04. Offender Assessment and Screening Instruments.** All offenders, including Riders, will undergo screening and assessment upon arrival to RDU to identify the crime-producing attributes of each offender. (2-6-15)
- a. The assessment and screening instruments to be approved and used by the Department shall be nationally recognized for assessing criminogenic needs of offender populations. ~~(2-6-15)~~(11-1-19)
 - ~~b. The department shall establish a process to approve the use of offender assessment and screening instruments. (2-6-15)~~
 - ~~eb.~~ Department will establish a training program for staff members to administer the offender assessment and screening instruments. (2-6-15)
- 05. Individual Assessments.** (2-6-15)
- a. The Department will identify factors that indicate when an individual assessment is necessary to further evaluate an offender's needs in specific areas such as mental health, substance abuse, responsivity factors, and sex offender attributes. (2-6-15)
 - b. Individual assessments will be administered by either trained department staff or community providers. (2-6-15)
- 06. Youth Offender Assessments.** The department will establish procedures and the assessment and screening instruments to be used to assess offenders who are under eighteen (18) years of age. (2-6-15)
- 07. Assessment and Reassessment Standards.** The Department shall establish assessment and reassessment standards for all screening and assessment tools. (2-6-15)
- 08. Parole Hearing Process.** Correctional case managers will ensure the summary status will be available at least ten (10) business days prior to the parole hearing in a manner and form established by the Department. (2-6-15)

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.02.02 – RULES GOVERNING PLUMBING PERMITS
DOCKET NO. 07-0202-1901 (FEE RULE)
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The Division of Building Safety determined that the changes being promulgated in this rulemaking were appropriate for inclusion in Docket No. 07-0000-1900F at the pending stage; thus, the Division is vacating this rulemaking Docket No. 07-0202-1901.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Dated this 11th day of September, 2019.

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
ron.whitney@dbs.idaho.gov

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.02.03 – RULES GOVERNING PERMIT FEE SCHEDULE
DOCKET NO. 07-0203-1902 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The Division of Building Safety determined that the changes being promulgated in this rulemaking were appropriate for inclusion in Docket No. 07-0000-1900F at the pending stage; thus, the Division is vacating this rulemaking Docket No. 07-0203-1902.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Dated this 11th day of September, 2019.

Ron Whitney, Deputy Administrator
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IDAPA 07 – DIVISION OF BUILDING SAFETY
07.02.04 – RULES GOVERNING PLUMBING SAFETY INSPECTIONS
DOCKET NO. 07-0204-1901 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The Division of Building Safety determined that the changes being promulgated in this rulemaking were appropriate for inclusion in Docket No. 07-0000-1900 at the pending stage; thus, the Division is vacating this rulemaking Docket No. 07-0204-1901.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Dated this 9th day of September, 2019.

Ron Whitney, Deputy Administrator
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IDAPA 07 – DIVISION OF BUILDING SAFETY
07.02.05 – RULES GOVERNING PLUMBING SAFETY LICENSING
DOCKET NO. 07-0205-1901
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The Division of Building Safety determined that the changes being promulgated in this rulemaking were appropriate for inclusion in Docket No. 07-0000-1900 at the pending stage; thus, the Division is vacating this rulemaking Docket No. 07-0205-1901.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Dated this 29th day of August, 2019.

Ron Whitney, Deputy Administrator
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IDAPA 07 – DIVISION OF BUILDING SAFETY
07.02.07 – RULES GOVERNING CIVIL PENALTIES
DOCKET NO. 07-0207-1901 (CHAPTER REPEAL)
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 54-2606, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

The Division of Building Safety determined that the changes being promulgated in this rulemaking were appropriate for inclusion in Docket No. 07-0000-1900F at the pending stage; thus, the Division is vacating this rulemaking Docket No. 07-0207-1901.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Nielsen, Plumbing Program Manager, Division of Building Safety at (208) 332-7112 or at john.nielsen@dbs.idaho.gov.

Dated this 11th day of September, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
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IDAPA 07 – DIVISION OF BUILDING SAFETY

07.03.01 – RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-4107, 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 October 16, 2019.

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 proposed rulemaking adopts and amends for Idaho the 2018 editions of the International Building Code (IBC), International Residential Code (IRC), International Existing Building Code (IEBC), and International Energy Conservation Code (IECC). Additionally, this proposed rulemaking eliminates or simplifies provisions in IDAPA 07.03.01 to comply with the Red Tape Reduction Act (Executive Order 2019-02).

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, pages 38 through 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:

The state has been operating under 2015 editions of the IBC, IEBC, and IECC and 2012 edition of the IRC. The 2018 editions of the IBC, IRC, IEBC, and IECC provide revisions and clarifications that streamline the codes and make them easier to understand and apply. The 2018 editions of these codes also provide enhanced building safety requirements and address emerging building technologies. In several ways, the 2018 editions of these codes reduce building requirements and expand building options. Adopting the 2018 editions of these codes will bring Idaho up to date with the latest building industry standards.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Jeff Egan, Building Code Program Manager, at (208) 332-7123 or at jeff.egan@dbs.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 30th day of August, 2019.

Ron Whitney, Deputy Administrator
Division of Building Safety
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Phone: (208) 332-7150 / Fax: (877) 810-2840
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0301-1901
(Only Those Sections With Amendments Are Shown)

004. ADOPTION AND INCORPORATION BY REFERENCE.

Under the provisions of Section 39-4109, Idaho Code, the codes enumerated in this Section are hereby adopted and incorporated by reference into IDAPA 07.03.01, "Rules of Building Safety," Division of Building Safety. Pursuant to Section 39-4109, Idaho Code, the effective date of any edition of the codes adopted in this Section, or any amendments identified thereto, shall be January 1 of the succeeding year following legislative approval of the rulemaking establishing the edition or amendment. Copies of these documents may be reviewed at the office of the Division of Building Safety. The referenced codes may be obtained from International Code Council, 5360 Workman Mill Road, Whittier, California 90601-2298 or the International Code Council at <http://www.iccsafe.org>. (3-20-14)

01. International Building Code. 201~~5~~⁸ Edition with the following amendments: ~~(3-29-17)~~()

a. Delete Section 305.2.3 and replace with the following: 305.2.3 Twelve (12) or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ~~(3-20-14)~~()

b. Delete Section 308.2.4 and replace with the following: 308.2.4 Five (5) or fewer persons receiving custodial care. A facility with five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ()

c. Delete Section 308.3.2 and replace with the following: 308.3.2 Five (5) or fewer persons receiving medical care. A facility with five (5) or fewer persons receiving medical care shall be classified as a Group R-3 occupancy. ()

d. Delete Section 308.~~6~~⁵.4 and replace with the following: 308.5.4 Persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having twelve (12) or fewer children receiving day care or having five (5) or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code. ~~(3-20-14)~~()

e. Delete Section 310.~~5~~⁴ and replace with the following: 310.4 Residential Group R-3. Residential Group R-3 occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4, E or I, including: 1. Buildings that do not contain more than two (2) dwelling units. 2. Care facilities that provide accommodations for five (5) or fewer persons receiving personal care, custodial care or medical care. 3. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants, including boarding houses (nontransient), convents, dormitories, fraternities and sororities, and monasteries. 4. Congregate living facilities (transient) with ten (10) or fewer occupants, including boarding houses (transient). 5. Dwelling units providing day care for twelve (12) or fewer children. 6. Lodging houses (transient) with five (5) or fewer guest rooms and ten (10) or fewer occupants. ~~(3-29-17)~~()

~~i. Buildings that do not contain more than two (2) dwelling units; (3-20-14)~~

~~ii. Boarding houses (nontransient) with sixteen (16) or fewer occupants; (3-20-14)~~

~~iii. Boarding houses (transient) with ten (10) or fewer occupants; (3-20-14)~~

~~iv. Care facilities that provide accommodations for five (5) or fewer persons receiving care; (3-20-14)~~

~~v. Congregate living facilities (nontransient) with sixteen (16) or fewer occupants; (3-20-14)~~

~~vi. Congregate living facilities (transient) with ten (10) or fewer occupants; or (3-20-14)~~

~~vii. Dwelling units providing day care for twelve (12) or fewer children. (3-20-14)~~

~~viii. Lodging houses with five (5) or fewer guest rooms. (3-29-17)~~

~~4f.~~ Delete Section 310.54.1 and replace with the following: **310.4.1** Care facilities within a dwelling. Care facilities for twelve (12) or fewer children receiving day care or for five (5) or fewer persons receiving **personal care or custodial care** that are within a **single one- or two-**family dwelling are permitted to comply with the International Residential Code. (3-20-14)()

~~e.~~ Delete the last paragraph of section 2107.2.1 Lap Splices, and replace with the following: In regions of moment where the design tensile stresses in the reinforcement are greater than eighty percent (80%) of the allowable steel tension stress, *F_s*, the lap length of splices shall be increased not less than fifty percent (50%) of the minimum required length, but need not be greater than 72 db. Other equivalent means of stress transfer to accomplish the same fifty percent (50%) increase shall be permitted. Where epoxy coated bars are used, lap length shall be increased by fifty percent (50%). (3-28-18)

~~f.~~ Add footnote (f) in the header row of the table column labeled "Drinking Fountains" of Table 2902.1 Minimum Number of Required Plumbing Fixtures, and add footnote (f) under Table 2902.1 to state the following: Drinking fountains are not required for an occupant load of thirty (30) or fewer. (3-29-17)

~~g.~~ Delete footnote (e) contained under Table 2902.1 Minimum Number of Required Plumbing Fixtures and replace with the following: ^e For business occupancies, excluding restaurants, and mercantile occupancies with an occupant load of thirty (30) or fewer, service sinks shall not be required. (3-29-17)()

~~h.~~ Delete footnote ^f from Table 2902.1 Minimum Number of Required Plumbing Fixtures, add footnote ^f in the header row of the column in Table 2902.1 labeled "Drinking Fountains," and delete footnote ^f under Table 2902.1 and replace with the following: ^f Drinking fountains are not required for an occupant load of thirty (30) or fewer. ()

~~i.~~ Delete Section 3113.1 and replace with the following: **3113.1 General.** The provisions of this Section shall apply to relocatable buildings. Relocatable buildings manufactured after the effective date of this code shall comply with the applicable provisions of this code; title 39, chapter 43, Idaho Code; and IDAPA 07.03.03. Exception: This Section shall not apply to manufactured housing used as dwellings. ()

02. International Residential Code. 2012~~8~~ Edition with the following amendments: (3-20-14)()

~~a.~~ Delete the exception ~~No. 1 contained~~ under ~~IRC~~ Section R101.2 ~~–Scope,~~ and replace with the following: Exception: The following shall also be permitted to be constructed in accordance with this code: 1. Owner-occupied lodging houses with five (5) or fewer guestrooms and ten (10) or fewer total occupants. 2. A care facility with five (5) or fewer persons receiving custodial care within a dwelling unit or single-family dwelling. 3. A care facility for five (5) or fewer persons receiving personal care that are within a dwelling unit or single-family dwelling. 4. A care facility with twelve (12) or fewer children receiving day care within a dwelling unit or single-family dwelling. (3-20-14)()

~~b.~~ Delete exception ~~No. 2 contained~~ under ~~IRC~~ section R101.2 ~~– Scope,~~ and replace with the following: Owner-occupied lodging houses with five (5) or fewer guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One and Two family Dwellings. Delete Section R104.10.1 Flood hazard areas. (4-11-15)()

~~c.~~ Delete item ~~No. number 7 contained~~ under the "Building" subsection subheading of ~~IRC~~ Section R105.2 ~~–Work exempt from permit,~~ and replace with the following: **7.** Prefabricated swimming pools that are not greater than four (4) feet (one thousand, two hundred nineteen (1219) mm) deep. (4-7-11)()

~~d.~~ Add the following as item ~~No. number~~ **11** at the end of under the "Building" subsection subheading of ~~IRC~~ Section R105.2 ~~–Work exempt from permit:~~ **11.** Flag poles. (3-20-14)()

~~e.~~ Delete ~~IRC s~~Section R109.1.3 and replace with the following: **R109.1.3** Floodplain inspections. For

construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, the building official is authorized to require submission of documentation of the elevation of the lowest floor, including basement, required in ~~s~~Section R322. (3-29-10)()

f. ~~Delete Section R301.2.1.2 Protection of Openings.~~ ()

fg. ~~IRC Table R302.1(1) Exterior Walls~~ ~~and~~ Delete Table R302.1(1) and replace with the following:

TABLE R302.1(1) - EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour-tested in accordance with ASTM E 119, or UL263 <u>or Section 703.3 of the International Building Code</u> with exposure from both sides	< 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Projections	Fire-resistance rated	1 hour on the underside, <u>or heavy timber, or fire retardant-treated wood^{a,b}</u>	≥ 2 feet to < 3 feet
	Not fire-resistance rated	0 hours	≥ 3 feet
Openings in Walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	≥ 3 feet to < 5 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	≥ 3 feet

For SI: 1 foot = 304.8 mm.

N/A = Not Applicable

^a The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.

^b The fire-resistance rating shall be permitted to be reduced to zero (0) hours on the underside of the rake overhang where gable vent openings are not installed. (4-11-15)()

h. ~~Delete Section R302.13 Fire protection of floors.~~ ()

g. ~~Delete the exception contained under IRC section R302.2 -- Townhouses, and replace with the following two (2) exceptions:~~ (3-25-16)

i. When provided with an automatic fire sprinkler system per section R313.1, a common one (1)-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides, and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4. (3-25-16)

ii. Two (2) one (1)-hour fire-resistance-rated wall assemblies (as specified in Section R302.1) or a common two (2)-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 are

~~permitted for townhouses. If two (2) one (1)-hour fire-resistance-rated walls are used, plumbing and electrical installations within the wall cavity shall conform to fire resistance penetration requirements in accordance with section R302.4 through R302.4.2 for each of the two (2) one (1)-hour rated walls penetrated. The two (2)-hour fire-resistance-rated common wall shall not contain plumbing or mechanical equipment, ducts or vents within its wall cavity. The wall shall be rated for fire exposure from both sides, and shall extend to and be tight against the exterior walls and the underside of the roof sheathing. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.~~ (3-25-16)

~~hi.~~ Delete ~~IRC s~~Section R303.4 and replace with the following: R303.4 Mechanical Ventilation. Dwelling units shall be provided with whole-house mechanical ventilation in accordance with Section M15075.34.

~~Exception: Where the air infiltration rate of a dwelling unit is equal to 5 air changes per hour or greater when tested with a blower door at a pressure of 0.2 inch w.e. (50 pa) in accordance with Section N1102.4.1.2.~~ (4-11-15)()

~~ij.~~ Delete the exception ~~contained~~ under ~~IRC s~~Section R313.1 -- Townhouse automatic fire sprinkler systems, and replace with the following: Exception: Automatic residential fire sprinkler systems shall not be required in townhouses where either two (2) one (1)-hour fire-resistance-rated walls or a common two (2)-hour fire-resistance rated wall, as specified in ~~exception item number 2~~ of ~~s~~Section R302.2.2 is installed between dwelling units or when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. (3-25-16)()

~~jk.~~ Delete ~~IRC s~~Section R313.2 One- and two-family dwellings automatic fire sprinkler systems. (3-29-10)()

~~l.~~ Delete the exceptions under Section R314.2.2 Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section. 2. Installation, alteration or repairs of plumbing or mechanical systems are exempt from the requirements of this section. ()

~~lm.~~ ~~Add~~ Delete the following to exceptions under ~~IRC s~~Section R315.32.2 – ~~Where required in existing dwellings~~ Alterations, repairs and additions, and replace with the following: Exceptions: 1. Work involving the exterior surfaces of dwellings, such as, but not limited to, replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck or electrical permits, are exempt from the requirements of this section; ~~and~~ 2. Installation, alteration or repairs of noncombustion plumbing or mechanical systems are exempt from the requirements of this section. (3-20-14)()

~~ln.~~ Delete ~~IRC s~~Section R322.1.10 As-built elevation documentation. (3-29-10)()

~~o.~~ Delete Section R322.2.1 and replace with the following: R322.2.1 Elevation requirements. 1. Buildings and structures in flood hazard areas, including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation. 2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floors (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM, or not less than two (2) feet (610 mm) if a depth number is not specified. 3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation. Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section R322.2.2. ()

~~pp.~~ Delete ~~IRC section R322.2.2~~ subparagraph 2.21 of Section R322.2.2 Enclosed area below design flood elevation, and replace with the following: 2.1. The total net area of all openings shall be at least one (1) square inch (645 mm²) for each square foot (0.093 m²) of enclosed area, or the opening shall be designed and the construction documents shall include a statement that the design and installation of the openings will provide for equalization of hydrostatic flood forces on exterior walls by allowing the automatic entry and exit of floodwaters. (3-20-14)()

~~q.~~ Delete Tables R403 Minimum Depth (D) and Width (W) of Crushed Stone Footings (inches).

R403.1(1) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction (inches), R403.1(2) Minimum Width and Thickness for Concrete Footings for Light-Frame Construction and Brick Veneer (inches), and R403.1(3) Minimum Width and Thickness for Concrete Footings with Cast-In-Place or Fully Grouted Masonry Wall Construction (inches). ()

r. Add the following as Table R403.1:

TABLE R403.1
MINIMUM WIDTH OF CONCRETE, PRECAST, OR MASONRY FOOTINGS (inches)^a

	LOAD-BEARING VALUE OF SOIL (psf)			
	1,500	2,000	3,000	> 4,000
Conventional light-frame construction				
<u>1-Story</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
<u>2-Story</u>	<u>15</u>	<u>12</u>	<u>12</u>	<u>12</u>
<u>3-Story</u>	<u>23</u>	<u>17</u>	<u>12</u>	<u>12</u>
4-inch brick veneer over light frame or 8-inch hollow concrete masonry				
<u>1-Story</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>12</u>
<u>2-Story</u>	<u>21</u>	<u>16</u>	<u>12</u>	<u>12</u>
<u>3-Story</u>	<u>32</u>	<u>24</u>	<u>16</u>	<u>12</u>
8-inch solid or fully grouted masonry				
<u>1-Story</u>	<u>16</u>	<u>12</u>	<u>12</u>	<u>12</u>
<u>2-Story</u>	<u>29</u>	<u>21</u>	<u>14</u>	<u>12</u>
<u>3-Story</u>	<u>42</u>	<u>32</u>	<u>21</u>	<u>16</u>

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

^aWhere minimum footing width is twelve (12) inches, use of a single wythe of solid or fully grouted twelve (12)-inch nominal concrete masonry units is permitted. ()

s. Delete Section R403.1.1 and replace with the following: R403.1.1 Minimum size. Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width (W) shall be based on the load bearing value of the soil in accordance with Table R401.4.1. Spread footings shall be at least six (6) inches in thickness (T). Footing projections (P) shall be at least two (2) inches and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with the details set forth in Section R403.2 and Figures R403.1(2) and R403.1(3). ()

n. Delete IRC section R501.3 and its exceptions. (3-20-14)

o. Delete ~~IRC~~ Section R602.10 and replace with the following: R602.10 Wall bracing. Buildings shall be braced in accordance with this Section or, when applicable, Section R602.12, or the most current edition of APA System Report SR-102 as an alternate method. Where a building, or portion thereof, does not comply with one (1) or more of the bracing requirements in this Section, those portions shall be designed and constructed in accordance with Section R301.1. (3-20-14)()

p. Add an Appendix R, titled Tiny Homes to include the following provisions: (3-28-18)

i. ~~Section AR101 Scope. This appendix shall be applicable to tiny houses used as single dwelling~~

~~units. Tiny houses shall comply with this code except as otherwise stated in this appendix. (3-28-18)~~

~~ii. Section AR102 Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions. (3-28-18)~~

~~(1) Tiny House. A dwelling that is four hundred (400) square feet (thirty-seven (37) m) or less in floor area excluding lofts. (3-28-18)~~

~~(2) Escape and Rescue Roof Access Window. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310. (3-28-18)~~

~~(3) Landing Platform. A landing provided as the top step of a stairway accessing a loft. (3-28-18)~~

~~(4) Loft. A floor level located more than thirty (30) inches (762 mm) above the main floor and open to it on at least one (1) side with a ceiling height of less than six (6) feet eight (8) inches (2032 mm), used as a living or sleeping space. (3-28-18)~~

~~(iii) Section AR103 Minimum Ceiling Height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than six (6) feet eight (8) inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than six (6) feet four (4) inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. Exception: Ceiling heights in lofts are permitted to be less than six (6) feet eight (8) inches (2032 mm). (3-28-18)~~

~~iv. Section AR104 Lofts. (3-28-18)~~

~~(1) AR104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AR104.1.1 through AR104.1.3. (3-28-18)~~

~~(a) AR104.1.1 Minimum area. Lofts shall have a floor area of not less than thirty-five (35) square feet (3.25 m). (3-28-18)~~

~~(b) AR104.1.2 Minimum dimensions. Lofts shall be not less than five (5) feet (1524 mm) in any horizontal dimension. (3-28-18)~~

~~(c) AR104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than three (3) feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft. (3-28-18)~~

~~(2) AR104.2 Loft Access. The access to and primary egress from lofts shall be any type described in Sections AR104.3 through AR104.6. (3-28-18)~~

~~(3) AR104.3 Stairways. Stairways accessing lofts shall comply with this code or with Sections AR104.3.1 through AR104.3.5. (3-28-18)~~

~~(a) AR104.3.1 Width. Stairways accessing a loft shall not be less than seventeen (17) inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than twenty (20) inches (508 mm). (3-28-18)~~

~~(b) AR104.3.2 Headroom. The headroom in stairways accessing a loft shall be not less than six (6) feet two (2) inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width. Exception: The headroom for a landing platform, where stairways access lofts, shall be not less than four (4) feet six (6) inches (1372 mm). (3-28-18)~~

~~(c) AR104.3.3 Treads and Risers. Risers for stairs accessing a loft shall be not less than seven (7) inches (178 mm) and not more than twelve (12) inches (305 mm) in height. Tread depth and riser height shall be~~

~~calculated in accordance with one of the following formulas: (3-28-18)~~

~~(i) The tread depth shall be twenty (20) inches (508 mm) minus 1/3 of the riser height, or (3-28-18)~~

~~(ii) The riser height shall be fifteen (15) inches (381 mm) minus 3/4 of the tread depth. (3-28-18)~~

~~(d) AR104.3.4 Landing Platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than six (6) feet two (2) inches (1880 mm) where the stairway meets the loft. The landing platform shall be eighteen (18) inches to twenty-two (22) inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and sixteen (16) to eighteen (18) inches (406 to 457 mm) in height measured from the landing platform to the loft floor. (3-28-18)~~

~~(e) AR104.3.5 Stairway Handrails. Handrails shall comply with Section R311.7.8. (3-28-18)~~

~~(f) AR104.3.6 Stairway Guards. Guards at open sides of stairways shall comply with Section R312.1. (3-28-18)~~

~~(4) AR104.4 Ladders. Ladders accessing lofts shall comply with Sections AR104.4.1 and AR104.4.2. (3-28-18)~~

~~(a) AR104.4.1 Ladder Size and Capacity. Ladders accessing lofts shall have a rung width of not less than twelve (12) inches (305 mm) and ten (10) inches (254 mm) to fourteen (14) inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a two hundred (200) pound (75 kg) load on any rung. Rung spacing shall be uniform within 3/8-inch (9.5 mm). (3-28-18)~~

~~(b) AR104.4.2 Ladder Incline. Ladders shall be installed at seventy (70) to eighty (80) degrees from horizontal. (3-28-18)~~

~~(5) AR104.5 Alternating Tread Devices. Alternating tread devices accessing lofts, and handrails of alternating tread devices shall comply with sections 1011.14.1 and 1011.14.2 of the International Building Code, excluding the exception. The clear width at and below the handrails shall be not less than twenty (20) inches (508 mm). (3-28-18)~~

~~(6) AR104.6. Ships Ladders. Ships ladders accessing lofts, and treads and handrails of ships ladders shall comply with sections 1011.15.1 and 1011.15.2 of the International Building Code. The clear width at and below handrails shall be not less than twenty (20) inches (508 mm). (3-28-18)~~

~~(7) AR104.7 Loft Guards. Loft guards shall be located along the open side of lofts. Loft guards shall not be less than thirty-six (36) inches (914 mm) in height or one (1) half of the clear height to the ceiling, whichever is less. (3-28-18)~~

~~v. SECTION AR105. Emergency Escape and Rescue Openings. Tiny houses shall meet the requirements of Section R310 for emergency escape and rescue openings. Exception: Escape and rescue roof access windows in lofts used as sleeping rooms shall be deemed to meet three (3) requirements of Section R310 where installed such that the bottom of the opening is not more than forty-four (44) inches (1118 mm) above the loft floor, provided the escape and rescue roof access window complies with the minimum opening area requirements of Section R310. (3-28-18)~~

03. International Existing Building Code. 2015~~8~~ Edition. (3-29-17)()

04. International Energy Conservation Code. 2015~~8~~ Edition with the following amendments: (3-29-17)()

~~**a.** Delete the Residential Provisions of the 2015 International Energy Conservation Code (IECC) set forth in chapters 1 [RE] through 6 [RE], including Appendix RA (pages R-1 through R-57), and replace with the Residential Provisions of the 2012 IECC set forth therein in chapters 1 [RE] through 5 [RE] (pages R-1 through R-47) and as such provisions may be further amended herein these rules. (3-29-17)~~

ba. Add the following as ~~new sub~~Section C101.5.32: C101.5.2 Industrial, electronic, and manufacturing equipment. Buildings or portions thereof that are heated or cooled exclusively to maintain the required operating temperature of industrial, electronic, or manufacturing equipment shall be exempt from the provisions of this code. Such buildings or portions thereof shall be separated from connected conditioned space by building thermal envelope assemblies complying with this code. (3-25-16)()

b. Add the following as an exception under Section C402.5 Air leakage—thermal envelope (Mandatory): Exception: For buildings having over fifty thousand (50,000) square feet of conditioned floor area, air leakage testing shall be permitted to be conducted on less than the whole building, provided the following portions of the building are tested and their measured air leakage is area-weighted by the surface areas of the building envelope:
1. The entire floor area of all stories that have any spaces directly under a roof. 2. The entire floor area of all stories that have a building entrance or loading dock. 3. Representative above-grade wall sections of the building totaling at least twenty-five percent (25%) of the above-grade wall area enclosing the remaining conditioned space. Floor area tested under subparagraphs 1. or 2. of this exception shall not be included in the twenty-five percent (25%) of above-grade wall sections tested under this subparagraph. ()

c. Add the following as exception ~~No. (10)~~ number 7 under ~~s~~Section C403.35 Economizers (Prescriptive): 7. Unusual outdoor air contaminate conditions – Systems where special outside air filtration and treatment for the reduction and treatment of unusual outdoor contaminants, makes an air economizer infeasible. (3-29-17)()

d. Delete Table C404.5.1 and replace with the following:

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
1/4	0.33	31	50
5/16	0.5	N/A - non-standard size	50
3/8	0.75	17	50
1/2	1.5	10	43
5/8	2	7	32
3/4	3	5	21
7/8	4	N/A - non-standard size	16
1	5	3	13

TABLE C404.5.1 PIPING VOLUME AND MAXIMUM PIPING LENGTHS			
NOMINAL PIPE SIZE (inches)	VOLUME (liquid ounces per foot length)	MAXIMUM PIPING LENGTH (feet)	
		Public lavatory faucets	Other fixtures and appliances
1 1/4	8	2	8
1 1/2	11	1	6
2 or larger	18	1	4

For SI: 1 inch = 25.4 mm; 1 foot = 304.8 mm; 1 liquid ounce = 0.030 L; 1 gallon = 128 ounces. (4-11-19)

e. Delete the ~~values contained rows~~ in Table R402.1.~~2~~ for climate zones “5 and Marine 4” and ~~climate zone~~ “6” and replace with the following:

TABLE R402.1. 2 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT ^a										
Climate Zone	Fenestration U-Factor ^b	Skylight U-factor ^b	Glazed Fenestration SHGC ^{b,c}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value ⁱ	Floor R-Value	Basement Wall R-Value ^e	Slab ^d R-Value & Depth	Crawlspace ^e Wall R-Value
5 and Marine 4	0.3 5 ²	0. 60 ⁵⁵	NR	38	20 or 13+5 ^h	13/17	30 ^g	105/1039	10, 2 ft	105/139
6	0.3 5 ⁰	0. 60 ⁵⁵	NR	49	20 ² or 13+5 ^h	15/19 ²⁰	30 ^g	15/19	10, 4 ft	105/139

(4-11-19)()

f. Add the following ~~as~~ footnote ^k to the title of Table R402.1.~~2~~ - Insulation and Fenestration Requirements by Component: ^k For residential log home building thermal envelope construction requirements see ~~Section~~ R402.6. (3-25-16)()

g. Delete the ~~values contained rows~~ in Table R402.1.~~34~~ for climate zones “5 and Marine 4” and ~~climate zone~~ “6” and replace with the following:

TABLE R402.1.34 EQUIVALENT U-FACTORS ^a								
Climate Zone	Fenestration U-factor	Skylight U-factor	Ceiling R-Value U-factor	Wood Frame Wall R-Value U-factor	Mass Wall R-Value U-factor ^b	Floor R-Value U-factor	Basement Wall R-Value U-factor	Crawlspace Wall R-Value U-factor
5 and Marine 4	0.352	0.6055	0.030	0.05760	0.082	0.033	0.0590	0.0655
6	0.350	0.6055	0.026	0.057	0.060	0.033	0.050	0.0655

(4-11-19)()

h. Delete Table R402.2.6 and replace with the following:

TABLE R402.2.6 STEEL FRAME CEILING, WALL AND FLOOR INSULATION (R-VALUE)	
Wood-Frame R-value Requirement	Cold-formed Steel Equivalent R-value ^a
Steel Truss Ceilings^b	
R-30	R-38 or R-30 + 3 or R-26 + 5
R-38	R-49 or R-38 + 3
R-49	R-38 + 5
Steel Joist Ceilings^b	
R-30	R-38 in 2 x 4 or 2 x 6 or 2 x 8 R-49 in any framing
R-38	R-49 in 2 x 4 or 2 x 6 or 2 x 8 or 2 x 10
Steel Framed Wall	
R-13	R-13 + 5 or R-15 + 4 or R-21 + 3 or R-0 + 10
R-19	R-13 + 9 or R-19 + 8 or R-25 + 7
R-21	R-13 + 10 or R-19 + 9 or R-25 + 8
Steel Joist Floor	
R-13	R-19 in 2 x 6 R-19 + 6 in 2 x 8 or 2 x 10
R-19	R-19 + 6 in 2 x 6 R-19 + 12 in 2 x 8 or 2 x 10
a. Cavity insulation R-value is listed first, followed by continuous insulation R-value.	
b. Insulation exceeding the height of the framing shall cover the framing.	

(4-11-19)

i. Delete Section R402.4.1 and replace with the following: R402.4.1 Building thermal envelope. 1. Until June 30, 2021, the building thermal envelope shall comply with Sections R402.4.1.1 (Installation) and either

~~s~~Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 2. Effective July 1, 2021, the building thermal envelope of a minimum of twenty percent (20%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and Section R402.4.1.2 (Testing). The authority having jurisdiction may: 2.1. Determine how to enforce this requirement, starting with the fifth house and continuing with each subsequent fifth house. 2.2. Waive this requirement if significant testing indicates the five (5) air changes per hour (ACH) requirement is consistently being met or exceeded (resulting in a lower ACH). 2.3. Grant exceptions to this requirement in rural areas where testing equipment is not available or cost effective. 3. Effective July 1, 2021, the building thermal envelope of eighty percent (80%) of all new single-family homes constructed by each builder shall comply with Section R402.4.1.1 (Installation) and either Section R402.4.1.2 (Testing) or Section R402.4.1.3 (Visual inspection). 4. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. (4-11-19)()

~~j~~i. Delete ~~s~~Section R402.4.1.1 and replace with the following: R402.4.1.1 Installation. The components of the building thermal envelope as listed in Table R402.4.1.1 shall be installed in accordance with the manufacturer's instructions and the criteria listed in Table R402.4.1.1, as applicable to the method of construction. (4-11-19)()

~~k~~. Delete the criteria requirement for the "Fireplace" component of Table R402.4.1.1—Air Barrier and Insulation Installation, and replace with the following: An air barrier shall be installed on fireplace walls. (4-11-19)

~~f~~j. Delete ~~s~~Section R402.4.1.2 and replace with the following: R402.4.1.2 Testing. Testing ~~option~~; Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than ~~seven five (75)~~ seven five (75) air changes per hour (ACH) when tested with a blower door at a pressure of 33.5 psf (50 Pa). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. Testing shall be conducted in accordance with RESNET/ICC 380, ASTM E 779 or ASTM E 1827 and reported at a pressure of 0.2-inch w.g. (50 Pascals). During testing: 1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed. 2. Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers. 3. Interior doors shall be open. 4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed. 5. Heating and cooling system(s) shall be turned off. 6. HVAC ducts shall not be sealed. 7. Supply and return registers shall not be sealed. (4-11-19)()

- ~~i.~~ Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed; (3-20-14)
- ~~ii.~~ Dampers shall be closed, but not sealed, including exhaust, intake, makeup air, backdraft and flue dampers; (3-20-14)
- ~~iii.~~ Interior doors shall be open; (3-20-14)
- ~~iv.~~ Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed; (3-20-14)
- ~~v.~~ Heating and cooling system(s) shall be turned off; (3-20-14)
- ~~vi.~~ HVAC ducts shall not be sealed; and (3-20-14)
- ~~vii.~~ Supply and return registers shall not be sealed; (3-20-14)

~~m~~k. Add the following as Section R402.4.1.3: R402.4.1.3 Visual inspection ~~option~~; Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table R402.4.1.1, applicable to the method of construction, are field verified. Where required by code official an approved party independent from the installer of the insulation shall inspect the air barrier and insulation. (4-11-19)()

~~n~~l. Add the following ~~as s~~Section: R402.6: R402.6 Residential ~~L~~og ~~H~~ome ~~T~~hermal ~~E~~nvelope. Residential log home construction shall comply with ~~s~~Section~~s~~ R401 (~~General~~), Section R402.4 (Air Leakage), Section R402.5 (Maximum Fenestration U-Factor and SHGC), Section R403.1 (Controls), R403.2.2 (Sealing), R403.2.3 (Building Cavities), the mandatory sections of Sections R403.3 through R403.9 (~~referred to as the mandatory provisions~~), Section R404 (Electrical Power and Lighting Systems), and either ~~i~~1., ~~ii~~2., or ~~iii~~3. as follows:

1. Sections R402.2 through R402.3, Section R403.3.1, Section R404.1, and Table R402.6. 2. Section R405. 3. REScheck (U.S. Department of Energy Building Codes Program). (4-11-19)()

- i. Sections R402.2 through R402.3, R403.2.1, R404.1 and Table R402.6;* (3-25-16)
- ii. Section R405 Simulated Performance Alternative (Performance); or* (3-25-16)
- iii. REScheck (U.S. Department of Energy Building Codes Program).* (4-7-11)

om. Add the following as Table R402.6 ~~Log Home Prescriptive Thermal Envelope Requirements By Component to be used only in accordance with item i. of section R402.6 above to appear as follows:~~

TABLE R402.6									
LOG HOME PRESCRIPTIVE THERMAL ENVELOPE REQUIREMENTS BY COMPONENT									
For SI: 1 foot = 304.8 mm.									
Climate Zone	Fenestration U-factor ^a	Skylight U-factor	Glazed Fenestration SHGC	Ceiling R-value	Min. Average Log Size In Inches	Floor R-value	Basement Wall R-value ^d	Slab R-value & Depth ^b	Crawl Space Wall R-value ^d
5, 6 - High efficiency equipment path ^c	0.32	0.60	NR	49	5	30	15/19	10, 4 ft.	10/13
5	0.32	0.60	NR	49	8	30	10/13	10, 2 ft.	10/13
6	0.30	0.60	NR	49	8	30	15/19	10, 4 ft.	10/13

^aThe fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

^bR-5 shall be added to the required slab edge R-values for heated slabs.

^c90% AFUE natural gas or propane, 84% AFUE oil, or 15 SEER heat pump heating equipment (zonal electric resistance heating equipment such as electric base board electric resistance heating equipment as the sole source for heating is considered compliant with the high efficiency equipment path).

^d“15/19” means R-15 continuous insulated sheathing on the interior or exterior of the home or R-19 cavity insulation at the interior of the basement wall. “15/19” shall be permitted to be met with R-13 cavity insulation on the interior of the basement wall plus R-5 continuous insulated sheathing on the interior or exterior of the home. “10/13” means R-10 continuous insulated sheathing on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement wall.

(4-11-19)()

n. Delete Section R403.5.3 and replace with the following: R403.5.3 Hot water pipe insulation (Prescriptive). Insulation for hot water piping with a thermal resistance, R-value, of not less than R-3 shall be applied to the following: 1. Piping serving more than one (1) dwelling unit. 2. Piping located outside the conditioned space. 3. Piping located under a floor slab. 4. Buried piping. 5. Supply and return piping in recirculation systems other than demand recirculation systems. ()

po. Delete ~~s~~Section R404.1 and replace with the following: R404.1 Lighting equipment (Mandatory). A minimum of ~~fifty~~ seventy-five percent (75%) of the lamps in permanently installed lighting fixtures shall be high-efficacy lamps or a minimum of ~~fifty~~ seventy-five percent (75%) of the permanently installed lighting fixtures shall contain only high efficacy lamps. (4-11-19)()

p. Delete Section R406.3 and replace with the following: R406.3 Energy Rating Index. The Energy Rating Index (ERI) shall be determined in accordance with RESNET/ICC 301. Energy used to recharge or refuel a vehicle used for transportation on roads that are not on the building site shall not be included in the ERI reference design or the rated design. ()

q. Delete Table R406.4 and replace with the following:

Table R406.4 - Maximum Energy Rating Index

<u>Climate Zone</u>	<u>Energy Rating Index^a</u>
<u>5</u>	<u>68</u>
<u>6</u>	<u>68</u>

^a Where on-site renewable energy is included for compliance using the ERI analysis of Section R406.4, the building shall meet the mandatory requirements of Section R406.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table R402.1.2 or Table R402.1.4 of the 2015 International Energy Conservation Code. ()

05. References to Other Codes. Where any provisions of the codes that are adopted in this Section make reference to other construction and safety-related model codes or standards which have not been adopted by the involved authority having jurisdiction, to the extent possible, such reference should be construed as pertaining to the equivalent code or standard that has been duly adopted by such jurisdiction. (3-29-10)

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.08.01 – IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING

DOCKET NO. 07-0801-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-2601A, 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 October 16, 2019.

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:

In accordance with 2019 HB2, this proposed rulemaking allows the director of the Idaho State Police and the Idaho Transportation Board to enforce IDAPA 07.08.01 on public highways. The proposed rulemaking also updates and clarifies provisions of IDAPA 07.08.01, eliminates outdated terminology, eliminates reference to outdated equipment and practices, and requires important safety equipment and procedures. The proposed rulemaking requires employers and employees to use specific safety equipment and procedures related to the use of eye, face, head, hand, and leg protection; machinery operator manuals; U-bolt wire rope clamps; swing yarders; Flemish eye splices; and guyline extensions. Further, the proposed rulemaking eliminates language related to jerk wire, log dumps, log ponds, booms, towing, pond boats, tow boats, and rafting. The proposed rulemaking also clarifies procedures for checking in at the end of a shift, reporting unsafe logging conditions and practices, and loading logs.

In addition, this proposed rulemaking eliminates or simplifies provisions in IDAPA 07.08.01 to comply with the Red Tape Reduction Act (Executive Order 2019-02).

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, pages 40 through 41](#).

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 Larry Jeffres, Regional Manager, Division of Building Safety at (208) 277-6526 or at larry.jeffres@db.s.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 21st day of August, 2019.

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
ron.whitney@db.s.idaho.gov

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 07-0801-1901
(Only Those Sections With Amendments Are Shown)**

**005. OFFICE – ~~OFFICE HOURS~~ MAILING ADDRESS ~~AND~~ STREET ADDRESS – ~~OFFICE HOURS~~
– ~~WEB ADDRESS~~.**

The ~~principal place of business of the~~ Division's ~~of Building Safety, Logging Safety Program,~~ mailing and central office street address is ~~at the Division office located at~~ 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. ~~The Logging Safety Program may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Suite 4, Pocatello, Idaho 83201. All locations are~~ The office is open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. ~~The and~~ and facsimile number ~~of the office~~ is ~~1-(877-)~~ 810-2840. The ~~Department website~~ web address is <https://dbs.idaho.gov>.
(3-29-17)()

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules ~~contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code,~~ are subject to and are in compliance with the Public Records Act, Title 74, Chapter 1, Idaho Code. (3-29-17)()

(BREAK IN CONTINUITY OF SECTIONS)

012. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. (6-30-19)T

a. Every employer subject to these rules shall furnish employment and maintain places of employment that are safe according to the standards as set forth herein. (6-30-19)T

b. Every employer shall adopt and use practices, means, methods, operations and processes that are adequate to render such employment and place of employment safe. (6-30-19)T

i. Employers shall place highly visible "LOGGING AHEAD" or similar-type warning signs at the entrances of active logging jobs. Employers shall also place "TRUCKS AHEAD," "TRUCKS ENTERING," "TREE FALLING," and "CABLES OVERHEAD," whenever applicable (6-30-19)T

ii. Every employer shall furnish to its crew a Company Emergency Rescue Plan. (6-30-19)T

c. Every employer should insure that Safety Data Sheets (SDS) are reasonably accessible for every hazardous material. (6-30-19)T

d. Every employer shall post and maintain in a conspicuous place or places in and about his place or places of business a written notice stating the fact that he has complied with the worker's compensation law as to securing the payment of compensation to his employees and their dependents in accordance with the provisions of Idaho law. Such notice shall contain the name and address of the surety, as applicable, with which the employer has secured payment of compensation. Such notice shall also be readily available on the site where logging operations are occurring, and available for inspection by Division officials upon request. (6-30-19)T

e. Every employer shall do all other things as required by these rules to protect the life and safety of employees. (6-30-19)T

f. No employer shall require any employee to go or be in any place of employment that does not meet the minimum safety requirement of these rules, except for the purpose of meeting such requirements. (6-30-19)T

g. No employer shall fail or neglect: (6-30-19)T

- i. To make available and use safety devices and safeguards as are indicated. (6-30-19)T
- ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. (6-30-19)T
- iii. To do all other things as required by these rules to protect the life and safety of employees. (6-30-19)T
- h.** No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment that does not meet the minimum safety requirements of these rules. (6-30-19)T
- i.** No person, employer, employee, other than an authorized person, shall do any of the following: (6-30-19)T
 - i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. (6-30-19)T
 - ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. (6-30-19)T
 - iii. No person shall fail or neglect to do all other things as required by these rules to protect the life and safety of employees. (6-30-19)T
 - iv. The use of intoxicants or drugs while on duty is prohibited. Persons reporting for duty while under the influence of or impaired by liquor or other legal or illegal drugs or substances shall not work until completely recovered. (6-30-19)T
- j.** A procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these activities are carried on there shall be a minimum crew of two (2) persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators of motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking-in men crew members at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of movable equipment. (6-30-19)T()
- k.** Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Division to determine by examining the record, the injury rate of the employee force for the period covered by the report. (6-30-19)T
- l.** Every employer shall investigate every accident resulting in a disabling injury that his employees suffer in connection with their employment. Employers shall promptly take any required action to correct the situation. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. (6-30-19)T
- 02. Management Responsibility.** (6-30-19)T
 - a.** Management shall take an active and interested part in the development and guidance of the operation's safety program, including fire safety. (6-30-19)T
 - b.** Management shall apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of management to assume full and definite responsibility. To attain these safety objectives, management shall

have the full cooperation of employers and the Division. (6-30-19)T

c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. (6-30-19)T

d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied. (6-30-19)T

e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. (6-30-19)T

013. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. (6-30-19)T

a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity that creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. (6-30-19)T

b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall ensure that all guards, hoods, safety devices, etc., that are provided by the employer are in proper place and properly adjusted. (6-30-19)T

02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. (6-30-19)T

03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work. (6-30-19)T

04. Employee Responsibilities. Additional responsibilities of an employee insofar as industrial safety is concerned shall be as follows: (6-30-19)T

a. The employee shall report immediately, preferably in writing, to his foreman or safety *committee member in his department of* coordinator for the *plant* logging operation, all known unsafe conditions and practices. (6-30-19)T()

b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. (6-30-19)T

c. The employee shall not participate in practical jokes or horseplay. (6-30-19)T

d. The employee shall make a prompt report of every accident regardless of severity to the foreman, first aid attendant, or person in charge. Such reports are required and are necessary in order that there may be a record of his injuries. (6-30-19)T

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment, or interfere in any way with the use thereof by any other person, or interfere with the use of any method or process adopted for the protection of any employee in such employment, or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. (6-30-19)T

- f. The employee shall not report to the job impaired by intoxicants or legal or illegal drugs and shall not use intoxicants or such drugs while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or impaired by intoxicants or drugs. Employers shall be responsible for the actions of any employee known to be in an intoxicated or impaired condition while on the job. (6-30-19)T
- g. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer upon termination of employment. (6-30-19)T
- h. Workers exposed to head hazards shall wear approved head protection. (6-30-19)T
- i. Proper eye protection shall be worn while performing work where a known eye hazard exists. (6-30-19)T
- j. The employee should consider the benefits of accident prevention to himself and to his job. (6-30-19)T
- k. The employee should make an effort to understand his job. (6-30-19)T
- l. The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. (6-30-19)T
- m. The employee should be on the alert constantly for any unsafe condition or practice. (6-30-19)T
- n. The employee shall learn first aid. (6-30-19)T
- o. The employee should keep physically fit, and obtain sufficient rest. (6-30-19)T
- p. The employee should be certain that all instructions received are understood completely before starting the work. (6-30-19)T
- q. The employee should actively participate in safety programs. (6-30-19)T
- r. The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. (6-30-19)T
- s. The employee should advise inexperienced fellow-employees of safe ways to perform their work and warn them of dangers to be guarded against. (6-30-19)T
- t. It is the employer's responsibility to ensure compliance with the foregoing provisions. (6-30-19)T

014. --050. (RESERVED)

**SUBCHAPTER B - HEALTH, SAFETY, AND SANITATION
(Rules 051 through 100)**

051. FIRST AID.

01. **Transportation.** (6-30-19)T
- a. Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. (6-30-19)T
- b. Transportation shall be of a nature to render reasonable comfort to an injured employee. (6-30-19)T

c. Each crew bus, or similar vehicle, shall be equipped with at least one (1) first aid kit with the required contents as indicated in Subsection 010.06 of these rules. (6-30-19)T

02. Communication. (6-30-19)T

a. Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall establish an emergency action plan to be taken in the event of serious injury to any employee. (6-30-19)T

b. Instructions covering the emergency action plan shall be made available to all work crews. (6-30-19)T

c. When practicable, a poster shall be displayed on, or near the cover of each first aid cabinet or phone. The poster shall display the phone numbers of applicable emergency services. The use of the Idaho State EMS Communication Center is recommended. The number is 1-800-632-8000 or 208-846-7610. (6-30-19)T

d. Every employer shall obtain their specific job location (longitude and latitude preferred) and furnish such to crew for emergency evacuation. (6-30-19)T

03. Attendance for Seriously Injured. (6-30-19)T

a. Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. (6-30-19)T

b. Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. (6-30-19)T

c. Caution shall be used in removing a helpless or unconscious person from the scene of an accident to prevent further injury. (6-30-19)T

04. First Aid Training. ~~All woods workers~~ Any person performing work associated with a logging operation shall be required to complete an approved course in first-aid and have a current card. ~~(6-30-19)T~~ ()

05. Stretcher or Spine Board. A spine board (designed for or adaptable to the work location and terrain) and two blankets maintained in sanitary and serviceable condition shall be available where such conditions require the use of such to provide for the proper transportation and first aid to an injured workman. (6-30-19)T

06. First Aid Kits. (6-30-19)T

a. The employer shall provide first aid kits at each work site where trees are being felled, at each active landing, and in each employee transport vehicle. (6-30-19)T

b. The following list sets forth the minimally acceptable number and type of first-aid supplies for required first-aid kits. The contents of the first-aid kits shall be adequate for small work sites, consisting of approximately two (2) to three (3) employees. When larger operations or multiple operations are being conducted at the same location, additional first-aid kits shall be provided at the work site or additional quantities of supplies shall be included in the first-aid kits:

TABLE 010.06 REQUIRED CONTENTS	
1.	Gauze pads (at least 4 x 4 inches)
2.	Two (2) large gauze pads (at least 8 x 10 inches)
3.	Box adhesive bandages (band-aids)
4.	One (1) package gauze roller bandage (at least two (2) inches wide)

TABLE 010.06 REQUIRED CONTENTS	
5.	Two (2) triangular bandages
6.	Wound cleaning agent such as sealed moistened towelettes
7.	Scissors
8.	At least one (1) blanket
9.	Tweezers
10.	Adhesive tape
11.	Latex gloves
12.	Resuscitation equipment such as resuscitation bag, airway, or pocket mask
13.	Two (2) elastic wraps
14.	Splint
15.	Directions for requesting emergency assistance

(6-30-19)T

c. Special kits, or the equivalent, shall be provided and approved for special hazards peculiar to any given work location. (6-30-19)T

d. All kits, as applicable, shall be readily available and kept supplied. (6-30-19)T

e. First aid kits shall be in metal, or other sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. (6-30-19)T

052. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

01. General Requirements. (6-30-19)T

a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. (6-30-19)T

b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. (6-30-19)T

c. Employers are required to provide, at no cost to employees, appropriate eye, face, head, hand, and leg protection. ()

d. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials that are irritating to the skin. (6-30-19)T

02. Inspection, Maintenance and Sanitizing. (6-30-19)T

a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. (6-30-19)T

b. Air line equipment shall have a necessary regulator and shall be inspected before each use. (6-30-19)T

c. Workers shall check their equipment at the beginning of each shift. (6-30-19)T

03. Eye Protection. (6-30-19)T

a. Where workers are subject to eye hazards (flying particles, dusts, hazardous liquids, gases, mists or vapors, or injurious light rays) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes and Respiratory protection. (6-30-19)T

b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation is such that they will furnish equivalent protection. (6-30-19)T

c. Clean water in ample quantities shall be immediately available where materials are handled that are caustic or corrosive to the eyes. (6-30-19)T

04. Foot and Leg Protection. (6-30-19)T

a. Employees shall wear footwear suitable for the work conditions. (6-30-19)T

b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping. (6-30-19)T

c. Special types or designs of shoes, or foot guards, shall be required to be worn where conditions exist that make their use necessary for the safety of the workers. (6-30-19)T

d. Leggings or high boots of leather, rubber or other suitable material shall be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. (6-30-19)T

e. ~~Each~~ ~~Employees~~ ~~whose duties require them to~~ operate a chain saw shall wear ~~ballistic nylon or equivalent leg~~ protection, ~~which meets the requirements of ASTM F 1897 and covers the full length of the each leg from upper thigh to boot the top of the boot on each leg,~~ except when working as a climber ~~or working from a bucket truck.~~ (6-30-19)T ()

05. Hand Protection. (6-30-19)T

a. Hand protection suitable for the required usage shall be worn wherever the nature of the work requires extra protection for the hands. (6-30-19)T

b. Gloves shall not be worn where their use would create a hazard. (6-30-19)T

06. Head Protection. (6-30-19)T

a. Persons required to work where falling or flying objects, overhead structures, exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. (6-30-19)T

b. Employees working in locations which present a catching or fire hazard to hair shall wear caps or other head protection that completely covers the hair. (6-30-19)T

07. Life Jackets, Vests and Life Rings.

Where personal buoyancy equipment is provided, it shall be of a design and shall be worn in a manner that will maintain the wearer's face above water. It shall be capable of floating a sixteen (16) pound weight for three (3) hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect. (6-30-19)T

a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all times while working on or over water, as follows: (6-30-19)T

- i. On floating pontoons, rafts and floating stages. (6-30-19)T
- ii. On open decks of floating plants (such as dredges, pile-drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines. (6-30-19)T
- iii. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. (6-30-19)T
- iv. Working alone at night where there are potential drowning hazards regardless of other safeguards provided. (6-30-19)T
- v. On floating logs, boom sticks or unguarded walkways. (6-30-19)T
- b. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, shall be provided with a means of rendering them visible.

NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. (6-30-19)T

08. Life Lines -- Safety Belts. (6-30-19)T

- a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of two thousand five hundred (2,500) pounds. (6-30-19)T
- b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. (6-30-19)T
- c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. (6-30-19)T

09. Work Clothing. (6-30-19)T

- a. Clothing shall be worn which is appropriate to work performed and conditions encountered. (6-30-19)T
- b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. (6-30-19)T
- c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. (6-30-19)T
- d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. (6-30-19)T
- e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. (6-30-19)T

10. Respiratory Equipment. (6-30-19)T

- a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. (6-30-19)T
- b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. (6-30-19)T

c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. (6-30-19)T

d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain. Such filter shall be maintained in efficient working condition. (6-30-19)T

e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. (6-30-19)T

11. Hearing Protection. Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. (6-30-19)T

12. Additional Information and Requirements. Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Safety and Health Standards established in IDAPA 07.09.01, "Safety and Health Rules for Places of Public Employment." (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

152. SIGNALING.

01. One Worker to Give Signals. (6-30-19)T

a. The Worker sending drag shall be the only one to give signals. (6-30-19)T

b. Any person is authorized to give a stop signal when a worker is in danger or other emergency conditions are apparent. (6-30-19)T

02. Signal Must Be Clear and Distinct. (6-30-19)T

a. Machine operators shall not move any line unless the signal received is clear and distinct. (6-30-19)T

b. If in doubt the operator shall repeat the signal as understood and wait for confirmation. (6-30-19)T

03. Hand Signal Use Restricted. (6-30-19)T

a. Hand signals are permitted only when in plain sight of the operator. (6-30-19)T

b. Hand signals may be used at any time as an emergency stop signal. (6-30-19)T

04. Persons in Clear Before Signal Given. All persons shall be in the clear before a signal is given to move logs or turns. (6-30-19)T

05. Throwing Material Prohibited. Throwing of any type of material as a signal is prohibited. (6-30-19)T

~~**06. Use of Jerk Wire Prohibited.** The use of a jerk wire whistle system for any type of yarding operations is prohibited. (6-30-19)T~~

07. Audible Signaling to Be Installed and Used. A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders. (6-30-19)T

07. Audible Signaling Device at the Machine to Be Activated. When radio or other means of signal transmission is used, an audible signal must be activated at the machine. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

301. FALLING AND BUCKING.

01. General Requirements. (6-30-19)T

a. There shall be an established method of checking-in workers from the woods. Each supervisor shall be responsible for their crew being accounted for at the end of each shift. (6-30-19)T

b. Cutters not in sight of another employee shall have radio communications with crew members on that job site. (6-30-19)T

c. Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction, or when vision is impaired by weather conditions or darkness. (6-30-19)T

d. All cutters shall have a current first aid certification. Employers shall provide an opportunity for cutters to take a standard first aid course. (6-30-19)T

e. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. (6-30-19)T

f. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. (6-30-19)T

g. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. (6-30-19)T

h. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. (6-30-19)T

i. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one (1) cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. (6-30-19)T

j. In falling timber, adjacent brush and snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. (6-30-19)T

k. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. (6-30-19)T

l. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of production logging is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) of the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable

- compliance with this rule. (6-30-19)T
- m. Back-cuts shall be above the level of the upper horizontal cut of the undercut. (6-30-19)T
 - n. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. (6-30-19)T
 - o. When falling or bucking a tree is completed the power saw motor should be stopped. The power saw motor shall be stopped while the operator is traveling to the next tree. (6-30-19)T
 - p. Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. (6-30-19)T
 - q. Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. (6-30-19)T
 - r. Logs shall be completely bucked-through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. (6-30-19)T
 - s. A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of experienced workers. (6-30-19)T
 - t. Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. (6-30-19)T
 - u. Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. (6-30-19)T
 - v. Power saw motors shall be stopped while being fueled. (6-30-19)T
 - w. All personnel shall wear approved head protection, proper clothing and footwear. (6-30-19)T
 - x. ~~Each E~~mployees, whose ~~normal duties require them to~~ operates a chain saw, shall wear ~~ballistic nylon or equivalent leg~~ protection, ~~which meets the requirements of ASTM F 1897 and~~ coverings ~~each leg from upper the full length of the~~ thigh to ~~the top of the~~ boot ~~top on each leg~~, except when working as a climber ~~or working from a bucket truck~~. (6-30-19)T()

(BREAK IN CONTINUITY OF SECTIONS)

351. RIGGING.

- 01. **General.** The determining factor in rigging-up shall be the amount of rated stump pull which a machine can deliver on each line. (6-30-19)T
- 02. **Equipment Classification.** (6-30-19)T
 - a. Equipment shall be classed according to the manufacturer's rating. (6-30-19)T
 - b. Where lower gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased proportionately so that it will safely withstand the increased strains to conform to Subsection 010.04 of these rules. (6-30-19)T

- 03. Safe Loading.** Rigging, and all parts thereof, shall be of a design and application to safely withstand all expected or potential loading to which it will be subjected. (6-30-19)T
- 04. Allowable Loading or Stress.** (6-30-19)T
- a.** In no case shall the allowable loading or stress be imposed on one half (1/2) of the rated breaking strength of any parts of the rigging. (6-30-19)T
- b.** This shall not be construed as applying to chokers. (6-30-19)T
- 05. Chokers.** Chokers shall be at least one eighth (1/8) inch smaller than the mainline. (6-30-19)T
- 06. Placing, Condition, and Operation of Rigging.** The placing, condition and operation of rigging shall be such as to ensure safety to those who will be working in the vicinity. (6-30-19)T
- 07. Arrangement and Operation.** Rigging shall be arranged and operated so that rigging or loads will not pound, rub, or saw against lines, straps, blocks, or other equipment. (6-30-19)T
- 08. Line Hazards.** (6-30-19)T
- a.** Running lines and changed settings shall be made in a way to avoid bight of line hazards. (6-30-19)T
- b.** Signals to operator shall be made before moving lines. (6-30-19)T
- 09. Reefing.** Reefing or similar practices to increase line pull shall be prohibited. (6-30-19)T
- 10. Inspection of Rigging.** (6-30-19)T
- a.** A thorough inspection, by the operator or qualified person, of all blocks, straps, guylines, and other rigging shall be made before ~~they are~~ the rigging is placed in position for use and subsequently repeated every thirty (30) days for as long as the rigging is in position for use. Each rigging inspection shall be documented and kept onsite for review. (6-30-19)T()
- b.** This inspection shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, lubrication, condition of straps and guylines. (6-30-19)T
- c.** The repairs or replacements necessary for safe operation shall be made before rigging is used. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

353. LINES, SHACKLES AND BLOCKS.

- 01. General Requirements.** (6-30-19)T
- a.** All lines, shackles, blocks, etc., should be maintained in good condition and shall be of sufficient size, diameter and material to withstand one and one half (1 1/2) times the maximum stress imposed. (6-30-19)T
- b.** Wire rope or other rigging equipment which shows a fifteen percent (15%) reduction in strength shall be replaced. (6-30-19)T
- 02. Splices.** (6-30-19)T
- a.** Two (2) lines may be connected by a long splice, or by shackles of patent links of the next size

larger than the line where practical.

(6-30-19)T

- b. A safe margin of line must be used for making long splices. See Table 012.02-A.

TABLE 012.02-A		
Rope Diameter	Unraveled	Total Length
3/8"	8'	16'
5/8"	13'	20'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'

(6-30-19)T

03. Wire Rope Clips or Clamps.

~~(6-30-19)T~~()

- a. Clips should be spaced at least six (6) rope diameters apart to achieve maximum holding power. See Table 012.03-A

TABLE 012.03-A		
Diameter of Rope	Number of Clips	Required Space Between Clips
1-1/2-inch	8	10 inches
1-3/8-inch	7	9 inches
1-1/4-inch	6	8 inches
1-1/8-inch	5	7 inches
1- inch	5	6 inches
7/8-inch	5	5-1/4 inches
3/4-inch	5	5-1/2 inches
3/8 to 5/8-inch	4	3 inches

(6-30-19)T

- b. Clips should always be attached with the base or saddle of the clip against the longer or “live” end of the rope. See Figure 012.03-A. This is the only approved method.

FIGURE 012.03-A



(6-30-19)T

c. Do not reverse the clips or stagger them. See Figure 012.03-B. Otherwise the “U” bolt will cut into the live rope when the load is applied.

FIGURE 012.03-B



(6-30-19)T

d. After the rope has been used and is under tension, the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about ninety percent (90%) of the strength of the rope and far less than that when rigged improperly. (6-30-19)T

e. U-bolt wire rope clamps must not be used to form eyes on running lines, skylines, machine guylines, or straps. ()

04. **Blocks.** All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging. (6-30-19)T

05. **Pins.** All pins in blocks shall be properly secured by keys of the largest size the pin hole will accommodate (6-30-19)T

06. **Shackles.** (6-30-19)T

a. Spread in jaws of shackles shall not exceed by more than one (1) inch the size of yoke or swivel of the block to which it is connected. (6-30-19)T

b. All shackles must be made of forged steel or material of equivalent strength and one (1) size larger than the line it connects. (6-30-19)T

07. **Cable Cutting.** Cable cutters, soft hammers, or a cutting torch shall be available and *shall be* used for cutting cables. Eye protection must be used when cutting cable. ~~(6-30-19)T~~ ()

08. **Damaged or Worn Wire Rope.** Worn or damaged wire rope creating a safety hazard shall be taken out of service or properly repaired before further use. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

402. TRACTORS AND SIMILAR LOGGING EQUIPMENT.

01. Operating Condition.

a. The general operating condition of a tractor or equipment shall be sufficient to ensure the safety of the driver and other workmen. (6-30-19)T

b. An operating manual shall be readily available in either print or electronic format for each piece of machinery. ()

02. **Guards.** All guards shall be kept in place and in good repair at all times when the tractor or similar equipment is used. (6-30-19)T

03. **Repairs or Adjustments.** Repairs or adjustments to clutches, frictions, or other parts of equipment which may cause hazardous movement of equipment shall not be done while engines are running. (6-30-19)T

04. Blades or Similar Equipment. (6-30-19)T

a. Blades or similar equipment shall be blocked or otherwise securely supported when making repairs or performing other work around such equipment when they are elevated from the ground. (6-30-19)T

b. Equipment under repair or adjustment should be tagged out. (6-30-19)T

05. Brakes and Steering. (6-30-19)T

a. All equipment shall be equipped with a braking system capable of stopping and holding the maximum load on all grades at all times. (6-30-19)T

b. Any defect found in the braking system or steering devices of any equipment used in skidding or yarding operations shall not be used until repaired or replaced. (6-30-19)T

06. **Starting of Equipment.** Equipment shall be started (cranked) only by the operator or other experienced persons. (6-30-19)T

07. Seatbelts. (6-30-19)T

a. Seatbelts shall be installed on all tractors and mobile equipment having roll-over protection or in accordance with a design by a professional engineer which offers equivalent employee protection. (6-30-19)T

b. Seatbelts shall be used when operating any machine equipped with Roll Over Protection Structure

(ROPS), Falling Object Protection Structure (FOPS), or overhead guards. (6-30-19)T

08. Pin Connections. (6-30-19)T

a. Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. (6-30-19)T

b. Gusset plates shall be installed at each place where individual pieces of pipe are joined. (6-30-19)T

09. Sideguards. When practical, sideguards shall be installed to protect the operator from hazards. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

452. CABLE YARDING.

01. Safety A. Personnel shall not ride hooks, lines, rigging, or logs suspended in the air or being moved. (6-30-19)T

02. Safety B. Personnel shall not hold on to haywire, running lines, drop lines, or chokers as an assist when walking uphill. (6-30-19)T

03. Safety C. Personnel shall not work in the bight of lines under tension. (6-30-19)T

04. Safety D. Personnel shall be “in the clear” before any signal to move any lines is given. (6-30-19)T

05. Safety E. The outer swing radius of each swing yarder shall be marked with hi-vis tape or cones while the swing yarder is in operation. Tools or supplies shall not be kept inside the swing radius outside the machine cabin unless in a lockable box. No employee shall enter the swing radius without first notifying the operator. ()

(BREAK IN CONTINUITY OF SECTIONS)

454. WIRE ROPE.

01. General Characteristics. Wire rope comes in many grades and dimensions, and every rope has its own characteristics with regard to strength and resistance to crushing and fatigue. A larger rope will outlast a smaller rope of the same materials and construction, used in the same conditions, because wear occurs over a larger surface. Similarly, a stronger rope will outlast a weaker rope, because it performs at a lower percentage of its breaking strength, with reduced stress. (6-30-19)T

02. Wire Rope Terms. Common grades of wire rope include extra improved plow steel (EIPS) and swaged powerflex, among others. The following terms are commonly used for wire rope: (6-30-19)T

a. Abrasion Resistance. Ability of outer wires to resist wear. Abrasion resistance is greater with larger wires. (6-30-19)T

b. Core. The foundation of a wire rope which is made of materials that will provide support for the strands under normal bending and loading conditions. A fiber core (FC) can be natural or synthetic. If the core is steel, it can be a wire strand core (WSC) or an independent wire rope core (IWRC). (6-30-19)T

c. Crushing Resistance. Ability of the rope to resist being deformed. A rope with an independent wire core is more resistant to crushing than one with a fiber core. (6-30-19)T

d. Die-form Line. Made from strands that are first compacted by drawing them through a drawing die to reduce their diameter. The finished rope is then swaged or further compressed. (6-30-19)T

e. Fatigue Resistance. Ability of the rope to withstand repeated bending without failure (the ease of bending a rope in an arc is called its “bendability”). Fatigue resistance is greater with more wires. (6-30-19)T

f. Strength. Referred to as breaking strength, usually measured as a force in pounds or tons. The breaking strength is not the same as the load limit, which is calculated as a fraction of the breaking strength to ensure safety. (6-30-19)T

g. Swaged Line. Manufactured by running a nominal-sized line through a drawing die to flatten the outer crown and thus reduce the rope diameter. This compacted rope allows for increased drum capacity and increased line strength. (6-30-19)T

03. Typical Wire Rope Specifications. The table below lists a few examples of wire-rope breaking strengths. (6-30-19)T

TABLE 012.09-A -- Typical Wire Rope Specifications						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
1/2	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
3/4	1.04	25.6	1.37	34.6	1.41	42.2
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

TABLE 013.03-A						
6x26 Improved Plow Steel			6x26 Swaged		Swaged Compact-Strand	
Diameter (inches)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)	Weight (lbs/ft)	Breaking Strength (tons)
½	0.46	11.5	0.6	15.2	0.63	18.6
9/16	0.59	14.5	0.75	19	0.78	23.7
5/8	0.72	17.9	0.93	23.6	1.01	28.5
11/16			1.10	28.8	1.18	35.3
¾	1.04	25.6	1.37	34.6	1.41	42.2
13/16			1.56	39.6	1.63	49.3
7/8	1.42	34.6	1.83	46.5	1.91	56.0
15/16			1.95	53.3	2.20	66.1
1	1.85	44.9	2.42	60.6	2.53	73.7
1-1/8	2.34	56.5	2.93	75.1	2.97	92.9
1-1/4	2.89	69.3	3.52	92.8	3.83	112.1
1-3/8	3.5	83.5	4.28	108.2	4.62	128.6

Source: Cable Yarding Systems Handbook. 2006. Worksafe BC. Table lists typical breaking strengths. See manufacturer's specifications for specific lines. (6-30-19)T

04. Synthetic Rope. High-tensile strength synthetic lines are considerably lighter than standard wire rope; however, some lines are dimensionally as strong as standard wire rope. Accordingly, high-tensile strength synthetic lines are permitted to be used in appropriate logging applications, including as substitutes for brush straps, tree straps, tail and intermediate support guylines, guyline extensions, skyline extensions, and haywire. Manufacturers' standards and recommendations for determining usable life or criteria for retirement of such lines shall be followed. Personnel shall examine the lines for broken or abraded strands, discoloration, inconsistent diameter, glossy or glazed areas caused by compression and heat, and other inconsistencies. Rope life is affected by load history, bending, abrasion, and chemical exposure. Most petroleum products do not affect synthetic ropes. (6-30-19)T

05. Inspection and Care. (6-30-19)T

a. Wire rope shall be inspected daily by a qualified individual and repaired or taken out of service when there is evidence of any of the following conditions: (6-30-19)T

i. Twelve and five tenths percent (12.5%) of the wires are broken within a distance of one (1) lay. (6-30-19)T

ii. Evidence of chafing, sawing, crushing, kinking, crystallization, bird-caging, corrosion, heat damage, or other damage that has weakened the rope structure. (6-30-19)T

b. Qualified personnel shall closely inspect those points subject to the most wear, including the knob ends of lines, eye splices, and those sections of line that most often run through blocks or carriages. If there is doubt about the integrity of the line, it is far safer to replace a suspect line, or cut out and resplice a defective area, than risk a failure during operation. Evaluation of the load-bearing yarder lines shall be stringent. A qualified person shall also inspect all other lines used on site and remove any that are unsafe. (6-30-19)T

06. Additional Precautions. The following precautions shall also be observed: (6-30-19)T

a. Ensure the working load limit for any line is adequate for the intended use. (6-30-19)T

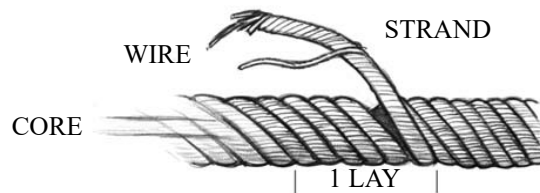
b. The manufacturer's specifications with regard to assigned breaking strength shall be followed. Such specifications as determined by engineering test results should factor the grade of the wire, number of strands, number of wires per strand, filler wire construction, lay pattern of the wires, and the diameter of the line. (6-30-19)T

07. Safety Factor. Operators shall follow the manufacturer's specifications in determining load limits. The working load limit is a fraction of a line's breaking strength – a factor of three (3), or one-third (1/3) the breaking strength, is commonly used as a safety factor for running and standing lines, when workers are not exposed to breaking lines or loads passing overhead. A safety factor of three (3) is commonly used to determine the working load limit for a standing or running line. A standard six (6) x twenty-six (26) IWRC wire rope with a diameter of one (1) inch has a breaking strength of approximately forty-five (45) tons – divide by three (3) – equals fifteen (15) tons working load limit. (6-30-19)T

08. Wire Labeling. (6-30-19)T

a. The elements of a typical wire rope are labeled, for example, six (6) x twenty-five (25) FW PRF RL EIPS IWRC. The label indicates a six (6)-strand rope with twenty-five (25) wires per strand (six (6) x twenty-five (25)), filler-wire construction (FW), strands pre-formed in a helical pattern (PRF), laid in a right-hand lay pattern (RL), using an extra-improved plow steel (EIPS) grade of wire, and strands laid around an independent wire rope core (IWRC). See figure 013.08-A for proper labeling of wire rope. (6-30-19)T

FIGURE 013.08-A



(6-30-19)T

b. Out of Service Standard Example. A six (6) x twenty-five (25) IWRC wire rope = six (6) strands in one (1) lay with twenty-five (25) wires per strand = one hundred fifty (150) wires. The rope must be taken out of service when twelve and five tenths percent (12.5%), or one-eighth (1/8), of the wires are broken within the distance of one (1) lay = one hundred fifty (150) divided by eight (8) = eighteen and seventy-five one hundredths (18.75), or nineteen (19) broken wires. (6-30-19)T

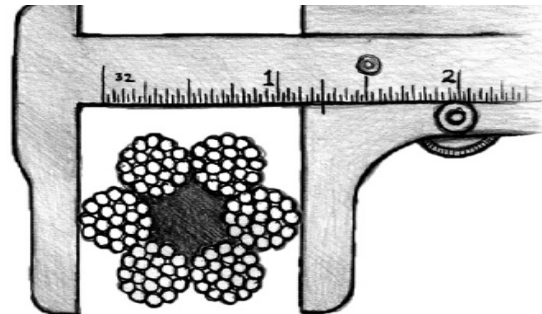
09. Wire Line Life. Table 013.08-A provides the allowable life of a line in million board feet in accordance with line size and use. Figure 013.09-A illustrates both the correct and incorrect manner in which to measure line size (diameter). (6-30-19)T

TABLE 013.08-A
LINE LIFE BY WOOD HAULED

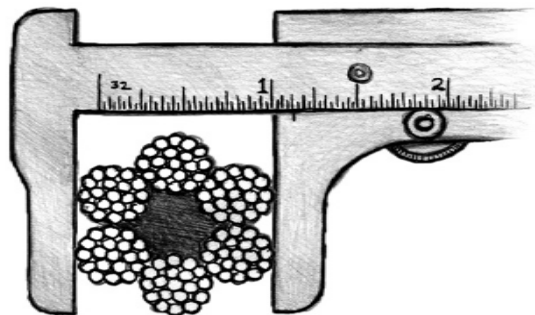
System	Use	Line Size (inches)	Line Life (million board feet)
Standing Sky-line	Skyline	1-3/4	20-25
		1-1/2	15-25
		1-3/8	8-15
	Mainline	1 to 1-1/8	15-20
		1	10-15
	Haulback	3/4 to 7/8	8-12
Live Skyline	Skyline	1-1/2	10-20
		1-3/8	8-15
		1	6-10
	Mainline	1	10-15
		3/4	8-12
		5/8	8
	Haulback	3/4 to 7/8	8-12
		1/2	6-10
	Dropline	7/16	5-8
	High Lead	Mainline	1-3/8
1-1/8			6-12

Source: Willamette Logging Specialist's Reference by Keith L McGonagill. 1976. Portland, OR: Willamette National Forest. Calculations of line life refer to EIPS 6x21 wire rope for the skyline, and EIPS 6x26 for other lines. Figures will be different for other classes of wire rope. (6-30-19)T

FIGURE 013.09-A



Correct way to measure line diameter



Incorrect way to measure line diameter

(6-30-19)T

10. Dynamic Loads. Operators shall consider high dynamic loads when calculating safe working limits of wire ropes. Wire ropes are often subjected to high dynamic loads, which greatly multiply the force on a line and may exceed the safe working limit. Even a split second of time over the limit can lead to premature failure of a line. Typical dynamic loads occur when a turn hits a stump, a turn comes down off of the back hillside to full suspension, or when excessive force is applied to pulling a turnout of its bed. A high dynamic load or a sudden shock load that exceeds the working limit may not result in immediate failure, but rope strands may stretch and weaken, and may fail at a later time. (6-30-19)T

11. Other Common Wire Rope Considerations. (6-30-19)T

a. Wire Rope Stretching and Line Diameter. A stretched wire rope has a reduced diameter. Operators shall check for stretched lines by measuring the diameter, particularly on older lines and any line used in stressful situations. (6-30-19)T

b. Older Wire Rope. Standing lines and guylines are often kept in service for multiple years (four (4) to five (5), and as long as ten (10) years in some instances) without exhibiting any obvious signs of excessive wear other than rust. Operators shall check date stamps of wire rope and evaluate line life. Operators shall also inspect the core of older lines periodically for a fractured or dry core, which could indicate other deficiencies such as broken wires, excessive wear, or line deformation. (6-30-19)T

c. Hard Use. The life of a wire rope is also affected by hard use. Line life can be measured by the volume of wood hauled (see Table 013.08-A). Line life is reduced when a line exceeds its elastic limits, is heavily shocked, or rubbed against rocks or other lines. As a line wears, the safe working load limit shall be lower and the payload adjusted appropriately. (6-30-19)T

d. Wire Rope endurance and elastic limits. Working within the endurance and elastic limits of lines

can help preserve line life. The following principles shall be observed when evaluating the integrity and safe use of wire rope: (6-30-19)T

i. The “endurance limit” for all lines is fifty percent (50%) of the breaking strength. If wire rope tensioning regularly exceeds the endurance limit, the life of the line is reduced through fatigue. (6-30-19)T

ii. The “elastic limit” for all lines is sixty to sixty-five percent (60-65%) of the breaking strength. When a wire rope is loaded to its normal safe working limit, the line stretches, but then returns to its original size when the load is released. If a load increases past the elastic limit through prolonged exertion or repeated stress, the line will stretch and stay stretched, resulting in a permanent reduction in the breaking strength. (6-30-19)T

e. **Lubrication and Abrasion.** Wire rope is lubricated in the factory to reduce internal friction and corrosion, and prolong the life of the rope. Heat from friction causes the internal lubricant to deteriorate. Friction occurs when the rope stretches under load, particularly in places where it bends around sheaves or other objects. An improperly lubricated line can pick up particles of dirt and sand that will increase abrasion. Accordingly, operators shall: (6-30-19)T

i. Check for and ensure the proper lubrication of all lines and wire rope, following the manufacturer’s instructions. Commercial wire rope lubricants are available. (6-30-19)T

ii. Carefully inspect lines for faults in areas where dust and sand may collect. (6-30-19)T

iii. Store all wire rope and lines off the ground. (6-30-19)T

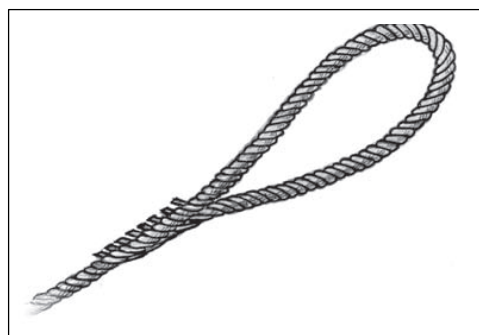
12. Line Connections. (6-30-19)T

a. **Inspection.** Operators shall regularly inspect shackles, hooks, splices, and other connecting equipment for damage and wear, as well as ensure the connectors are the correct type and size for the line and intended use. (6-30-19)T

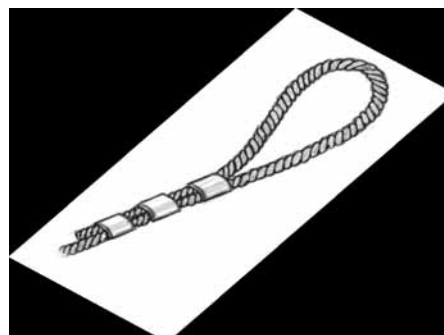
b. **Wire Splicing.** Splices are used to form an eye at the end of a line, extend the length of a line, or repair a broken or damaged line. The splicing of wire rope requires special skill and shall only be performed under the supervision of a competent person with using the proper tools. Reference materials are available with detailed instructions for numerous types of splices. Individuals splicing wire shall always wear appropriate eye protection while splicing or assisting with a splicing procedure. (6-30-19)T

c. The logger’s eye splice and three (3)-pressed eye are the most common methods to form an eye for use as a skyline terminal. See Figure 013.12-A. The spliced eye is approximately eighty percent (80%) efficient. A three (3)-pressed eye can reach ninety percent (90%) line strength. The pressed eye is typically performed at the rigging shop. Spliced eyes may be placed in the field, but may require additional time to install. (6-30-19)T

FIGURE 013.12-A



THE LOGGER’S EYE SPLICE

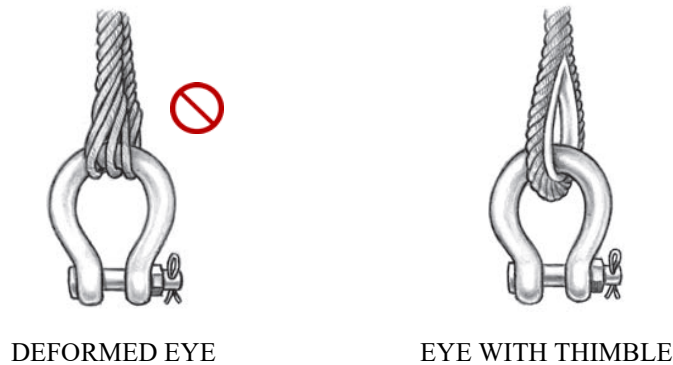


THREE-PRESSED EYE

(6-30-19)T

- d.** When Flemish (Farmes, Rolled) eye splices are used on load-bearing lines, the strand ends must be secured by: ()
- i.** Hand tucking each strand three (3) times; or ()
 - ii.** Applying a compression (pressed-eye) fitting. ()
- e.** **Guyline Care.** Guylines are a vital link in holding up a tower. Guyline extensions shall not be excessively moved around by dragging on the ground, or left on the ground for long periods of time as they will deteriorate faster. (6-30-19)T
- f.** Guyline extensions must be connected by: ()
- i.** A bell shackle using a safety pin to connect spliced eyes or pressed eyes; or ()
 - ii.** Poured nubbins (buttons) and a double-ended hook. ()
- g.** **Line Deformity.** A line may deform where it loops around a shackle or pin, producing weakness that may result in line failure. A thimble in the loop protects the line. Thimbles may be used on standing lines, but not on running lines. Examples of the appearance of deformed lines and the use of thimbles in shackles are illustrated in Figure 013.12-B. (6-30-19)T

FIGURE 013.12-B



(6-30-19)T

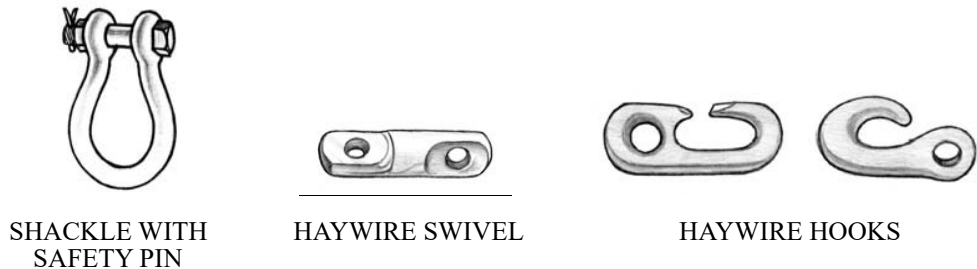
13. Shackles and Hooks.

(6-30-19)T

a. **Hooks.** Hooks shall be inspected to ensure that they have not sprung open. Ensure that shackles are positioned correctly to bear the load. Haywire swivels shall be inspected frequently, due to their susceptibility to wear rapidly. (6-30-19)T

b. **Shackle Safety.** Proper bells or shackles shall be used to connect the guylines to the stumps, and the guyline lead blocks to the ring at the top of the tower. Connections shall have at least one and a half (1-1/2) times the strength of the guyline. The pins of the shackles must be secured to protect against dislodgement, and a nut and cotter key, or a nut and molly may be used for that purpose. The use of loops or mollies to attach guylines is prohibited. Examples of the appearance of some shackle equipment is illustrated in Figure 013.13-A.

FIGURE 013.13-A



(6-30-19)T

c. The following practices shall be observed in order to ensure the safe use of shackles: (6-30-19)T

i. A shackle must have a rated breaking strength greater than the rated breaking strength of the lines attached to it, and the manufacturer's rated strengths to determine oversized requirements shall be used. Accepted industry standards shall be utilized and adhered to when determining the correct shackle size based on the type and nature of the logging operation being performed. Examples of the appearance of some shackle equipment for the purposes of proper selection is illustrated in Figure 013.13-B. (6-30-19)T

ii. Shackles with pins, and securing nuts with mollies or a cotter key shall be used on standing or overhead rigging. (6-30-19)T

iii. Screw shackle pins shall not be used in any standing or overhead rigging. (6-30-19)T

iv. Screw shackle pins, where allowed to be used, shall be tightened securely. (6-30-19)T

v. Shackle pin mollies shall be rolled sufficiently and fit the pin hole fully. Mollies shall be tucked a minimum of three (3) times. (6-30-19)T

vi. The shackle shall always be placed with the pin nearest to the yarder, so that in the event the shackle fails the least amount of hardware may be thrown at the yarder. (6-30-19)T

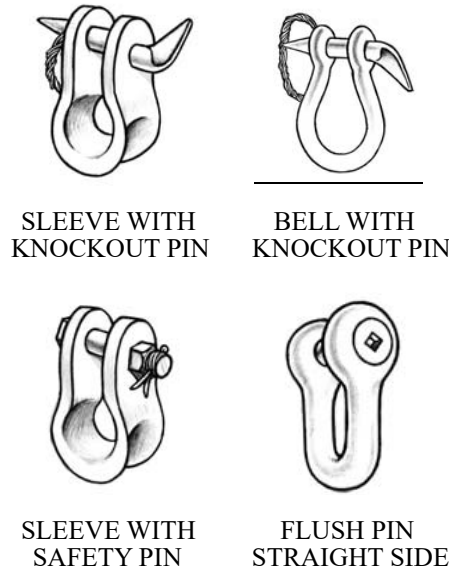
vii. Replace shackles that are bent, broken, or show excess wear on the inner surfaces. Examples of the appearance of some damaged or non-conforming shackles are illustrated in Figure 013.13-A.

FIGURE 013.13-A



REPLACE SHACKLES THAT ARE BENT, BROKEN, OR SHOW EXCESS WEAR ON THE INNER SURFACES.

FIGURE 013.13-B



SLEEVE WITH
KNOCKOUT PIN

BELL WITH
KNOCKOUT PIN

SLEEVE WITH
SAFETY PIN

FLUSH PIN
STRAIGHT SIDE

(6-30-19)T

14. Knobs, Ferrules, and Eyes.

(6-30-19)T

a. Poured nubbins and a double-end hook are acceptable connectors in place of shackles in some instances. The use of quick nubbins (wedge buttons) as guylines and skyline end fittings is prohibited unless attaching guylines to guyline drums. Operators shall follow the manufacturer's recommendations when attaching sockets and similar end fastenings.

(6-30-19)T

b. Poured nubbins achieve ninety-nine percent (99%) of line strength and may be used. Quick nubbins only achieve a maximum of sixty-five percent (65%) under ideal conditions, and accordingly operators shall consider whether they are appropriate for safe use in any given application. Pressed ferrule are not certifiable for strength, and shall not be used. Examples of the appearance of some knob, ferrule, and nubbin equipment are illustrated in Figure 013.14-A.

(6-30-19)T

c. Operators shall inspect knobs, ferrules, and eyes at cable ends for loose or broken wires, and corroded, damaged, or improperly applied end connections. Poured nubbins shall be date stamped.

FIGURE 013.14-B



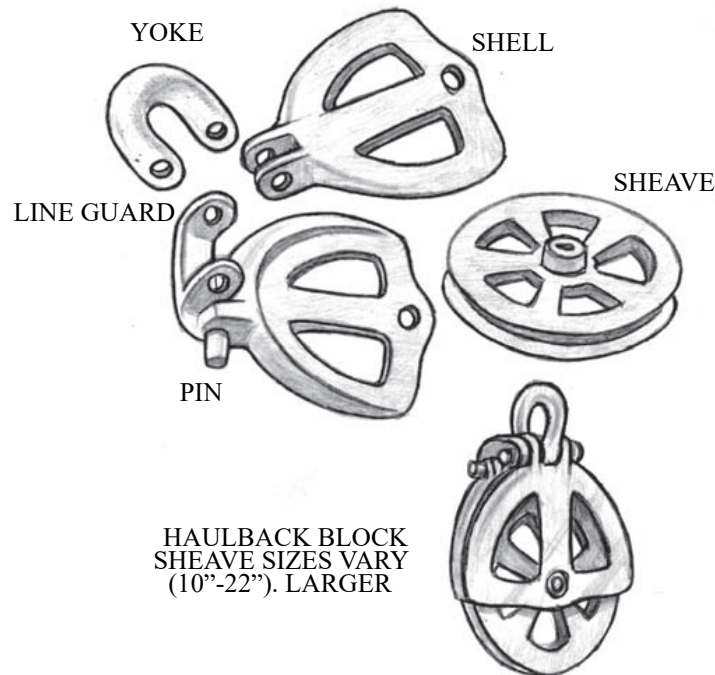
BABBITED KNOB & PRESSED FERRULE

QUICK NUBBIN (WEDGE BUTTON)

(6-30-19)T

15. **Brush Blocks.** Brush blocks shall be thoroughly inspected for cracks, wear, or deterioration. Operators shall closely examine the areas subject to the most wear, including bearings, sheave, frame, yoke, and pins. Defective parts shall be replaced immediately. Blocks shall be greased every time before each use.

FIGURE 013.15-A

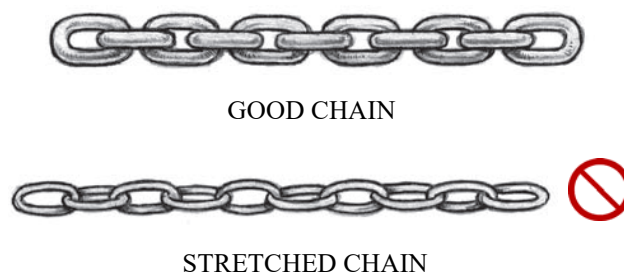


(6-30-19)T

16. **Chains and Straps.** Chains or straps shall always be sized and used correctly for the intended purpose. Determining which size to use may depend on various factors. Oversized trailer lift straps, for example, shall have a breaking strength equal to five (5) times the load to be lifted. Towing chains shall have a tensile strength equivalent to the gross weight of the towed vehicle. The manufacturer's specifications or other appropriate reference materials shall always be consulted to ensure the right chain or strap is used for a task. (6-30-19)T

a. Operators shall periodically inspect chains for damaged, worn, or stretched links. Chains with more than ten percent (10%) wear at the bearing surface shall be replaced. Operators shall periodically inspect straps, and examine them for broken wires or wear. Examples of the appearance of damaged and safe chains are illustrated in Figure 013.16-A. (6-30-19)T

FIGURE 013.16-A





WORN CHAIN (INSIDE LINKS)

(6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

501. LOG TRUCK TRANSPORTATION.

01. General. The following requirements are supplemental to any Idaho law governing automobiles, trucks, tractors, trailers, and any combination of these units. If there are any discrepancies in the codes between this section and any federal or Idaho motor vehicle regulations pursuant to title 49, Idaho Code, applicable in the state of Idaho, such federal or other governmental regulations will govern. (6-30-19)T

02. Stopping and Holding Devices for Log Trucks. (6-30-19)T

a. Motor logging trucks and trailers must be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines. (6-30-19)T

b. Brake Test - A brake test shall be made before and immediately after moving a vehicle. Any defects shall be eliminated before proceeding. (6-30-19)T

03. Lighting Equipment Required. (6-30-19)T

a. Motor vehicles used on roads not under the control of the Idaho Transportation Board, counties or cities, shall have equipment necessary for safe operation, such as head, tail, and stop lights. (6-30-19)T

b. Such lights shall be used during clearance periods of reduced visibility. (6-30-19)T

04. Safe Operating Requirements. (6-30-19)T

a. The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half (1/2) the distance between him and the range of unobstructed vision. (6-30-19)T

b. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of his equipment, and other relevant factors. (6-30-19)T

c. The driver shall clear rocks from between dual tires before driving on multi-lane roads. (6-30-19)T

d. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches, and couplings. Any defects found shall be corrected before equipment is used. (6-30-19)T

05. Stakes, Bunks, or Chock Blocks. All stakes and bunks, installed on log trucks and trailers, together with the means provided for securing and locking the stakes in a hauling position, shall be designed and constructed of materials of such size and dimensions that will withstand a pressure of fifteen thousand (15,000) pounds applied outward against the tops of the stakes, and, or extensions when used, without yield or permanent set resulting in the stakes, bunks or the means provided for securing and locking the stakes.

NOTE: Test Procedure - A test pressure of fifteen thousand (15,000) pounds is applied to the top of one (1) stake, using the top of the stake opposite as a base for applying pressure. Bunk is not to be secured to floor or other base except in a manner similar to that used to mount it to truck or trailer. Stakes must return to normal upright position at end of test and stakes and all component parts examined and checked with original specifications. If no yield results in any part, the design and construction may be considered as meeting code requirements. (6-30-19)T

06. Stake Extensions. (6-30-19)T

a. Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. (6-30-19)T

b. Truck drivers shall report missing or broken stake extensions to the proper authority. (6-30-19)T

07. Stake and Chock Tripping Mechanisms. Stakes and chocks that trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped. (6-30-19)T

08. Linkage for Stakes or Chocks. (6-30-19)T

a. The linkage used to support the stakes or chock must be of adequate size and strength to withstand the maximum imposed impact lead. (6-30-19)T

b. “Molly Hogans” or cold shuts are prohibited in chains or cable used for linkage. (6-30-19)T

09. Notify Engineer When Around Truck. (6-30-19)T

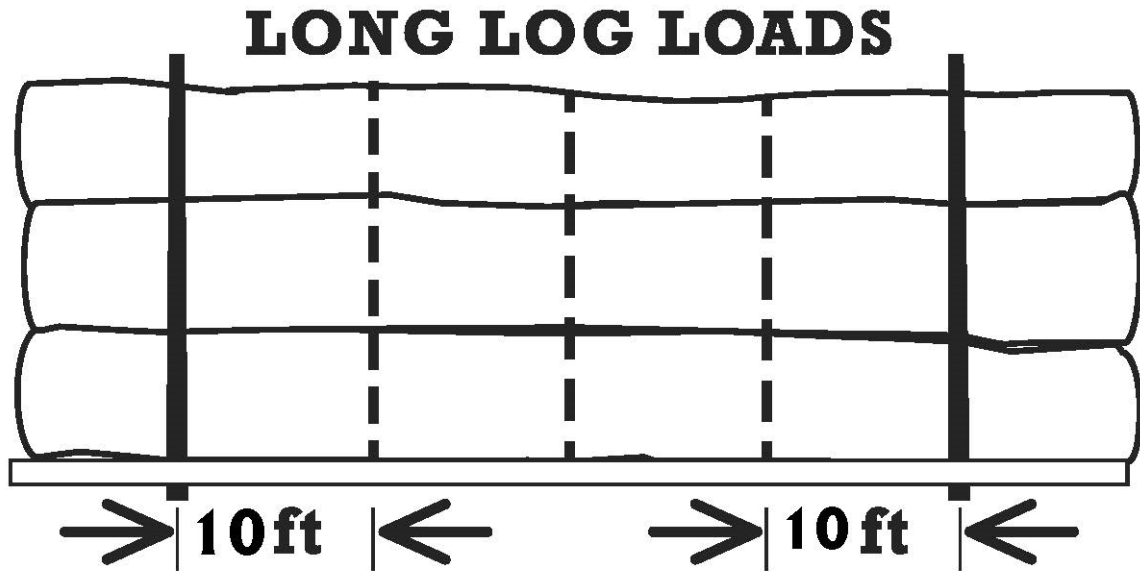
a. Persons shall not walk along side of or be underneath any truck being loaded. (6-30-19)T

b. Prior to performing any duties, such as releasing bunk locks, placing or removing compensating pin, scaling logs, reading scale, chopping limbs or making connections, persons shall notify the loading engineer of their intentions and be acknowledged. (6-30-19)T

10. Number of Wrappers Required. (6-30-19)T

a. Each unit used for hauling logs longer than twenty six (26) feet, shall have the load secured by a minimum of three (3) wrappers. Wrappers shall be placed in positions that effectively secure the load. One (1) wrapper shall be placed within ~~six~~ ten (610) feet of each bunk. See Figure 010.10-A.

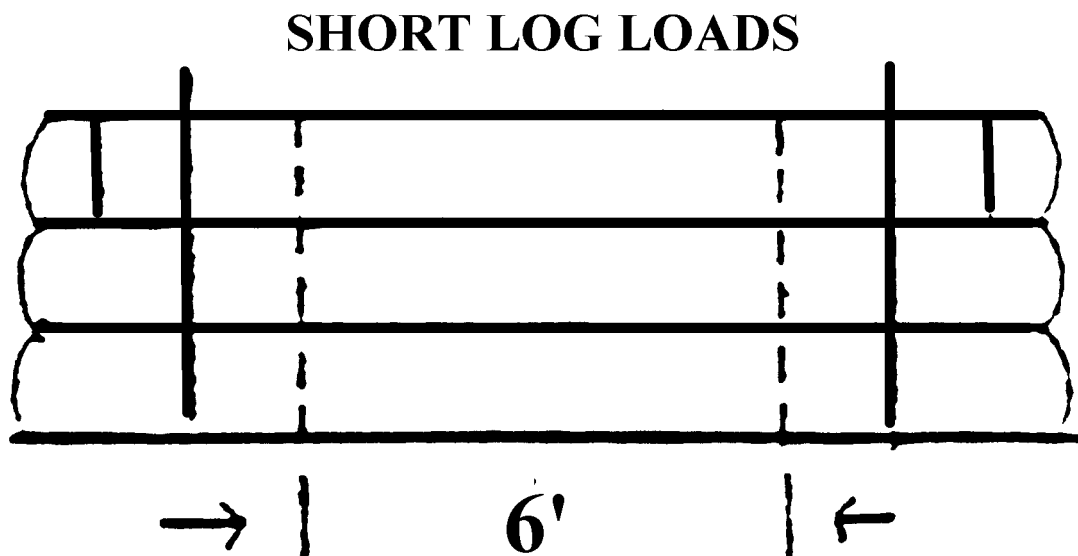
FIGURE 010.10-A



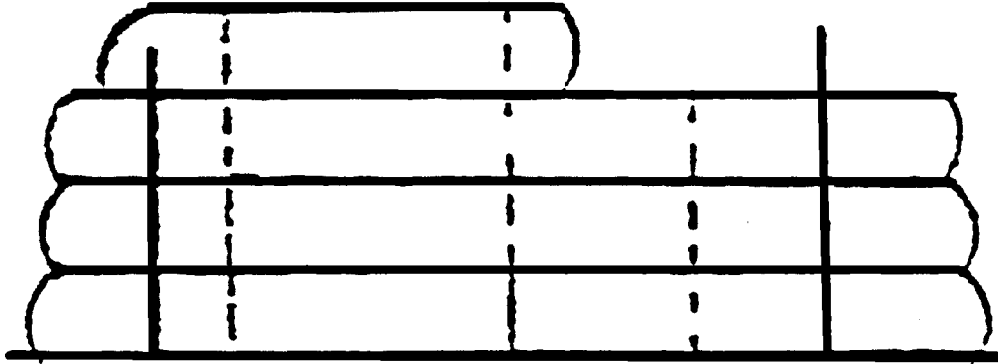
(6-30-19)7()

b. All exposed outside logs shall be secured by one (1) wrapper passing near each end of the log. See Figure 010.10-A.

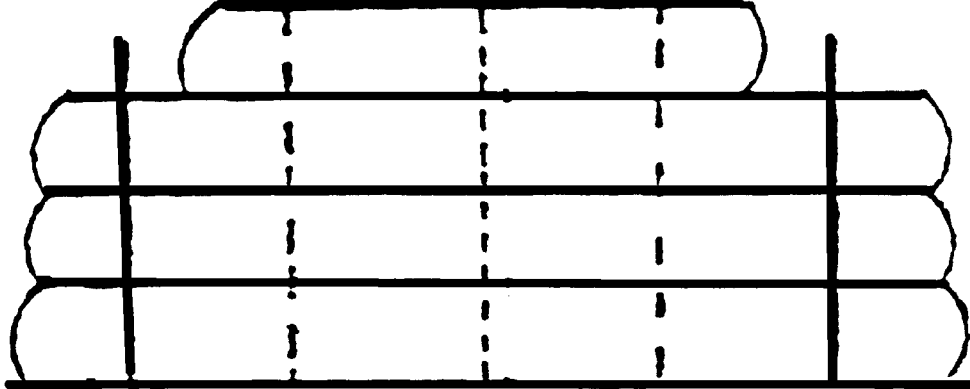
FIGURE 010.10-B



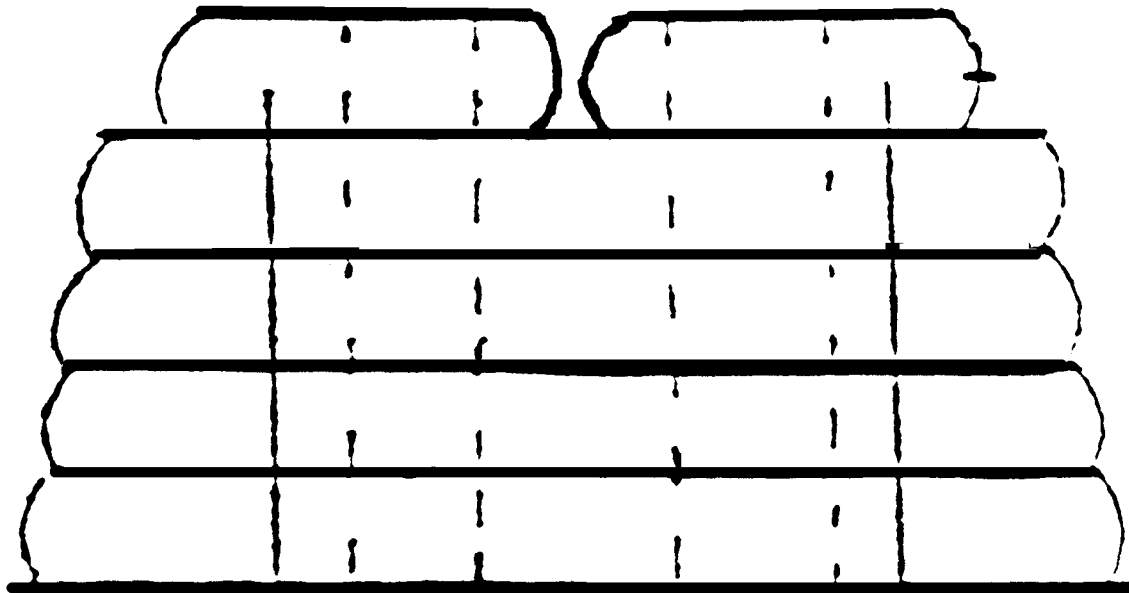
LONG LOG LOAD WITH SHORT LOGS IN REAR OR IN FRONT



LONG LOG LOAD WITH SHORT LOGS IN CENTER



LONG LOG LOAD WITH SHORT LOGS BUTTED



(6-30-19)T

c. On one (1) log load where trailer bunk is equipped with cheese blocks, one (1) wrapper securing log to the trailer bunk will be sufficient. Outside wrappers on short logs shall have a minimum of six (6) feet spread. (See Figure 010.10-C.)

NOTE: High loads are defined as logs loaded above bunk stakes.

FIGURE 010.10-C

ONE LOG LOAD



(6-30-19)T

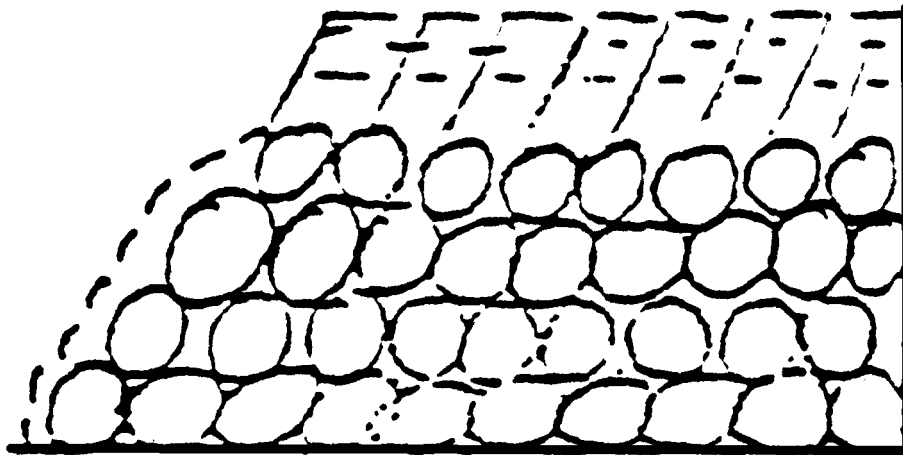
11. Requirements for Crosswise Loaded Trucks.

(6-30-19)T

- a. When loads of short logs are loaded crosswise, the logs shall be properly contained by use of stake or chock blocks and shall be secured by a minimum of two (2) wrappers. (See Figure 010.11-A.)

FIGURE 010.11-A

CROSSWISE LOADED TRUCK



- (6-30-19)T
- b. Binders shall be securely fastened to the vehicle. (6-30-19)T
12. **Construction of Wrappers and Binders.** ~~(6-30-19)T~~ ()
- a. Cables shall have a spliced eye or swaged fittings. (6-30-19)T
- b. “Molly Hogans” or cold shuts are prohibited to make splices or connections. (6-30-19)T
- c. Each # wrapper shall have a minimum breaking strength of not less than ~~thirteen~~ fifteen thousand ~~(135,000)~~ pounds. ~~(6-30-19)T~~ ()
- d. Binders must be stamped with a working load limit of four thousand (4,000) pounds or greater. ()
13. **Binder Placement Requirements.** (6-30-19)T
- a. Binders shall be placed in a manner whereby they will be released on the side opposite the brow log, or on the side where the unloading equipment operator can see the binders. (6-30-19)T
- b. Truck drivers shall be required to stop vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter. (6-30-19)T
14. **Precautions When Placing or Removing Binders and Wrappers.** (6-30-19)T
- a. Binders and wrappers shall remain on the load until an approved safeguard has been provided to

prevent logs from rolling off the side of truck where binders are being released. (6-30-19)T

- b. At least one (1) wrapper shall remain secured while relocating or tightening other binders. (6-30-19)T

15. Binders and Wrappers to Be Placed Before Leaving Landing Area. Binders and wrappers shall be placed and tightened around the completed load before shifting the load for proper balance ~~and a wrapper or~~. Each load must have all required wrappers shall be placed and secured to hold at the loader in place before the truck is moved from the landing area or out of. If it is unsafe to do so, the truck may be moved to the nearest safe place in sight of the landing crew loader. (6-30-19)T()

16. Adequate Reaches Required. (6-30-19)T

a. Log trailers must be connected to tractors by reaches of a size and strength to withstand all imposed stresses. (6-30-19)T

b. Spliced reaches shall not be used. (6-30-19)T

c. Documented reach inspections shall be performed annually. (6-30-19)T

17. Proper Lay of Logs in Stakes or Bunks. (6-30-19)T

a. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. (6-30-19)T

b. Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers or stakes. (6-30-19)T

c. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. (6-30-19)T

d. Bunk logs shall extend not less than twelve (12) inches beyond the bunk, with the exception of non-oscillating bunks. (6-30-19)T

18. Traffic Travel on Right Side of Road Except Where Posted. All trucks shall keep to the right side of the road, except where road is plainly and adequately posted for left side traveling. (6-30-19)T

19. Towing of Trucks. When trucks must be towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. (6-30-19)T

20. Scaling and Branding. When at the dump or reload and where logs are scaled or branded on the truck, the logs shall be scaled or branded before the wrappers are released. (6-30-19)T

21. Metal Parts Between Bunk and Cab to Be Covered. Suitable material shall be used on treading surfaces between the bunk and cab to prevent persons from slipping on the metal parts. (6-30-19)T

22. Bunks to Be Kept in Good Condition and Repair. (6-30-19)T

a. Log bunks or any part of bunk assembly bent enough to cause bunks to bind shall be straightened. (6-30-19)T

b. Bunks shall be sufficiently sharp to prevent logs from slipping. (6-30-19)T

23. Following Other Vehicles. (6-30-19)T

a. A vehicle not intending to pass shall not follow another vehicle closer than one hundred fifty (150) feet. (6-30-19)T

b. Passing shall be done only when it can be done safely. The passing vehicle shall consider all factors which may be essential, such as condition of the roadway, width of the road, and distance of clear visibility ahead. (6-30-19)T

24. Reaches to Be Clamped When Towing Unloaded Trailer. A positive means, in addition to the clamp, shall be installed on the reach of log truck trailers when the trailers are being towed without a load. (6-30-19)T

25. Inserting of Compensating Pin. (6-30-19)T

a. Persons shall never enter the area below suspended logs or trailers. (6-30-19)T

b. At dumps where the load must remain suspended above the bunks until the truck is moved away and when the trailer is the type with a compensating pin in the reach, a device shall be installed that will allow the trailer to be towed away from the danger area. (6-30-19)T

26. Safety Chains. (6-30-19)T

a. All trailers shall be secured with a safety chain, or chains, which connect the frame of the truck assembly to the trailer unit. (6-30-19)T

b. The chains shall be capable of holding the trailer in line in case of failure of the hitch assembly. (6-30-19)T

(BREAK IN CONTINUITY OF SECTIONS)

551. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. (6-30-19)T

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machinery is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. (6-30-19)T

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. (6-30-19)T

c. Substantial barriers or bulkheads protecting the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled. (6-30-19)T

d. A safe and adequate means of access to, and egress from, the operator's station shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc., shall be provided and maintained. (6-30-19)T

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. (6-30-19)T

f. Throttles and all power controls shall be maintained in good operating condition. (6-30-19)T

g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. (6-30-19)T

- h.** Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers, workers shall choose the safest approach. This is usually from the upper side of the log. (6-30-19)T
- i.** Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. (6-30-19)T
- j.** The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard hand signals, whistles, or other positive means of communication. (6-30-19)T
- k.** Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. (6-30-19)T
- l.** Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. (6-30-19)T
- m.** Brakes shall be installed on all machine drums and maintained in effective working condition. (6-30-19)T
- n.** Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. (6-30-19)T
- o.** Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operators shall test brakes before lifting any load at the start of each shift. (6-30-19)T
- p.** In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of cranes, shovels, etc., into yarders shall be in conformity with these rules. Necessary guylines or outriggers shall be provided and used to effectively prevent mast, A-frames, etc., from tipping or overturning. (6-30-19)T
- q.** The manufacturer's recommendations for line sizes, if in compliance with these rules, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. (6-30-19)T
- r.** Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. (6-30-19)T
- s.** Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. (6-30-19)T
- t.** All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operator's exposure to such hazard. Grapple arms or other positive means of keeping logs on the forks shall be required on fork lift-type loading machines. (6-30-19)T
- u.** All workers shall be in the clear and in view of the machine operator before a lift is made. (6-30-19)T
- v.** All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. (6-30-19)T

w. Logs or loads shall not be swung over occupied equipment or workers and no person shall ride the load or rigging. (6-30-19)T

x. While logs are being loaded, no person shall remain on the chain deck or behind the truck cab protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. (6-30-19)T

y. An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. (6-30-19)T

z. A-frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement. (6-30-19)T

~~**aa.** *When moving machines on sleds, etc., stumps shall be used, when available, in preference to trees. These stumps shall be carefully examined to make sure that they will safely withstand the strains imposed by moving. If there is any doubt, the stumps shall be tied back. Insecure trees used for holds shall be guyed. Workers shall stand in the clear while pulls are being made. When holds are being changed, the machine shall be secured with a separate line if there is danger of the machine sliding. When snubbing machines down steep grades, the main line shall be used for snubbing and the haul back for pulls. Only the operator and those required to assist him shall ride on the machine while it is being moved.*~~

~~*NOTE: All lines, blocks, etc., and their use shall be in conformity with the applicable provisions of the "Rigging, Lines, Blocks, and Shackles" (IDAPA 07.08.09) of this Standard.*~~ (6-30-19)T

bb. All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. (6-30-19)T

ee. A limit stop which will prevent the lift arms from over-traveling shall be installed on all electric powered log unloaders. (6-30-19)T

~~**cc.** Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. (6-30-19)T~~

ee. All log handling equipment shall be equipped with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. (6-30-19)T

ff. Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. (6-30-19)T

~~**gg.** *A substantial log dump shall be constructed at each log pond or mill dumping ground. The road bed shall be of hard packed stone, heavy planking or equivalent material.*~~ (6-30-19)T

~~**hh.** *Where logs are dumped directly into water from truck or rail car, a substantial brow log eighteen (18) inches or more in diameter shall be provided and securely anchored.*~~ (6-30-19)T

ff. After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between a brow log and a truck or rail car. (6-30-19)T

~~**jj.** *The use of plain end hooks without a bell is prohibited. Loading hooks shall be kept in good repair at all times. They shall be equipped with at least one half (1/2) inch diameter hand ropes in good condition and of sufficient length for workers to be in the clear. When carrying tongs, they shall not be rested on both shoulders with points around the neck.*~~ (6-30-19)T

~~**kk.** Where there is danger of tongs or hooks pulling out of the logs, straps shall be used. (6-30-19)T~~

~~hh.~~ All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten (10) feet of any power line. (6-30-19)T

~~mm.~~ Bunk logs shall extend not less than twelve (12) inches beyond the bunks, with the exception of non-oscillating bunks. (6-30-19)T

~~nn.~~ The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. (6-30-19)T

~~ok.~~ Binders shall be so placed that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. (6-30-19)T

~~pp.~~ *Whenever loads consist of logs to be dumped at different landings, lots shall be separated with gut wrappers. Wrappers shall be used for the entire load, as required for single unit loads. Not more than two (2) lots shall be loaded on a single vehicle.* (6-30-19)T

~~qq.~~ Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. (6-30-19)T

~~rr.~~ Loads or logs shall not be moved or shifted while binders are being applied or adjusted.

NOTE: For logs in transit see “Log Truck Transportation” (IDAPA 07.08.12, Section 010). (6-30-19)T

~~ss.~~ *The unloading machine or lines shall be so positioned to securely hold the logs to keep them from rolling off on the side from which the wrappers, bunk blocks, or stake trips are being released, and they shall not be released until the machine is so placed. Signs to this effect shall be prominently posted at each landing or dump. An extra wrapper shall be placed to hold the logs if it becomes necessary to move a wrapper to prevent it from being fouled by the unloading machine. Stake finger trips shall be released by using rip chains. The use of hammers, peaveys, etc., is strictly prohibited.* (6-30-19)T

~~tt.~~ All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. (6-30-19)T

~~uu.~~ *Artificial log ponds, subject to stagnation, shall be drained and refilled at such intervals necessary to keep them in a sanitary condition.* (6-30-19)T

~~vv.~~ Logs in storage decks shall be so arranged as to prevent logs from rolling off the face of the deck. (6-30-19)T

~~ww.~~ All log load wrappers shall be arranged so that they must be released in view of the unloader operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. (6-30-19)T

~~02.~~ **Log Ponds.** (6-30-19)T

~~a.~~ *Pond walks shall be kept in good repair and free of protruding nails and obstructions.* (6-30-19)T

~~b.~~ *Persons working on logs or around booms in water shall wear sharp caked shoes. When conditions such as snow and ice render calks ineffective, other types of shoes with “safety soles” may be worn.* (6-30-19)T

~~e. Approved buoyant life vests or life jackets shall be worn and fastened by the persons working on water. (6-30-19)T~~

~~d. Pike poles shall be of metal, fiberglass, or continuous, straight grained No. 1 wood material. Metal or conductive pike poles shall not be used around exposed electrical conductors. Defective poles, blunt or dull pikes shall not be used. They shall be restricted to the use for which they are intended. (6-30-19)T~~

~~e. Sufficient walkways and floats shall be provided and securely anchored to insure the safe passage of workers. (6-30-19)T~~

~~f. Decks of floats or other walkways shall be kept reasonably level and above the waterline at all times and shall be capable of supporting four (4) feet from log haul. (6-30-19)T~~

~~g. Pond walkways shall be at least four (4) feet or more in width for a distance of at least forty (40) feet from log haul. (6-30-19)T~~

~~h. Gaps between end of boom sticks or walkways shall not be over twenty four (24) inches. (6-30-19)T~~

~~**03. Booms Rafting Towing. (6-30-19)T**~~

~~a. Life rings with a minimum of fifty (50) feet of approved line attached shall be provided at convenient points where water is more than five (5) feet in depth. Life rings shall be maintained so as to retain their positive buoyancy. (6-30-19)T~~

~~b. Workmen, whose duties require them to work from boats or from floating logs, boom sticks, or walkways along or on water, shall be provided with and shall wear approved, positive, buoyant equipment while performing such duties. (6-30-19)T~~

~~**04. Stiff Booms. (6-30-19)T**~~

~~a. All stiff booms shall be made of not less than two (2) boom sticks. Width of stiff booms shall be not less than thirty six (36) inches from outside to outside float logs. Float logs shall be fastened together with not less than four by six inch (4" x 6") cross ties, or equivalent, or cable lashings notched into float logs. All stiff booms and floating walkways shall be decked with not less than two by six inch (2" x 6") planking and kept free of snow and other debris. (6-30-19)T~~

~~b. All sorting gaps shall have a substantial stiff boom on either side of gap. Stiff booms or walkways shall be planked over with not less than two by six inch (2" x 6") or wider planks and shall be kept free of tripping hazards. (6-30-19)T~~

~~**05. Boom Sticks and Foot Logs. (6-30-19)T**~~

~~a. All regular boom sticks and foot logs shall be made of sound straight timber and shall be free of protruding knots and bark, and shall be of a size to support two (2) workers above the water line. (6-30-19)T~~

~~b. Boom sticks which have been condemned shall be marked with three (3) chopped crosses ten (10) feet from the butt end and shall not be reused as boom sticks. (6-30-19)T~~

~~e. Gaps between ends of boom sticks shall not be over twenty four (24) inches. All wire shall be removed from boom sticks or boom chains before they are reused or stored. (6-30-19)T~~

~~d. When power driven machinery is used on booms or sorting jacks, it shall be placed on raft or float with enough buoyancy to keep machine well above waterline. If electric power is used it shall be grounded in an approved manner. Electric powered hand tools shall not be used unless the tool has a positive ground. (6-30-19)T~~

- ~~e. When dog lines become hazardous, they shall be discarded. (6-30-19)T~~
- ~~f. Booms, ponds, sorting jacks or walkways, shall be provided with sufficient illumination for all employees to have clear vision at all points where work is being carried on. (6-30-19)T~~
- ~~06. Pond Boats and Tow Boats. (6-30-19)T~~
- ~~a. All persons whose duties require them to work from boats, floating logs, boom sticks, or floating walkways shall wear sharp-calked shoes. When conditions render calks ineffective, other approved foot gear may be worn. (6-30-19)T~~
- ~~b. All metal decks of pond boats or tow boats shall be covered with a material that will prevent slippage of calks. (6-30-19)T~~
- ~~e. All boats used by workmen shall be provided with at least one (1) life ring with fifty (50) feet of approved line attached. (6-30-19)T~~
- ~~d. All power boats shall be provided with one (1) or more approved fire extinguishers of five (5) B-C rating or more for each fifteen (15) feet in length. (6-30-19)T~~
- ~~e. Power boats shall not be re-fueled while the motor is running. (6-30-19)T~~
- ~~f. All powered boats shall be vented in accordance with U.S. Coast Guard Regulations. (6-30-19)T~~
- ~~g. All powered boats shall conform to operating requirements of the U.S. Coast Guard where applicable. (6-30-19)T~~
- 072. Trailer Loading Hoist/Sawmill Log Dump. (6-30-19)T**
- a.** The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. (6-30-19)T
- b.** The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. (6-30-19)T
- c.** Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable serviceability of the facility. (6-30-19)T

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION

DOCKET NO. 08-0000-1900

NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-101, 33-105, 33-107, 33-115, 33-116, 33-118, 33-118A, 33-119, 33-120, 33-125B, 33-130, 33-133, 33-134, 33-136, 33-203, 33-307, 33-310, 33-320, 33-523, 33-804A, 33-1002, 33-1002C, 33-1002F, 33-1004, 33-1006, 33-1007A, 33-1201, 33-1201A, 33-1202, 33-1204, 33-1205, 33-1210, 33-1212, 33-1212A, 33-1280, 33-1304, 33-1602, 33-1612, 33-1613, 33-1614, 33-1616, 33-1631, 33-2002, 33-2003, 33-2009, 33-2402, 33-2403, 33-4303, 33-4402, 33-4403, 33-4601A, 33-4605, 33-5203, 33-5205, 33-5207, 33-5208, 33-5210, 33-5504, 33-5505, 33-5507, and 22-1504, Idaho Code.

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

PUBLIC HEARING

**Thursday, October 3, 2019
6:00 p.m. to 9:00 p.m. (MDT)**

**American Legion
211 E. Main Ave.
Challis, ID 83226**

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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), **Vol. 19-6SE, pages 1026 through 1171**. The hearing will provide an opportunity for the public to provide input on Docket Number 08-0000-1900, specifically, the Idaho Content Standards (incorporated by reference), Definitions, Assessments, Accountability, Unique Student Identifier, and Basic Values in IDAPA 08.02.03. Rules Governing Thoroughness (subsections 004, 007, 008, 009, 111, 112, 116, and 150); IDAPA 08.02.04 Rules Governing Public Charter Schools; IDAPA 08.03.01, Rules of the Public Charter School Commission; and IDAPA 08.04.01 Rules of the Idaho Digital Learning Academy.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before October 4, 2019.

Dated this 25th day of September, 2019.

Tracie Bent, Chief Planning and Policy Officer
Office of the State Board of Education
Phone: (208) 332-1582 / Fax: (208) 334-2632

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1901

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 29, 2019.

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 33-4303, 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 October 16, 2019.

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:

IDAPA 08.01.13 sets out the eligibility and application requirements for the Opportunity Scholarship, as authorized by Section 33-4303, Idaho Code. Senate Bill 1279 (2018), amended Section 33-4303, Idaho Code, authorizing the State Board of Education to award up to 20% of the funds appropriated for the Opportunity Scholarship to individuals with 24 or more postsecondary credits.

The proposed rule would make amendments to the student eligibility and application requirements to allow for a portion of the Opportunity Scholarship awards to be used for individuals who have earned 24 or more postsecondary credits. Proposed amendments include:

- Defining an “Adult Learner” and graduation plan;
- Lower the minimum GPA from 3.0 to 2.7 for all students while allowing Adult Learners to apply with a 2.5 GPA and renew with a 2.7 GPA;
- Allow Adult Learners to apply on an alternate date set by the Executive Director, rather than the current March 1 deadline;
- Require Adult Learners to have “stopped out” for 24 or more months, with the exception of two (2) courses;
- Allow Adult Learners to attend part-time;
- Pro-rate the amount of the awards for Adult Learners based on the number of credits attempted down to a minimum of six (6) credits;
- Require institutions to discuss opportunities for students to receive credits through prior learning assessments; and
- Require students to show progress on their educational plans to maintain scholarship eligibility.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) (b) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: The temporary rule is necessary to award eligible scholarship applicants for the 2019-2020 school year who meet the requirements of having some credits and no degrees established in Section 33-4303, Idaho Code.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7 page 149](#).

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 Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 08-0113-1901
(Only Those Sections With Amendments Are Shown.)**

010. DEFINITIONS.

01. Adult Learner. An individual who: (8-29-19)T

a. Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education; (8-29-19)T

b. Has not attended more than two (2) courses at a postsecondary institution at any time during the twenty-four (24) month period immediately prior to application for the Opportunity Scholarship; and (8-29-19)T

c. Has earned twenty-four (24) or more transferable credits from a postsecondary institution accredited by a body recognized by the State Board of Education. (8-29-19)T

~~02.~~ Grade Point Average (GPA). The average grade earned by a student, figured by dividing the grade points earned by the number of credits attempted. (3-20-14)

03. Graduation Plan. A plan developed by the postsecondary student in consultation with the postsecondary institution that identifies the certificate or degree the student is pursuing, the course and credit requirements necessary for earning the certificate or degree, the application of previously earned credits and credits granted through prior learning assessments, the estimated number of terms remaining to complete the certificate or degree and the proposed courses to be taken during each term. (8-29-19)T

011. -- 100. (RESERVED)

101. ELIGIBILITY.

Applicants must meet all of the eligibility requirements to be considered for the scholarship award. (3-28-18)

01. Undergraduate Student. An eligible student must be pursuing their first undergraduate certificate

or degree from an institution accredited by a body recognized by the State Board of Education. A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. ~~(3-20-14)~~(8-29-19)T

02. Academic Eligibility. To be eligible for an opportunity scholarship, an applicant must meet minimum academic eligibility criteria, as follows: (3-28-18)

a. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of ~~three two~~ point ~~zero seven~~ (32.07) or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or ~~(3-28-18)~~(8-29-19)T

b. A student who has obtained a general equivalency diploma must have taken the ACT assessment and received a minimum composite score of twenty (20) or better, or the equivalent SAT assessment and received a one thousand ten (1,010) or better, to be academically eligible to apply for an opportunity scholarship; or (3-28-18)

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of three point zero ~~three two~~ point ~~zero seven~~ (32.07) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. ~~(3-28-18)~~(8-29-19)T

d. An Adult Learner must have a minimum cumulative grade point average of two point five (2.5) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (8-29-19)T

03. Financial Eligibility. Applicants for the opportunity scholarship are selected as recipients, in part, based on demonstrated financial need. The tool used to determine financial need is the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the verified expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the ~~March 1~~ application deadline. ~~(3-28-18)~~(8-29-19)T

04. Additional Eligibility Requirements. (4-2-08)

a. A student must not be in default on a student educational loan, or owe a repayment on a federal grant, and must be in good financial standing with the opportunity scholarship program. (3-20-14)

b. If a student has attempted or completed more than one hundred (100) postsecondary academic credits, then such student must identify his or her major, the required number of credits necessary for graduation in such major, and shall submit an academic transcript that contains all courses taken and all postsecondary academic credit received to the Board office. A student shall not be eligible for an opportunity scholarship if: (3-20-14)

i. The student is not meeting satisfactory academic progress at the eligible Idaho postsecondary educational institution the student is attending at the time he or she applies for an opportunity scholarship; (4-2-08)

ii. The student has completed more than one hundred fifty percent (150%) of the courses and academic credit necessary to graduate in such major; or (4-2-08)

iii. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the

completion date of the degree or certificate. (3-28-18)

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. Initial Applications. An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than the deadline set by the executive director each year if an Adult Learner and not later than March 1 for all other students. Adult Learner applications will be processed and awarded on a monthly basis up to the application deadline. An applicant without electronic capabilities may request a waiver of this requirement and, if granted, submit an application on the form established by the Board through the United States Postal Service that must be postmarked not later than March 1 the applicable application deadline. All applicants must complete and submit the FAFSA on or prior to March 1 the application deadline. ~~(3-28-18)~~(8-29-19)T

02. Announcement of Award. Announcement of the award of initial scholarships will be made no later than June 1 of each year, with awards to be effective at the beginning of the first full term following July 1 of that year. Announcements must clearly state the award is part of the state's scholarship program and is funded through state appropriated funds. Additional award announcement may be made after this date based on the availability of funds and the acceptance rate of the initial awards. (3-9-16)

03. Communication with State Officials. Applicants must respond by the date specified to any communication from officials of the opportunity scholarship program. Failure to respond within the time period specified will result in cancellation of the application or forfeiture of the scholarship unless extenuating circumstances are involved and approved by the executive director or designee. (3-28-18)

203. -- 299. (RESERVED)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

01. Selection Process. Scholarship awards will be based on the availability of scholarship program funds. Opportunity scholarships will be awarded to applicants, based on ranking and priority, in accordance with the following criteria: (3-28-18)

a. Eligible students shall be selected based on ranking criteria that assigns seventy percent (70%) to financial eligibility, and thirty percent (30%) to academic eligibility. In the event that this weighted score results in a tie, an eligible student who submitted his application to the Board earliest in time will be assigned a higher rank. (3-28-18)

b. Notwithstanding Subsection 300.01.a. of these rules, the priority for the selection of recipients of opportunity scholarship awards shall be to scholarship recipients who received an opportunity scholarship award during the previous fiscal year, and have met all of the continuing eligibility requirements provided in these rules. (3-28-18)

02. Monetary Value of the Opportunity Scholarship. (4-2-08)

a. The Board will establish annually the educational costs for attending an eligible Idaho postsecondary educational institution for purposes of the opportunity scholarship program. (3-28-18)

b. The monetary value of the opportunity scholarship award to a student shall be based on the educational costs for attending an eligible Idaho postsecondary educational institution, less the following: (4-2-08)

i. The amount of the assigned student responsibility, established by the Board annually; (4-2-08)

ii. The amount of federal grant aid, as identified by the Student Aid Report (SAR) that is known at the time of award determination; (3-20-14)

iii. The amount of other financial aid awarded the student, from private or other sources that is known at the time of award determination. (3-20-14)

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year attending an eligible four-year postsecondary institution, or less than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two-year institution, will be prorated as follows: (8-29-19)T

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term - fifty percent (50%) of the maximum; (8-29-19)T

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term - seventy-five percent (75%) of the maximum; and (8-29-19)T

(3) Enrolled in twelve (12) or more credits or its equivalent per term - one hundred percent (100%) of the maximum. (8-29-19)T

c. The amount of an opportunity scholarship award to an individual student shall not exceed the educational cost established by the Board annually, and shall not exceed the actual cost of tuition and fees at ~~an~~ the Idaho public postsecondary educational institution the student attends or will attend, or if the student attends or will attend an Idaho private postsecondary educational institution, the average tuition at Idaho's public four (4) year postsecondary educational institutions. (~~3-28-18~~)(8-29-19)T

(BREAK IN CONTINUITY OF SECTIONS)

302. CONTINUING ELIGIBILITY.

To remain eligible for renewal of an opportunity scholarship, the recipient must comply with all of the provisions of the Opportunity Scholarship Program and these rules: (3-28-18)

~~01- **Renewal Application.** A scholarship recipient must complete and submit a renewal application in order to be considered for a continuing scholarship for each succeeding year and update and submit the FAFSA on or prior to March 1. (3-20-14)~~

~~021. **Credit Hours.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient attending a four (4) year eligible postsecondary institution must have completed a minimum of twenty-four (24) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. A scholarship recipient attending a two (2) year eligible postsecondary institution must have completed a minimum of eighteen (18) credit hours or its equivalent each academic year that the student received an opportunity scholarship award. Notwithstanding these provisions, a scholarship recipient who has received the Opportunity Scholarship as an Adult Learner may retain eligibility by completing twelve (12) or more credit hours or its equivalent each academic year the student received the Opportunity Scholarship award. All students may use the summer term to meet the annual credit accumulation requirements. (~~3-9-16~~)(8-29-19)T~~

~~032. **Satisfactory Academic Progress.** To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of ~~three two~~ point zero seven (~~3.2~~ 3.7) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award at the institutions the student attended while receiving the scholarship, and must be maintaining satisfactory academic progress, consistent within federal financial aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. Students receiving an Opportunity Scholarship award as an Adult Learner must make satisfactory progress on their graduation plan established with the eligible institution at the time of admission. (~~3-28-18~~)(8-29-19)T~~

~~043. **Maximum Duration of Scholarship Award.** The award of an opportunity scholarship shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. (3-20-14)~~

054. Eligibility Following Interruption of Continuous Enrollment. A scholarship recipient whose continuous enrollment is interrupted for more than four (4) months but less than two (2) years for any reason but who intends to re-enroll in an eligible Idaho postsecondary educational institution must file a letter of intent to withdraw no later than sixty (60) days prior to the first day of the academic term of the discontinued attendance to the Office of the State Board of Education. Failure to do so may result in forfeiture of the scholarship. The Board's Executive Director or designee will review each request for interruption and notify the individual of approval or denial of the request. In addition, the individual must file a statement with the Board declaring his intent to re-enroll as a full-time undergraduate student in an academic or career technical program in an eligible Idaho postsecondary educational institution for the succeeding academic year no later than thirty (30) days prior to the first day of the academic term in which the individual intends to re-enroll within two (2) years of the approval of the request to withdraw. Failure to do so will result in forfeiture of the scholarship unless an extension has been granted. An extension of interruption of continuous enrollment period may be granted for eligible students due to military service in the United States armed forces, medical circumstances, or other circumstances approved by the executive director. All requests for extension must be made sixty (60) days prior to the start of the succeeding academic year. (3-28-18)

303. -- 399. (RESERVED)

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic year. Such statements must include verification that the scholarship recipient is still enrolled, attending part-time, if an Adult Learner, and full-time for all other scholarship recipients, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms. ~~(3-9-16)~~(8-29-19)T

02. Other Requirements. An eligible Idaho postsecondary educational institution must: (4-2-08)

a. Be eligible to participate in Federal Title IV financial aid programs, and must supply documentation to the Board verifying this eligibility, and prompt notification regarding any changes in this status; (4-2-08)

b. Have the necessary administrative computing capability to administer the Opportunity Scholarship Program on its campus, and electronically report student data records to the Board; (4-2-08)

c. Provide data on student enrollment and federal, state, and private financial aid for students to the Board, and (4-2-08)

d. Agree to permit periodic Opportunity Scholarship Program audits to verify compliance with Idaho law and these rules related to the program. (4-2-08)

03. Adult Learner Evaluation. Upon admission, scholarship recipients receiving an award as an Adult Learner will be administered prior learning assessments to determine eligibility for credit for prior learning, including credit for prior experiential learning. As part of this process an eligible institution will work with the student to develop a graduation plan for the program they are entering that includes estimated completion dates. (8-29-19)T

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.01 – RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1902

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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107 and 33-116, 33-320, 33-1212A, 33-1614, and 33-1616, 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 October 16, 2019.

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:

During the 2019 Legislative Session the State Superintendent introduced legislation that removed the reference to the grade range performance metrics from Section 33-320, Idaho Code, and tied the required annual progress reporting to the new school district accountability report cards. These statutory changes conflict with the language in IDAPA 08.02.02.801 making it necessary to remove the language identifying the grade range performance metrics from Administrative Code. In addition to these changes, as part of the rule review process required by the Red Tape Reduction Act two additional sections were identified that are now obsolete and are being proposed for removal.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 151](#).

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0201-1902
(Only Those Sections With Amendments Are Shown.)

651. -- ~~699~~**800**. (RESERVED)

~~700. VETERANS EDUCATION.~~

~~The Governor of the state of Idaho has designated the State Department of Education as the approval agency in the State of Idaho for the purpose of approving courses for the enrollment of veterans and other eligible persons. (Sections 33-105; 33-107, Idaho Code) (4-1-97)~~

~~01. Responsibilities of State Approval Agency. The State Approval Agency carries the following responsibilities: (4-1-97)~~

~~a. Establishing criteria additional to requirements set forth in federal law for approving education or training programs. (4-1-97)~~

~~b. Approving education or training programs following the criteria set forth in federal law or established by the state approval agency. (4-1-97)~~

~~c. Regularly visiting and supervising those educational institutions and training establishments offering approved courses or programs. (4-1-97)~~

~~d. Disapproving any approved course or program that fails to meet requirements set forth in federal law or criteria established by the approval agency and notifying the affected institution or establishment and the Veterans Administration of this disapproval. (4-1-97)~~

~~e. Providing applicable approval information to educational institutions or training establishments and the Department of Veterans' Affairs. (4-1-97)~~

~~02. Regulations Incorporated by Reference. The Federal regulations of the U.S. Department of Veterans' Affairs as referred to by these regulations are incorporated herein and will have the same force and effect as if fully set forth. Copies of referred federal regulations may be obtained from the United States Veterans Administration, the State Department of Education, or the Idaho State Law Library. (4-1-97)~~

~~03. Definition. For the purposes of these rules, the following words and phrases will have these meanings: (4-1-97)~~

~~a. Approval: An institution or establishment desiring to offer a course or courses for which veterans may use veterans' educational benefits has met standards and requirements designed to ensure that such institution or establishment is qualified to provide satisfactory instruction in the course or courses to be offered. (4-1-97)~~

~~b. Accredited Course: A course which meets one (1) of the following requirements: the course has been accredited and approved by a nationally recognized agency or association; credit for such a course is approved by the State Department of Education for credit toward a high school diploma; the course is conducted under 20 U.S.C. 11-28 (Vocational Education); and the course is accepted by the State Department of Education for credit for a teacher's certificate or a teacher's degree. (4-1-97)~~

~~c. Nonaccredited courses: Courses that are not approved as accredited courses and that are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by extension centers or vocational or adult education departments in institutions of higher education. (4-1-97)~~

~~d. Nationally recognized accrediting agency or association: One that appears on the list published by the Commissioner of Education as required by 38 U.S.C. 1775 (a). (4-1-97)~~

~~e. Correspondence courses: Courses that must require no less than six (6) hours of preparation per week over any twenty-six (26) week period and must require six (6) or more months to complete. No more than twenty percent (20%) of the students pursuing such a course should be able to complete the course in less than six (6) months for the normal length to be certified as six (6) months or more. The determination of this factor will be based upon the records of the school for the immediately preceding years. (4-1-97)~~

~~f. Apprentice courses: Any training on the job course established as an apprentice course by a training establishment as defined in VA Regulations 14200(c) and approved as an apprentice course by the state approval agency. (4-1-97)~~

~~g. Other training on the job courses: Any training on the job that does not qualify as an apprentice course as defined in these regulations, but that otherwise meets the requirements of subparagraph C of VA Regulation 14262 as incorporated by reference herein. (4-1-97)~~

~~04. Eligibility for Receipt of Veterans' Educational Benefits. Any veteran enrolled in educational institutions or training establishments is eligible for educational benefits as provided by 38 U.S.C. Section 1771 et seq. To qualify for eligibility, the veteran must be in training in a course or courses approved for veteran's education by the state approval agency. (4-1-97)~~

~~05. Attainment of Approval Status. Attaining approval status requires that an institution or establishment desiring to offer courses for which veterans or other eligible persons may receive veterans' educational benefits meet standards designed to ensure that such an institution or establishment is qualified to provide satisfactory instruction in the course or courses to be offered. Approval of courses may be obtained upon compliance with the following requirements and standards: (4-1-97)~~

~~a. Veterans will not be eligible for educational benefits for enrollment in any course offered by an educational institution when such a course has been in operation for less than two (2) years immediately prior to the date of enrollment as defined by VA regulation 14251(B). However, this requirement does not apply to the following courses: courses pursued in a public or tax supported educational institution; any course offered by an educational institution that has been in operation for more than two (2) years, if the course is similar in nature to a course previously offered by the institution; any course that has been offered by an institution for a period of more than two (2) years, notwithstanding the fact that the institution has moved to another location in the same general locality or where the school has made a complete move with substantially the same faculty, curricula, and students without a change in ownership; any course offered by a nonprofit school of college level and recognized for credit toward a standard college degree; and any course for the educationally disadvantaged offered by a proprietary nonprofit educational institution at the principal or branch location when the institution offering the course has been in operation for more than two (2) years. (4-1-97)~~

~~b. Institutions or establishments desiring to enroll veterans or eligible persons in courses to which veterans' benefits may be applied must make written application for approval of such courses to the state approval agency. Because approval is granted on a course-by-course basis, the institution or establishment must include in the application all courses for which it seeks approval. Applications for approval of accredited courses must be in conformance with requirements set forth in VA Regulation 14253. Applications for approval of nonaccredited courses must be in conformance with and contain information required by VA Regulation 14254. Applications for approval of correspondence courses must conform with requirements set forth in VA Regulation 14256, in addition to the requirements of VA Regulations 14253 or 14254 as applicable. Applications for approval of apprentice courses must conform with and contain information required by VA Regulation 14261(B). Applications for approval of other training on the job courses must conform with and contain information required by VA Regulation 14262(B). Application for approval of flight training courses must conform with requirements set forth in VA Regulation 14263 and in particular VA Regulation 14263(F). (4-1-97)~~

~~e. When an institution or establishment applies for approval, it thereby consents to visits by a representative of the state approval agency. The purpose of such visits is to determine whether the applicant and the course or courses for which approval is sought comply with established approval criteria. (4-1-97)~~

~~d. Upon receipt of an application for approval conforming with the above referenced regulations, the~~

~~state approval agency may, upon adequate investigation, approve the application when the course or courses to which the application pertains and the institution or establishment offering them are found to have met the following criteria: for accredited courses, criteria set forth in VA Regulation 14253(D) (E) or (F) as applicable; for nonaccredited courses, criteria set forth in VA Regulation 14254(C); for correspondence courses, criteria set forth in VA Regulation 14256, in addition to criteria set forth in VA Regulations 14253 or 14254 as applicable; for apprentice courses, criteria set forth in VA Regulation 14261(C); for other training on the job courses, criteria set forth in VA Regulation 14262(C); and for flight training courses, criteria set forth in VA Regulation 14263. Veterans who are basically eligible to receive educational assistance allowances under the provisions of Title 38, U.S.C. may receive educational assistance for flight training, if the individual also meets eligibility standards set forth in VA Regulation 14263(A). In addition, the state approving agency requires that students complete a minimum of thirty (30) hours of instruction per quarter to maintain such eligibility.~~ (4-1-97)

~~**06. Notice of Approval.** Upon determining that an institution or establishment has complied with all the requirements for approval, the state approval agency will notify the institution or establishment by a letter setting forth the courses that have been approved and will furnish the VA with an official copy of the letter, attachments and any subsequent amendments.~~ (4-1-97)

~~**07. Length of Time of Approval.** Approval of a course is for an indefinite period of time. However, the state approval agency may require that requests for continued approval be submitted on an annual basis with appropriate supporting documentation. Furthermore, any revision or change made in a course will require resubmission of the course for approval by the state approval agency.~~ (4-1-97)

~~**08. Suspension or Withdrawal of Approval.** Continuing approval of a course or courses is contingent upon maintaining prescribed standards and conformance with requirements referred to above.~~ (4-1-97)

~~**a.** In the event that the evidence of record establishes that the course fails to meet such requirements for approval, approval of the course for new enrollments may be suspended by the state approval agency for a period not to exceed sixty (60) days to allow the institution or establishment to meet the requirements for approval.~~ (4-1-97)

~~**b.** The length of the suspension will not be for an indeterminate period but will be of a reasonable duration as determined by the state approval agency to be necessary for the institution or establishment to meet the requirements in light of the nature of the deficiencies.~~ (4-1-97)

~~**c.** Prior to the effective date of the suspension, the state approval agency will give notice of the intended action to the affected institution or establishment which will include facts or circumstances on which the intended suspension is based and any available supporting documentation. The state approval agency will also afford to such institution or establishment, prior to the effective date of the suspension, a reasonable opportunity to show compliance with all lawful requirements for the retention of approval either by providing written support or through oral presentations to the appropriate agency officials.~~ (4-1-97)

~~**d.** For those cases where a discrepancy has not been corrected at the time of the expiration date of a suspension period or in lieu of suspension for those cases where a discrepancy is so major as to substantially deprive the student of the protection afforded by the approval process or is of such a nature that it cannot be corrected within a period of sixty (60) days, the state approval agency will withdraw approval of the affected course or courses.~~ (4-1-97)

~~**e.** Prior to the effective date of the withdrawal of approval, notice of the agency's intended action will be provided to the affected institution or establishment, which will include a statement of the institution's right to a hearing, a statement of the authority and jurisdiction under which the hearing is to be held, a reference to the particular sections of statutes or rules involved, and a short and plain statement of the grounds upon which the intended action to withdraw approval is based.~~ (4-1-97)

~~**f.** An opportunity will be afforded the affected institution or establishment to respond to the agency's intended action and to present evidence and argument on all issues involved. A three (3) member hearing panel will be appointed by the executive officer of the state approval agency to review such appeal and submit recommended findings of fact and conclusions of law to the executive officer who will thereafter render a final decision in the matter.~~ (4-1-97)

~~g. Any final decision adverse to an institution or establishment will be in writing or stated in the record. The decision will include findings of fact and conclusions of law, separately stated. (4-1-97)~~

~~h. The affected institution or establishment will be notified either personally or by mail of any decision; a copy of this document will be delivered or mailed forthwith to the institution or establishment and to its attorney of record upon request. (4-1-97)~~

~~701.—749. (RESERVED)~~

750. IDAHO STATE PENITENTIARY.

~~The vocational and academic programs at the Idaho State Penitentiary will be approved on an annual basis as special programs for the purpose of training inmates. (4-1-97)~~

~~751.—799. (RESERVED)~~

800. PRIVATE CORRESPONDENCE AND TRADE SCHOOLS.

~~Private correspondence and trade schools teaching any course, plan, or programs of instruction, whether conducted in person, by mail, or any other method, will register with the State Department of Education on forms approved by the Board, which are on file in the State Department of Education. (Chapter 24, Title 33, Idaho Code) (4-1-97)~~

~~01. **Cancellation Policy.** A student applicant may cancel his or her enrollment within seventy-two (72) hours after midnight of the day on which the enrollment agreement is signed and receive a full refund of all monies paid to the school or its representative. The student will receive a minimum of seven (7) days in which to cancel the enrollment agreement and the seller may retain not more than fifty dollars (\$50). Accreditation allows an agent to keep one hundred dollars (\$100). (4-1-97)~~

~~02. **Cancellation of Enrollment.** For a student requesting cancellation of enrollment after starting the course, the charge made will be based on lessons completed or time spent and will be computed on the following prorated basis: fifty percent (50%) retention during the first quarter; seventy-five percent (75%) retention during the second quarter; and one hundred percent (100%) retention during the third and fourth quarter. (A quarter means time reasonably expected for completion of one fourth (1/4) of the course.) (4-1-97)~~

~~03. **Emergency Consideration.** In case of illness or accident, death in the family, or other circumstances beyond the control of the student, the student will be entitled to consideration, and the school will make a settlement that is reasonable and fair to both. (4-1-97)~~

801. CONTINUOUS IMPROVEMENT PLANNING AND TRAINING.

In accordance with Section 33-320, Idaho Code, every local education agency (LEA) shall develop and maintain a strategic plan that includes a continuous improvement process focused on improving student performance of the LEA. (3-25-16)

01. Definitions. (4-11-15)

a. Administrator. As used in this section administrator means the superintendent of the school district or administrator of a charter school. (4-11-15)

b. Board. Board means the Idaho State Board of Education. (4-11-15)

c. Executive Director. Executive Director means the Executive Director of the Idaho State Board of Education. (4-11-15)

d. Local Education Agency Board. As used in this section local education agency or LEA Board means the board of trustees of a school district or board of directors of a charter school. (4-11-15)

e. Local Education Agency. As used in this section local education agency (LEA) means public school district or charter school.. (4-11-15)

f. Continuous Improvement Plan. As used in this section, a continuous improvement plan focuses on annual measurable outcomes and the analysis of data to assess and prioritize needs and measure outcomes. (3-25-16)

02. Reimbursement Eligibility. LEA's may request reimbursement for training conducted pursuant to Section 33-320, Idaho Code. To be eligible for reimbursement the training and trainer must meet the following criteria: (4-11-15)

a. Training. The training must cover one (1) or more the follow subjects: (4-11-15)

i. Continuous improvement planning training. Continuous improvement planning training must include, but is not limited to, training on continuous process improvement, use and analysis of data, and methods for setting measurable targets based on student outcomes; (3-25-16)

ii. School finance; (4-11-15)

iii. Administrator evaluations, including, but not limited to, specifics on the Idaho state evaluation requirements and framework; (4-11-15)

iv. Ethics; or (4-11-15)

v. Governance. (4-11-15)

b. Documentation of Training. Training records shall be kept by the LEA showing: (4-11-15)

i. The length of the training in hours; (4-11-15)

ii. The subject(s) covered by the training; (4-11-15)

iii. The participants included in the training or validation of attendance of specific participants as applicable; and (4-11-15)

iv. The curriculum, agenda, or other documentation detailing the content of the training. (4-11-15)

c. Training Format. A majority of the LEA board and the administrator must collaborate on the continuous improvement plan and engage students, parents, educators and the community, as applicable to the training subject and format. The training facilitator must be physically present or have the ability to interact directly with all training participants. Sufficient time must be provided during the sessions to give the participants an opportunity to discuss issues specific to the LEA. (3-25-16)

d. Trainer Qualifications. The trainer must meet the following qualifications: (4-11-15)

i. May not be a current employee of the LEA; (4-11-15)

ii. Must have two (2) years of documented training experience in the area of training being provided for the LEA; and (4-11-15)

iii. Must provide at least three (3) recommendations from individuals who participated in past training sessions conducted by the trainer. These recommendations must be included with the application to determine the trainer's qualifications. (4-11-15)

e. Qualified Trainers. Trainer qualifications will be determined by the Office of the State Board of Education. The State Board of Education will maintain a list of qualified trainers and the subject areas in which they are qualified. (4-11-15)

i. An individual or company may submit an application for consideration to be placed on the list of qualified trainers or the LEA may submit the application on behalf of the individual or company. (4-11-15)

- ii. Applications must be submitted to the Executive Director in a format established by the Executive Director. (4-11-15)
- iii. Trainer qualifications must be determined prior to the LEA's request for reimbursement of training costs. (4-11-15)

03. Audit. If requested, LEA's must provide training documentation or other information to verify eligibility prior to reimbursement. (4-11-15)

~~**04. Statewide Continuous Improvement Measures.** Multiple measures must be used to fully determine student readiness and improvement. At a minimum each continuous improvement plan shall include the following statewide student readiness and improvement metrics. The benchmark for each metric shall be set by the LEA. (3-22-17)~~

~~**a.** The college and career readiness metric shall be the number and percentage of students meeting the college ready benchmark in mathematics and English Language Arts on a state recognized college entrance exam. Improvement shall be measured by year over year growth in the percentage of students meeting the college readiness benchmark. This measure may be broken out by students pursuing a career technical track and non-career technical track students. Career technical track student's readiness will be measured based on students receiving an industry recognized certification or passage of a Division of Career Technical Education recognized workplace readiness assessment. (3-22-17)~~

~~**b.** The high school readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade eight (8) Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. (3-22-17)~~

~~**c.** The grade seven (7) readiness metric shall be the number and percentage of students meeting proficient or advanced on the grade six (6) Idaho standards achievement test in mathematics and English language usage. Improvement shall be measured by year over year growth in the percentage of students scoring proficient or advanced. (3-22-17)~~

~~**d.** The grade four (4) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade three (3) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. (3-22-17)~~

~~**e.** The grade three (3) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade two (2) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. (3-22-17)~~

~~**f.** The grade two (2) reading readiness metric shall be the number and percentage of students reading at grade level on the spring grade one (1) statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. (3-22-17)~~

~~**g.** The grade one (1) reading readiness metric shall be the number and percentage of students reading at grade level on the spring kindergarten statewide reading assessment. Improvement shall be measured by year over year growth in the percentage of students scoring at grade level. (3-22-17)~~

054. Annual Literacy Intervention Plan. Annually each LEA will report on the effectiveness of the LEA's literacy intervention plan. Plans and reports are due by October 1 of each year. Plans shall include at a minimum: (3-22-17)

- a. Projected literacy plan budget for the current school year; (3-22-17)
- b. Metrics chosen by the LEA to determine effectiveness of the literacy plan and annual performance benchmarks; and (3-22-17)

c. Performance on metrics chosen to show program effectiveness for at a minimum the previous academic year. (3-22-17)

065. College and Career Advising and Mentoring Plans. Annually each LEA shall submit their college and career advising and mentoring plan to the State Board of Education by October 1. (3-22-17)

a. Plans shall include required metrics and at least one (1) or more additional metrics chosen by the LEA to determine effectiveness of the college and career advising and mentoring plan, baseline data and annual benchmarks. (3-22-17)

b. Performance on all effectiveness metrics shall be reported annually in the LEA's Continuous Improvement Plan annual report. (3-22-17)

c. At a minimum effectiveness metrics must include: (3-22-17)

i. Percent of learning plans reviewed annually by grade level, in grade nine (9) through grade twelve (12); (3-22-17)

ii. Number and percent of students who go on to some form of postsecondary education one (1) and two (2) years after graduation; and (3-22-17)

iii. Number of students graduating high school with a career technical certificate or an associate degree. (3-22-17)

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 33-105 and 33-136, 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 October 16, 2019

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:

Section 33-136, Idaho Code, directs the State Board of Education to adopt rules supporting suicide awareness and prevention training for public school personnel. A new section of 08.02.02 details the critical components that shall be included in any suicide awareness and prevention training offered to public school personnel.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the March 6, 2019, Idaho Administrative Bulletin, **Vol. 19-3, page 11**.

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 Dr. Eric Studebaker, Director of Student Engagement and Safety Coordination, at (208) 332-6961, or estudebaker@sde.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 28th day of August, 2019.

Sherri Ybarra
Superintendent of Public Instruction
650 W. State Street, 2nd Floor
P.O. Box 83720
Boise, ID 83720-0027
Office: (208) 332-6800
Fax: (208) 334-2228

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-1901
(Only Those Sections With Amendments Are Shown)

112. SUICIDE PREVENTION IN SCHOOLS.

As schools offer annual professional development for school staff related to preventing, intervening, and responding to suicide, the content shall include: ()

01. Prevention. School philosophy regarding school climate and the promotion of protective factors; data on suicide for the region or state, or both; risk and protective factors for students; suicide myths and facts; and how to develop community partnerships. ()

02. Intervention. How to utilize safe and appropriate language and messaging when addressing students; warning signs of suicide ideation for students; local and school-based protocols for aiding a suicidal individual; local protocols for seeking help for self and students; identification of appropriate mental health services and community resources for referring students and their families; information about state statutes on responsibility, liability, and duty to warn; confidentiality issues; and the need to ask others directly if they are suicidal. ()

03. Postvention. Evidence-based protocol for responding to a student/staff suicide. ()

~~1123.~~ -- 119. (RESERVED)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.02 – RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-1903

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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-2009, 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 October 16, 2019.

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:

Proposed amendments remove outdated terminology and duplicative definitions to terminology governed by Section 33-2009, Idaho Code.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted.

The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 152](#).

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0202-1903
(Only Those Sections With Amendments Are Shown.)

240. JUVENILE DETENTION CENTERS.

~~01.~~ **Definition of Terms.** (4-1-97)

~~a.~~ *Juvenile Detention Centers: Facilities that provide for the temporary care of children, as defined in the Juvenile Justice Reform Corrections Act, who require secure custody, for their own or the community's protection, in physically restricting facilities pending court disposition or subsequent to court disposition. (Section 33-2009, Idaho Code)* (4-1-97)

~~b.~~ *Juvenile Offender: A person, as defined in the Juvenile Justice Reform Act, who has been petitioned or adjudicated for a delinquent act that would constitute a felony or misdemeanor if committed by an adult.* (4-1-97)

~~021.~~ **Instructional Program.** Every public school district in the state within which is located a public or private detention facility housing juvenile offenders pursuant to court order will provide an instructional program. The instructional program will: (4-1-97)

a. Provide course work that meets the minimum requirements of Idaho State Board of Education Rules. (4-1-97)

b. Provide instruction in ~~the~~ core ~~of instruction~~ **subject areas.** (4-1-97)()

c. Include the following components, where appropriate: self-concept improvement, social adjustment, physical fitness/personal health, vocational/occupational, adult living skills, and counseling. (4-1-97)

d. Provide instruction and guidance that may lead to a high school diploma. School districts will accept such instruction for purposes of issuing credit when the detention center certifies to the school that the appropriate work is completed. (4-1-97)

e. Be directed by an instructor who holds an appropriate, valid certificate. (4-1-97)

f. Be provided to each student not later than two (2) school days after admission and continue until the student is released from the detention center. (4-1-97)

g. Be provided to students who have attained "school age" as defined in Idaho Code 33-201. (4-1-97)

h. Be provided for a minimum of four (4) hours during each school day. (4-1-97)

i. Be based on the needs and abilities of each student. The resident school district will provide pertinent status information as requested by the Juvenile Detention Center. (4-1-97)

j. Be coordinated with the instructional program at the school the student attends, where appropriate. (4-1-97)

k. Be provided in a facility that is adequate for instruction and study. (4-1-97)

~~032.~~ **State Funding of Instructional Programs at Juvenile Detention Centers.** (4-1-97)

a. Every student housed in a juvenile detention center pursuant to court order and participating in an instructional program provided by a public school district will be counted as an exceptional child by the district for

purposes of state reimbursement.

(4-1-97)

b. Public school districts that educate pupils placed by Idaho court order in juvenile detention centers will be eligible for an allowance equivalent to the previous year's certified local annual tuition rate per pupil. The district allowance will be in addition to support unit funding and included in the district apportionment payment.

(4-1-97)

c. To qualify for state funding of instructional programs at Juvenile Detention Centers, school districts must apply for such funding on forms provided by the State Department of Education. Applications are subject to the review and approval of the State Superintendent of Public Instruction. School districts will submit attendance and enrollment reports as required by the State Superintendent of Public Instruction. Juvenile Detention Centers will submit reports to the local school district as required.

(4-1-97)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118, 33-1612, and 33-2211, 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 October 16, 2019.

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:

Each career technical education program has content standards that are developed cooperatively with Idaho educators and Idaho industry partners. Prior to 2016, these standards were standalone documents updated and maintained by the Division of Career Technical Education. To be consistent with the academic content standards, during the 2016 rulemaking process the Division started the process of bringing the career technical education content standards forward for incorporation into Administrative Code. The standards being considered this year add or updated the following subcategories into the current content standard areas:

- Agriculture and Natural Resources
 - Food Science and Processing Technology – new incorporation/existing standard
- Business and Marketing Education
 - Hospitality Management - new incorporation/existing standard
- Engineering and Technology
 - Computer Support - updated incorporated standard
- Health Sciences
 - Rehabilitation Services - new incorporation/existing standard
- Skilled and Technical Sciences
 - Electrical Apprenticeship – new incorporation/existing standard
 - HVAC Apprenticeship – new incorporation/existing standard
 - Plumbing Apprenticeship - new incorporation/existing standard

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 153](#).

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: The incorporated material are career technical content standards. The standards are formatted for use by career technical education teachers and do not fit in the required formatted of Administrative Rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1901
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-10)

- a.** Arts and Humanities Categories: (3-24-17)
 - i. Dance, as revised and adopted on August 11, 2016; (3-24-17)
 - ii. Interdisciplinary Humanities, as revised and adopted on August 11, 2016; (3-24-17)
 - iii. Media Arts, as adopted on August 11, 2016. (3-24-17)
 - iv. Music, as revised and adopted on August 11, 2016; (3-24-17)
 - v. Theater, as revised and adopted on August 11, 2016; (3-24-17)
 - vi. Visual Arts, as revised and adopted on August 11, 2016; (3-24-17)
 - vii. World languages, as revised and adopted on August 11, 2016. (3-24-17)
- b.** Computer Science, adopted on November 28, 2016. (3-24-17)
- c.** Driver Education, as revised and adopted on August 10, 2017. (3-28-18)
- d.** English Language Arts/Literacy, as revised and adopted on November 28, 2016. (3-24-17)
- e.** Health, as revised and adopted on August 11, 2016. (3-24-17)
- f.** Information and Communication Technology, as revised and adopted on August 10, 2017. (3-28-18)

- g.** Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)
- h.** Mathematics, as revised and adopted on August 11, 2016. (3-24-17)
- i.** Physical Education, as revised and adopted on August 11, 2016. (3-24-17)
- j.** Science, as revised and adopted on August 10, 2017. (3-28-18)
- k.** Social Studies, as revised and adopted on November 28, 2016. (3-24-17)
- l.** College and Career Readiness Competencies adopted on June 15, 2017. (3-28-18)
- m.** Career Technical Education Categories: (3-29-17)
 - i.** Agricultural and Natural Resources, as revised and adopted on August ~~4629~~, 201~~89~~. ~~(4-11-19)~~()
 - ii.** Business and Marketing Education, as revised and adopted on August ~~3429~~, 201~~79~~. ~~(3-28-18)~~()
 - iii.** Engineering and Technology Education, as revised and adopted on August ~~4629~~, 201~~89~~. ~~(4-11-19)~~()
 - iv.** Health Sciences, as adopted on August ~~4629~~, 201~~89~~. ~~(4-11-19)~~()
 - v.** Family and Consumer Sciences, as revised and adopted on August 16, 2018. (4-11-19)
 - vi.** Skilled and Technical Sciences, as revised and adopted on August ~~4629~~, 201~~89~~. ~~(4-11-19)~~()
 - vii.** Workplace Readiness, as adopted on June 16, 2016. (3-29-17)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)

03. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)

04. The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors. Achievement Level Descriptors as adopted by the State Board of Education on April 14, 2016. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-29-17)

05. The Idaho Content Standards Core Content Connectors. The Idaho Content Standards Core Content Connectors as adopted by the State Board of Education. Copies of the document can be found at the State Board of Education website at <https://boardofed.idaho.gov>. (7-1-19)T

- a.** English Language Arts, as adopted by the State Board of Education on August 10, 2017. (3-28-18)
- b.** Mathematics, as adopted by the State Board of Education on August 10, 2017. (3-28-18)
- c.** Science, as adopted by the State Board of Education on June 19, 2019. (7-1-19)T

06. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement

Standards as adopted by the State Board of Education on October 18, 2017. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (3-28-18)

07. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-2-08)

09. The Idaho Special Education Manual. The Idaho Special Education Manual as adopted by the State Board of Education on October 17, 2018. Copies of the document can be found on the State Board of Education website at <https://boardofed.idaho.gov>. (4-11-19)

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1902

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 Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-133, 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 October 16, 2019.

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:

Section 33-133, Idaho Code requires any new data elements that are added to the state longitudinal data system to be added through the negotiated rulemaking process. This rule will add chronic absenteeism to the state longitudinal data system. Chronic Absenteeism has been historically collected and reported directly to the US Department of Education by the school districts. The US Department of Education has changed how this required data element is reported by the states necessitating this change.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 154](#).

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208)332-1582.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0203-1902
(Only Those Sections With Amendments Are Shown.)

115. DATA COLLECTION.

The State Department of Education will collect the required information from participating school files for state and federal reporting and decision-making. The enrollment collection will contain information about the enrollment of the student attributes such as unique student identifier, active special education, Limited English Proficient (LEP), migrant, grade level, gender, race, and free/reduced lunch status. The collection will be done in ~~mid-October, early February, and May (end of the testing window)~~ in accordance with the reporting requirements established in chapter 10, Title 33, Idaho Code, or as needed for state and federal accountability purposes. Each participating school is required to verify and assure the accuracy of the data submitted in the files. ~~(5-8-09)~~ ()

01. State Data System. In accordance with the provisions of Section 33-133, Idaho Code, the following data elements will be added to the state data system: (3-28-18)

- a. Grade Point Average (GPA); and (3-28-18)
- b. Chronic Absenteeism. ()

IDAPA 08 – STATE BOARD OF EDUCATION
08.02.04 – RULES GOVERNING PUBLIC CHARTER SCHOOLS
DOCKET NO. 08-0204-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-5203, 33-5209A, 33-5209B, 33-5209C, and 33-5210, 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 October 16, 2019.

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:

Pursuant to Section 33-5208B, Idaho Code, a chartering entity may “nonrenew or grant renewal” to a charter school. This rule will add language to the charter renewal and performance certificate review process to clarify what happens to a charter school when an authorizing chartering entity chooses not to review their performance certificate and takes no action to renew or nonrenew a charter.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 155](#).

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582.

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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 08-0204-1901
(Only Those Sections With Amendments Are Shown.)

301. AUTHORIZED CHARTERING ENTITY RESPONSIBILITIES.

01. Monitoring. Notwithstanding Section 300 of these rules, the authorized chartering entity of a public charter school shall be responsible for monitoring the public charter school's operations in accordance with all of the terms and conditions of the performance certificate. ~~(3-20-14)~~ ()

02. Performance Certificate Review. Pursuant to Section 33-5209B, Idaho Code, an authorized chartering entity may renew or nonrenew a charter for a term of five (5) years following the initial three-year term. Should a chartering entity take no action to renew or nonrenew the charter, and the charter school has met all of the existing performance certificate targets, the charter school shall be provisionally renewed until such time as the chartering entity takes action. The five-year term of the renewed charter shall be based on the provisional renewal date. ()

IDAPA 12 – DEPARTMENT OF FINANCE

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

DOCKET NO. 12-0108-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 30-14-605, Idaho Code, and 30-14-608, Idaho Code, SB 1006 (2019).

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 October 16, 2019.

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

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

The proposed rule updates references to federal law.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable

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

Not applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rule is simple in nature as it merely updates references to incorporated federal laws.

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 Patricia Highley at (208) 332-8077.

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 October 23, 2019.

Dated this 30th day of August, 2019.

Patricia Highley
Senior Securities Analyst
Idaho Department of Finance, Securities Bureau
800 Park Blvd., Suite 200
P.O. Box 83720
Boise, Idaho 83720-0031
Office: (208) 332-8077
Fax: (208) 332-8099

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 12-0108-1901
(Only Those Sections With Amendments Are Shown)

053. FEDERAL COVERED SECURITIES (RULE 53).

01. Investment Company Notices. (3-24-05)

a. Notice Requirement. Pursuant to Section 30-14-302, Idaho Code, prior to the offer in this state of a series or portfolio of securities of an investment company that is registered, or that has filed a registration statement, under the Investment Company Act of 1940, that is not otherwise exempt under Sections 30-14-201 through 30-14-203, Idaho Code, the issuer must file a notice with the Administrator relating to such series or portfolio of securities. (3-24-05)

b. Content of Notice. Each required notice shall include the following: (3-24-05)

i. A properly completed Form NF; (3-24-05)

ii. A consent to service of process (Form U-2); (3-24-05)

iii. A filing fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts; and (3-29-17)

iv. Notification of SEC effectiveness. (3-24-05)

c. Renewal of Notice. The effectiveness of a notice required pursuant to Subsection 053.01.a. of this rule may be renewed each year for an additional one (1) year period of effectiveness by filing on or before the expiration of the effectiveness of such notice: (3-24-05)

i. A properly completed Form NF clearly indicating the state file number of the Notice to be renewed; (3-24-05)

ii. A consent to service of process (Form U-2) in accordance with Section 30-14-611, Idaho Code; and (3-24-05)

iii. A renewal fee of three hundred dollars (\$300) for mutual funds and one hundred dollars (\$100) for unit investment trusts. (3-24-05)

d. Amendments. Amendment filings are required for the following: (3-24-05)

i. Issuer name change; (3-24-05)

ii. Address change for contact person; and (3-24-05)

iii. Notification of termination or completion. (3-24-05)

e. Other Documents. Documents other than those required in Subsections 053.01.b., 053.01.c., and 053.01.d. of this rule, unless specifically requested by the Department, should not be filed with the Department. Documents that should be filed with the Department only if specifically requested include, but are not limited to, registration statements, prospectuses, amendments, statements of additional information, quarterly reports, annual reports, and sales literature. (3-29-17)

02. Regulation D Rule 506 Notice Filing. (3-24-05)

a. Notice Requirement. Issuers offering a security in this state in reliance upon Section 30-14-301, Idaho Code, by reason of compliance with Regulation D, Rule 506, adopted by the United States Securities and Exchange Commission, ~~shall be~~ are required to file a notice with the Department or with EFD pursuant to the authority of Section 30-14-302(c), Idaho Code, if a sale of a security in this state occurs as a result of such offering. (3-29-17)()

b. Terms of Notice Filing. The issuer shall file with the Department or with EFD no later than fifteen (15) days after the first sale of a security in this state for which a notice is required under Subsection 053.02.a. of this rule: (3-29-17)

i. One (1) copy of the SEC-filed Form D; and (3-29-17)

ii. The notice filing fee of fifty dollars (\$50). (3-24-05)

iii. A cover letter should be included in the notice filing which states the date in which the first sale of securities occurred in Idaho. (3-24-05)

c. Terms of Late Notice Filing. An issuer failing to file with the Administrator as required by Subsection 053.02.b. of this rule may submit its notice filing ~~as required in Subsection 053.02.b. of this rule~~ with an additional fifty dollars (\$50) late filing payment within thirty (30) days after the first sale of a security in this state. Failure to file a notice on or before the thirtieth day after the first sale of a securities in Idaho will result in the inability of the issuer to rely on Section 30-14-302(c), Idaho Code, for qualification of the offering in Idaho. (3-24-05)()

d. Issuer Agent Registration. Pursuant to Section 30-14-402(b)(5), Idaho Code, an individual who represents an issuer who effects transactions in a federal covered security under Section 18(b)(4)(~~DF~~) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)(~~DF~~)) is not exempt from the registration requirements of Section 30-14-402(a), Idaho Code, if the individual is compensated in connection with the agent's participation by the payment of commissions or other remuneration based, directly or indirectly, on transactions in those securities. In addition, if such person is registered as a broker-dealer or agent in another state or with FINRA, or affiliated with a broker-dealer registered in another state, with the SEC or FINRA, then such person must also be similarly registered in Idaho. (3-29-17)()

(BREAK IN CONTINUITY OF SECTIONS)

083. BROKER-DEALER AGENT/ISSUER AGENT REGISTRATION (RULE 83).

01. Broker-Dealer Agents. Agents of broker-dealers applying for initial registration in the state of Idaho pursuant to Section 30-14-406, Idaho Code, shall file the following: (3-24-05)

a. With CRD, a completed Form U-4; (3-24-05)

b. With CRD, the filing fee specified in Section 30-14-410, Idaho Code; (3-24-05)

c. With CRD, proof of successful completion of the applicable examinations specified in Section 103 of these rules; (3-24-05)

d. With the Department, any additional documentation, supplemental forms and information as the Administrator may deem necessary; (3-24-05)

e. With the Department, Subsections 083.01.a. through 083.01.d. of this rule, for any agent of a non-FINRA member. (3-29-17)

02. Agents of Issuer. (3-24-05)

a. Agents of issuers applying for initial registration in the state of Idaho pursuant to Section 30-14-406, Idaho Code, shall file the following with the Department: (3-24-05)

i. A completed Form U-4; (3-24-05)

ii. The fee specified in Section 30-14-410, Idaho Code; (3-24-05)

iii. Proof of successful completion of the applicable examination(s) specified in Section 103 of these rules; (3-24-05)

iv. Proof of a bond of a surety company duly authorized to transact business in this state, said bond to be in the sum of ten thousand dollars (\$10,000) and conditioned upon faithful compliance with the provisions of the Act by the agent, such that upon failure to so comply by the agent, the surety company ~~shall be~~ **is** liable to any and all persons who may suffer loss by reason thereof. Provided, however, that the obligation of the surety bond must be maintained at all times in the amount therein provided; and provided further, that a certificate of deposit issued by any bank in the state of Idaho and assigned to the Administrator in an amount equal to the bond which would otherwise be required may be accepted by the administrator in lieu of a bond, if the certificate of deposit is maintained at all times in the amount and manner herein provided during the term for which the registration is effective and for three (3) years thereafter; ~~(3-24-05)~~ ()

v. Any additional documentation, supplemental forms and information as the Administrator may deem necessary. (3-24-05)

b. An individual who represents an issuer that effects transactions in a federal covered security under Section 18(b)(3) (transactions relating to “qualified purchasers” as that term may be defined by the SEC), ~~18(b)(4)(D) (commonly known as Regulation A, Tier 2)~~, or 18(b)(4) ~~(DF)~~ (commonly known as Regulation D, Rule 506) of the Securities Act of 1933 is not exempt from the registration requirements of Section 30-14-402(a), Idaho Code, if the individual is compensated, directly or indirectly, for participation in the specified securities transactions. ~~(3-24-05)~~ ()

c. Exceptions for officers. If there are not more than two (2) officers of an issuer, such officers may be registered as agents for a particular original offering of the issuer’s securities without ~~being required~~ **having** to pass such written examination or file an agent’s bond as required by Subsection 083.02.a.iii. and 02.a.iv. of this rule, unless such person has registered under this rule within the prior five (5) years. ~~(3-24-05)~~ ()

03. Incomplete Applications. After a period of six (6) months from date of receipt, an incomplete application will automatically be considered abandoned and withdrawn if the requirements have not been fulfilled. (3-24-05)

04. Annual Renewal. (3-24-05)

a. Broker-Dealer Agent. Agents of FINRA members shall renew their registrations by submitting the renewal fee specified in Section 30-14-410, Idaho Code, to the CRD. Agents of non-FINRA members shall renew their registrations by submitting a completed renewal application and a renewal fee as specified in Section 30-14-410, Idaho Code. (3-29-17)

b. Issuer Agent. Issuer agents shall renew their registrations by submitting a completed renewal application and a renewal fee as specified in Section 30-14-410, Idaho Code. (3-24-05)

05. Updates and Amendments. (3-24-05)

a. A broker-dealer agent or agent of issuer must file with CRD, or with this Department, in accordance with the instructions in Form U-4, any amendments to the broker-dealer agent’s or issuer agent’s Form U-4. It is the responsibility of each broker-dealer agent or issuer agent to assure that current and accurate information is on file with the Department at all times. If information in an application for registration becomes inaccurate or incomplete, additional information must be submitted through updates on the Form U-4 or by direct notice to the Department. (3-24-05)

b. An amendment will be considered to be filed promptly if the amendment is filed within thirty (30) days of the event that requires the filing of the amendment. (3-29-17)

c. Litigation Notice. Any broker-dealer agent or issuer agent shall notify the Administrator in writing or through the CRD of any civil, administrative, or criminal complaint, petition, or pleading issued or filed against him and of any bankruptcy proceeding filed by or against him within thirty (30) days of his receipt of the initial pleading. This requirement shall not include minor traffic violations or minor civil actions unrelated to the registrant's business as a broker-dealer. (3-24-05)

d. Notice of Address. Every broker-dealer agent and issuer agent shall provide the Department with an address sufficiently descriptive to allow service of process pursuant to the Idaho Rules of Civil Procedure. (3-24-05)

e. Change of Name. If a registered broker-dealer agent or issuer agent changes his or her name, notice of such must be submitted to the CRD or this Department within a reasonable time after the effective date of the change. The name change will not be effective in this state until the notice is received. (3-24-05)

06. Completion of Filing. An application for initial or renewal registration is not considered complete for purposes of Section 30-14-406(c), Idaho Code, until the required fee and all *required* amendments, including submissions requested by the Department, have been received by the Department. (~~3-24-05~~)()

07. Deferral of Effectiveness. The Administrator may defer the effective date of any registration until noon on the forty-fifth day after the filing of any amendment completing the application. (4-11-06)

(BREAK IN CONTINUITY OF SECTIONS)

095. INVESTMENT ADVISER BROCHURE RULE (RULE 95).

An investment adviser registered or required to be registered under the Act shall, in accordance with 17 CFR 275.204-3 under the Investment Advisers Act of 1940, deliver to each advisory client and prospective advisory client with a written disclosure statement that may be either a copy of Part 2 of its Form ADV which complies with 17 CFR 275.204-1(b) of the Investment Advisers Act of 1940, or a written document containing at least the information then so required by Part 2 of Form ADV. (~~3-29-17~~)()

IDAPA 12 – DEPARTMENT OF FINANCE
12.01.09 – RULES PURSUANT TO THE IDAHO CREDIT CODE
DOCKET NO. 12-0109-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Section 28-46-104(1)(e), 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 October 16, 2019.

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

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

The proposed rule updates references to federal law and regulations applicable to persons originating and servicing consumer credit transactions.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the August 7, 2019 Idaho Administrative Bulletin, [Vol. 19-8, pages 65 and 66](#).

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:

Section 28-41-302, Idaho Code, defines the federal Consumer Credit Protection Act and its implementing regulations for incorporation into the Idaho Credit Code and the Rules Pursuant to the Idaho Credit Code. This proposed rule updates incorporations by reference to the laws and regulations that are included within the federal Consumer Credit Protection Act, thereby promoting consistency in state and federal consumer financial services laws so that Idaho consumer financial service providers are not faced with an untenable requirement of complying with conflicting state and federal laws.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anthony Polidori at (208) 332-8060.

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 October 23, 2019.

Dated this 30th day of August, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd., Suite 200
P.O. Box 83720
Boise, Idaho 83720-0031
Office: (208) 332-8060
Fax: (208) 332-8099

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 12-0109-1901
(Only Those Sections With Amendments Are Shown)

005. INCORPORATION BY REFERENCE (RULE 5).

For the purpose of the Act and ~~the~~ “Rules Pursuant to the Idaho Credit Code,” *incorporate by reference* the full text of the federal Consumer Credit Protection Act, 15 U.S.C., Chapter 41, et seq., and regulations issued pursuant to that act, *including the are incorporated by reference as follows*: ~~(4-11-19)()~~

01. The Truth in Lending Act. Consumer Credit Cost Disclosure Act or “The Truth in Lending Act.” As set forth in 15 U.S.C. 1601, et seq., as amended to and including January 1, 20~~19~~20. The Truth in Lending Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapI.htm>. ~~(4-11-19)()~~

02. Regulation Z. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1026, et seq., as amended to and including January 1, 20~~19~~20. Regulation Z is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol9/xml/CFR-2018-title12-vol9-part1026.xml>. ~~(4-11-19)()~~

03. Restrictions on Garnishment Act. As set forth in 15 U.S.C. 1671, et seq., as amended to and including January 1, 20~~19~~20. The Restrictions on Garnishment Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapII.htm>. ~~(4-11-19)()~~

04. Credit Repair Organizations Act. As set forth in 15 U.S.C. 1679, et seq., as amended to and including January 1, 20~~19~~20. The Credit Repair Organizations Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapII-A.htm>. ~~(4-11-19)()~~

05. Credit Reporting Agencies Act or “Fair Credit Reporting Act.” As set forth in 15 U.S.C. 1681, et seq., as amended to and including January 1, 20~~19~~20. The Fair Credit Reporting Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapIII.htm>. ~~(4-11-19)()~~

06. Regulation V. As set forth in 12 CFR 1022, et seq., as amended to and including January 1, 20~~19~~20. Regulation V is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1022.xml>. ~~(4-11-19)()~~

07. Equal Credit Opportunity Act. As set forth in 15 U.S.C. 1691, et seq., as amended to and including January 1, 20~~19~~20. The Equal Credit Opportunity Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapIV.htm>. ~~(4-11-19)()~~

08. Regulation B. As set forth in 12 CFR 1002, et seq., as amended to and including January 1, 20~~19~~20. Regulation B is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1002.xml>. ~~(4-11-19)()~~

09. Debt Collection Practices Act or “Fair Debt Collection Practices Act.” As set forth in 15 U.S.C. 1692, et seq., as amended to and including January 1, 20~~19~~20. The Fair Debt Collection Practices Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapV.htm>. ~~(4-11-19)()~~

10. Electronic Funds Transfer Act. As set forth in 15 U.S.C. 1693, et seq., as amended to and including January 1, 20~~19~~20. The Electronic Funds Transfer Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapVI.htm>. ~~(4-11-19)()~~

11. Regulation E. As set forth in 12 CFR 1005, et seq., as amended to and including January 1, 20~~19~~²⁰. Regulation E is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1005.xml>. ~~(4-11-19)~~ ()

12. Availability of Documents. Unless otherwise unavailable, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance, ~~as noted in Section 002 of these rules.~~ ~~(4-11-19)~~ ()

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.10 – RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 26-31-103(2)(b), 26-31-204(5), 26-31-302(1)(a), and 26-31-302(2), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 2019.

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

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

The proposed rule updates references to federal law and regulations applicable to the business of mortgage origination and eliminates duplicative rules relative to disclosure requirements.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the August 7, 2019 Idaho Administrative Bulletin, [Vol. 19-08, pages 67 and 68](#).

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:

Idaho Code Section 26-31-102 defines Regulations X and Z, the Real Estate Settlement Procedures Act, and the Truth in Lending Act for incorporation into the Idaho Residential Mortgage Practices Act and Idaho Mortgage Rules pursuant to that Act. This proposed rule promotes consistency in state and federal mortgage-related laws so that Idaho mortgage licensees are not faced with an untenable requirement of complying with conflicting state and federal laws.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anthony Polidori at (208) 332-8060.

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 October 23, 2019.

Dated this 30th day of August, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd., Suite 200
P.O. Box 83720
Boise, Idaho 83720-0031
Office: (208) 332-8060
Fax: (208) 332-8099

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 12-0110-1901
(Only Those Sections With Amendments Are Shown)

005. INCORPORATION BY REFERENCE (RULE 5).

For the purposes of the Act and the “Rules Pursuant to the Idaho Residential Mortgage Practices Act,” the full text of the following are incorporated by reference the full text of the following: (4-4-13)()

01. The Real Estate Settlement Procedures Act. As set forth in 12 U.S.C. 2601, et seq., as amended to and including January 1, 2019. The Real Estate Settlement Procedures Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title12/html/USCODE-2016-title12-chap27.htm>. (4-11-19)()

02. Regulation X. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1024, et seq., as amended to and including January 1, 2019. Regulation X is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol8/xml/CFR-2018-title12-vol8-part1024.xml>. (4-11-19)()

03. The Truth in Lending Act. As set forth in 15 U.S.C. 1601, et seq., as amended to and including January 1, 2019. The Truth in Lending Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41.htm>. (4-11-19)()

04. Regulation Z. As issued by the federal Bureau of Consumer Financial Protection and codified at 12 CFR 1026, et seq., as amended to and including January 1, 2019. Regulation Z is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title12-vol9/xml/CFR-2018-title12-vol9-part1026.xml>. (4-11-19)()

05. Availability of Documents. Unless otherwise available, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance, ~~as noted in Section 002 of these rules.~~ (4-4-13)()

(BREAK IN CONTINUITY OF SECTIONS)

050. WRITTEN DISCLOSURES (RULE 50).

01. Receipt of an Application. Upon receipt of an application as defined in Subsection 006.02 of these rules, and before receipt of any moneys from a borrower, a licensee or person required to be licensed under the Act shall make available to each borrower information, in a manner acceptable to the Director, about the services authorized under the Act that he may provide to a borrower. (3-25-16)

~~**02. Information Provided After Receipt of an Application.** After receipt of a residential mortgage loan application, a licensee or person required to be licensed under the Act shall provide to the borrower the following disclosures specific to the residential mortgage loan application: (3-25-16)~~

~~**a.** Disclosures in compliance with the requirements of the Truth-in-Lending Act and Regulation Z. (3-25-16)~~

~~**b.** Disclosures in compliance with the requirements of the Real Estate Settlement Procedures Act and Regulation X. (3-25-16)~~

~~**03.** Loan Modification Confirmation.~~ Within three (3) business days, including Saturdays, of receipt of a notice from a creditor or its agent of a loan modification offer, a licensee or person required to be licensed under the Act shall deliver or send by first-class mail to the borrower a written confirmation of the terms of the loan modification offer. Such confirmation shall include information regarding proposed rates, payments, and loan balance. (3-29-10)

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.11 – RULES PURSUANT TO THE IDAHO COLLECTION AGENCY ACT

DOCKET NO. 12-0111-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. This action is authorized pursuant to Sections 26-2228(4) and 26-2248, 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 October 16, 2019.

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

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

The proposed rule updates references to federal law applicable to the business of debt collections.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: Not applicable

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the August 7, 2019 Idaho Administrative Bulletin, [Vol. 19-08, pages 69 and 70](#).

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:

Idaho Code § 26-2229A incorporates the provisions of the federal Fair Debt Collection Practices Act into the Idaho Collection Agency Act. This proposed rule incorporates the federal Fair Debt Collection Practices Act by reference, thereby promoting consistency in state and federal debt collection laws so that Idaho collection agency licensees are not faced with an untenable requirement of complying with conflicting state and federal laws.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anthony Polidori at (208) 332-8060.

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 October 23, 2019.

Dated this 30th day of August, 2019.

Anthony Polidori
Consumer Finance Bureau Chief
Idaho Department of Finance
800 Park Blvd., Suite 200
P.O. Box 83720
Boise, Idaho 83720-0031
Office: (208) 332-8060
Fax: (208) 332-8099

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 12-0111-1901
(Only Those Sections With Amendments Are Shown)

005. INCORPORATION BY REFERENCE (RULE 5).

For the purposes of the Act and the “Rules Pursuant to the Idaho Collection Agency Act,” the full text of the following is incorporated by reference ~~the full text of the following:~~ (4-11-19)()

01. Fair Debt Collection Practices Act. As set forth in 15 U.S.C. 1692, et seq., as amended to and including January 1, 20~~19~~²⁰. Fair Debt Collection Practices Act is available for viewing online at: <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title15/html/USCODE-2016-title15-chap41-subchapV.htm>. (4-11-19)()

02. Availability of Documents. Unless otherwise available, the documents incorporated by reference may be viewed at the central office of the Idaho Department of Finance, ~~as noted in Section 002 of these rules.~~ (4-11-19)()

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1801AP

NOTICE OF AMENDED PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at an August 22, 2019 special meeting the Commission amended by proclamation the 2019 to 2020 Idaho Upland Game, Turkey, and Furbearer Proclamation by adding the following:

Two new fall Landowner Permission Hunts for hens only in portions of GMUs 22, 31, 32 on private lands. Tag limit is 50 tags for each hunt and seasons run from December 1 – December 31 and January 1 – February 14, respectively.

Two new fall turkey Landowner Permission Hunts for hens only in GMU 38 on private lands. Tag limit is 50 tags for each hunt and seasons run from September 1 – December 31 and January 1 – March 30, respectively.

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

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

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

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

DOCKET NO. 13-0109-1903P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at an August 22, 2019 special meeting the Commission adopted by proclamation the 2019 Sage grouse Season, establishing a season and limit for hunting in Idaho.

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

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1901AP

NOTICE OF AMENDED PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at an August 22, 2019 special meeting the Commission amended by proclamation the 2019 Idaho Steelhead Seasons for the Salmon, Clearwater, and Snake Rivers, establishing seasons and limits for fishing in Idaho. The amendments include but are not limited to the following:

Reducing the limit to 1 steelhead per day and the possession limit to no more than 3 steelhead in possession on the Clearwater, Salmon, and Snake Rivers.

Requiring that anglers do not keep steelhead greater or equal to 28 inches in length on the Clearwater River and on a portion of the Snake River

Changing the opening day for fall steelhead fishing from August 1 to August 24 on the Clearwater River from its mouth upstream to the Memorial Bridge of U.S. Highway 12 at Lewiston.

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

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

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.11 – RULES GOVERNING FISH

DOCKET NO. 13-0111-1904P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that at an August 22, 2019 special meeting the Commission adopted by proclamation the 2019 Idaho Fall Chinook Season, establishing seasons and limits for fishing in Idaho.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME
13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING
FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, this agency hereby gives notice of proposed rulemaking. The action is authorized by Sections 36-104 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 October 16, 2019.

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

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

The proposed rule change would remove the general requirement that diverters be used on ground set snares for gray wolf trapping, but would allow the Commission to require diverters in specific areas based on levels of non-target catch of animals that might be avoided by diverter use. The proposed rule would also require ground set snares for gray wolf trapping to use both a breakaway device and a cable stop; the current rule requires the use of at least one of these devices.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The proposed rule 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: Not Applicable.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, a Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 54](#). The agency received 311 responses via on-line submissions during the 21-day comment period. One negotiated rulemaking meeting was conducted on July 22, 2019 to share information and discuss a draft rule prepared by the agency. Seventeen people participated in the negotiated rulemaking meeting. The meeting did not result in consensus, and polarized opinions stated by meeting participants on issues within and beyond the scope of rulemaking are not suited to further negotiation. The agency considered public input received and proceeded with proposed rulemaking.

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 Cory Mosby at (208) 334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 27th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT TO DOCKET NO. 13-0117-1901
(Only Those Sections With Amendments are Shown)

400. TRAPPING BIG GAME ANIMALS.

Trapping may be used to take ONLY gray wolf and ONLY under the following conditions. (6-30-19)T

01. Methods of Take When Trapping. No person trapping gray wolf may: (6-30-19)T

a. Use any set, EXCEPT a ground set. (6-30-19)T

b. Use for bait or scent, any part of a domestic or wild origin game bird, big game animal, upland game animal, game fish, or protected nongame wildlife; EXCEPT: (6-30-19)T

i. Gray wolves may be trapped near a big game animal that has died naturally and the carcass has not been repositioned for trapping purposes. Natural causes shall not include any man-caused mortality. (6-30-19)T

ii. Gray wolves may be trapped using a carcass of a legally taken gray wolf with the hide removed. (6-30-19)T

iii. Gray wolves may be trapped using the parts of accidentally killed wildlife salvaged in accordance with IDAPA 13.01.10, "Rules Governing the Importation, Possession, Release, Sale or Salvage of Wildlife," Subsections 300.02.c. and 300.02.d. in Game Management Units as identified by the Commission's Big Game Season Proclamation, adopted and published in accordance with Section 36-105(3), Idaho Code. (6-30-19)T

c. Use any set within thirty (30) feet of any visible bait; including bait allowed in Subsection 400.01.b. (6-30-19)T

d. 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. (6-30-19)T

e. Use live animals as a bait or attractant. (6-30-19)T

f. Place any ground set on, across, or within ten (10) feet of the edge of any maintained unpaved public trail. (6-30-19)T

g. 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. (6-30-19)T

h. Place any ground set incorporating snare, trap, or attached materials within three hundred (300) feet of any designated public campground, trailhead, paved trail, or picnic area, except cage or box live traps may be placed within these areas as allowed by city, county, state, and federal law. (6-30-19)T

i. Place or set any ground set snare without ~~a diverter, or without~~ a break-away device or cable stop incorporated within the loop of the snare. (6-30-19)T()

j. Place or set any ground set snare without a cable stop incorporated within the loop of the snare. ()

k. Place any ground set incorporating a foothold trap with an inside jaw spread greater than nine (9) inches. (6-30-19)T

l. Trap any gray wolf within one-half (1/2) mile of any active Department of Fish and Game big game

feeding site. (6-30-19)T

m. Trap gray wolf within two hundred (200) yards of the perimeter of any designated dump ground or sanitary landfill. (6-30-19)T

n. Place or set any ground set snare without two (2) diverters in an area identified by Commission Proclamation as requiring their use (based on levels of non-target catch of animals whose capture may be avoided by diverter use). ()

02. Trapping Hours. Trapped gray wolves may be dispatched any time of day or night. (6-30-19)T

03. Wounding and Retrieving. No person may wound or kill any big game animal without making a reasonable effort to retrieve it and reduce it to possession. (6-30-19)T

04. Unlawful Methods of Take. No person may take big game animals in violation of IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals in the State of Idaho" Section 410; EXCEPT trapped gray wolves may be dispatched with any rimfire rifle, rimfire handgun or any muzzleloading handgun. (6-30-19)T

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.02.01 – RULES OF THE IDAHO TIME SENSITIVE EMERGENCY SYSTEM COUNCIL

DOCKET NO. 16-0201-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-1024 through 56-1030, 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 October 16, 2019.

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:

To best protect the public's health and safety, the document incorporated in this chapter, "Time Sensitive Emergency Standards Manual," is being revised and updated. Edition 2020-1 of this Standards Manual will become effective July 1, 2020. The revision to these rules will ensure that the most recent edition of the manual has the force and effect of law.

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:

There is no anticipated fiscal impact to the state general fund or any other funds related to 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 July 3, 2019, Idaho Administrative Bulletin, Volume **19-7**, pages **162-163**.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the "Time Sensitive Emergency System Standards Manual," Edition 2020-1, is being incorporated to give it the force and effect of law. This will replace the currently incorporated document, Edition 2019-1. The document is not being published in this chapter of rules due to its length and format, but it is available upon request from Idaho EMS. Once the docket has been finalized and adopted, the manual will be available online at: <https://tse.idaho.gov/>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Melissa Ball at (208) 334-2124.

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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0201-1901
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The Time Sensitive Emergency System Standards Manual, Edition 20~~19~~²⁰-1, is incorporated by reference in this chapter of rules. Copies of the manual may be obtained online at <https://tse.idaho.gov/> or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID 83712-8249.

~~(7-1-19)~~ ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.02 – RULES OF THE IDAHO EMERGENCY MEDICAL SERVICES
(EMS) PHYSICIAN COMMISSION

DOCKET NO. 16-0202-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-1013A and 56-1023, 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 October 16, 2019.

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:

To best protect the public's health and safety, the document incorporated in this chapter, "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," is being revised and updated. Edition 2020-1 of this Standards Manual will become effective July 1, 2020. The revision to these rules will ensure that the most recent edition of the manual has the force and effect of law.

FISCAL IMPACT: The following is a specific description, if applicable, of any 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 the state general fund related to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted and deemed not feasible because the content of the proposed updates to the EMS Physician Commission Standards Manual already represents extensive input from stakeholders gathered on an ongoing basis throughout the year and at the quarterly meetings of the EMS Physician Commission.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the "Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual," Edition 2020-1, is being incorporated by reference into these rules to give it the force and effect of law. This will replace the currently incorporated document, Edition 2019-1. The document is not being published in this chapter of rules due to its length and format, but it is available upon request from Idaho EMS. Once the docket has been finalized and adopted, the manual will be available online at: www.emspc.dhw.idaho.gov.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the 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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0202-1901
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

The Idaho Emergency Medical Services (EMS) Physician Commission has adopted the Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual, edition 20~~19~~²⁰-1, and hereby incorporates this Standards Manual by reference. Copies of the manual may be obtained on the Internet at www.emspc.dhw.idaho.gov or from the Bureau of Emergency Medical Services and Preparedness located at 2224 East Old Penitentiary Road, Boise, ID, 83712-8249, whose mailing address is P.O. 83720, Boise, Idaho 83720-0036. ~~(7-1-19)~~ ()

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.02.14 – RULES GOVERNING CONSTRUCTION AND OPERATION
OF PUBLIC SWIMMING POOLS IN IDAHO

DOCKET NO. 16-0214-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-1003 and 56-1007, 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 October 16, 2019.

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 chapter is being rewritten to update the required sections at the beginning of the chapter, and to remove all obsolete and extraneous restrictive language. This rewrite brings this chapter of rules into conformity with the Red Tape Reduction Act.

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

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

There is no anticipated fiscal impact to state general funds or any other funds related to this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted. However, informal negotiated rulemaking meetings were held in all seven Public Health Districts. In addition, stakeholders were given an email address to send written comments if they could not attend a meeting.

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 Sonja Schriever at (208) 334-6950.

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 October 23, 2019.

Dated this 19th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0214-1901
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

Sections 56-1003 and 56-1007, Idaho Code, grant authority to the ~~Board of Health and Welfare to adopt and to the~~ Director, ~~of the~~ Department of Health and Welfare, to enforce minimum standards of health, safety and sanitation and to establish reasonable fees for services for all public swimming pools within the ~~S~~state of Idaho. (3-16-04)()

001. TITLE, ~~AND SCOPE, AND INTENT.~~

01. Title. These rules are titled IDAPA 16.02.14, "~~Rules Governing~~ Construction and Operation of Public Swimming Pools ~~in Idaho.~~" (4-5-00)()

02. Scope. The provisions of these rules apply to all public swimming pools ~~as hereinafter defined, including all and related~~ facilities ~~incident thereto.~~ The purpose of these rules is to control and regulate the design, construction, operation, and maintenance of ~~such~~ public pools to protect public health and safety. (4-5-00)()

03. Intent. To prevent the spread of communicable disease and to assure a clean and safe environment in public swimming pools. ()

002. ~~WRITTEN INTERPRETATIONS. (RESERVED)~~

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may write statements that pertain to the interpretation of the rules in this chapter, or to the documentation of compliance with the rules of this chapter. The documents are available for public inspection and copying at cost in the main office of the Department of Health and Welfare.~~ (4-5-00)()

003. ADMINISTRATIVE APPEALS.

~~Appeals~~ All contested cases are governed by ~~Idaho Department of Health and Welfare Rules~~ the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-5-00)()

004. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT REQUESTS.

~~The Public Health Districts will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made, unless otherwise exempt, as set forth in Title 74, Chapter 1, Idaho Code.~~ (4-5-00)

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." ()

02. Public Records Act. The Department will comply with Title 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. ()

0065. APPLICABILITY.

All public swimming pools, as defined, ~~shall~~ must be constructed and operated in conformance with these rules. Public swimming pools constructed prior to 1982 that can meet the requirement of Sections 190 through 198 and Sections 230 and 231 ~~of these rules shall~~ are not be required to meet the structural aspects of these rules. These rules ~~shall~~ apply to all public swimming pools ~~except private pools and special-use pools.~~ (4-5-00)()

0076. -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of these rules, the following words and phrases ~~will be~~ are used, as defined below: (4-5-00)()

01. **Bather.** A person who becomes partially or totally immersed in water in a pool. (4-5-00)
02. **Board.** Idaho *State* Board of Health and Welfare. ~~(4-5-00)~~()
03. **Break in Grade.** Where the slope of the bottom of pool exceeds a uniform slope greater than one (1) foot in twelve (12) feet horizontally. (4-5-00)
04. **Department.** Idaho Department of Health and Welfare. (4-5-00)
05. **Director.** Director of the *Idaho* Department of Health and Welfare. ~~(4-5-00)~~()
06. **Director's Designee.** The seven Public Health Districts. (4-5-00)
07. **Geothermal Water.** Water derived from and heated exclusively from the natural heat energy from the earth. (4-5-00)
08. **Geothermal Pool.** A flow-through public pool, which uses water solely derived from and heated exclusively by the natural heat energy from the earth. (4-5-00)
09. **Flow-Through Pool.** A pool fed by a continuous supply of acceptable water that causes an equal volume of water to overflow to waste. (4-5-00)
10. **Lifeguard.** A person who holds a current lifeguard training certificate and basic life support cardiopulmonary resuscitation (CPR) certificate from the American Red Cross, YMCA, Ellis & Associates, or any other equivalent certifying agency approved by the Director's Designee. (4-5-00)
11. **Lifeguard Chair.** An elevated stand erected for use by a lifeguard while superintending the safety of bathers in a pool. The height and location *shall must* afford the user an unobstructed view of all bathers within the pool enclosure. ~~(4-5-00)~~()
12. **Operator.** An individual eighteen (18) years of age or older, who is familiar with the operation of the pool and is responsible for the health and safety of the public using the pool and for operating the pool in compliance with these rules. The operator *shall must* have an approved certification of competency from a Certified Pool Operator (CPO), National Swimming Pool Foundation Certification; an Aquatic Facility Operator (AFO), National Recreation and Parks Association Certification; a National Swimming Pool Institute (NSPI Tech 1), National Spa and Pool Institute Certification Program, District Health Department Certification, or other certification programs approved by the Director designee. The operator *shall must* also have a basic life support cardiopulmonary resuscitation (CPR) certificate and current first aid certification as stated in Subsection 010.10 of these rules. ~~(4-5-00)~~()
13. **Person.** A person, firm, partnership, association, corporation, company, governmental agency, club or organization of any kind. (4-5-00)
14. **Pool.** An artificial structure containing water and its *appurtenances related elements* used or intended to be used for swimming, diving, or recreation. ~~(4-5-00)~~()
15. **Private Pool.** Any pool constructed in connection with or appurtenant to single-family dwellings or condominiums used solely by the persons maintaining their residence within such dwellings and the guests of such persons. (4-5-00)
16. **Public Swimming Pool.** Herein referred to as public pool. A pool, and its *appurtenances related elements*, that contains water more than two (2) feet deep, is used or intended to be used for swimming, diving, or recreational bathing, and is for the use of any segment of the public *pursuant to under* a general invitation but not an invitation to a specific occasion or occasions. ~~(4-5-00)~~()
17. **Remodel.** To replace all or part of any structure, circulation system, or *appurtenance related*

~~element~~ of a pool facility, or to modify to the extent its design, configuration, or operating characteristics differ from those of the original. The term does not include normal maintenance, repair, or replacement of equipment or similar equipment that has previously been approved. Only that which is being remodeled needs to meet current specifications. (4-5-00)()

18. Spa. An artificial structure containing water no more than four (4) feet deep and a recirculation system primarily designed for relaxation or therapeutic use where the user is sitting, reclining, or at rest. (4-5-00)

19. Special-Use Pool. A pool used exclusively for rehabilitating, curing, or treating a disease or disorder. This term also includes geothermal flow-through pools used exclusively for relaxation or therapeutic use where the user is sitting, reclining, or at rest. (4-5-00)

20. Wading Pool. A public pool with water less than two (2) feet deep used mainly by non-swimming children and those supervising the children. (4-5-00)

011. -- 019. (RESERVED)

020. SUBMISSION OF PLANS AND SPECIFICATIONS.

01. Plans. No person ~~shall~~ **may** construct or remodel any public pool until plans, specifications, and a plan review fee have been submitted, and the Director's designee has issued a letter of acceptance. Plans and specifications ~~shall~~ **must** be prepared by an architect or engineer licensed to practice in the state of Idaho. The architect or engineering plans, specifications and reports, ~~shall~~ **must** contain information sufficient to demonstrate the proposed pool is in compliance with these rules and ~~shall so~~ certify **the same**. (4-5-00)()

02. Construction Compliance Certificate. The operator ~~shall~~ **must** submit, prior to public use of new facilities, a construction compliance certificate to the Director's designee. This certificate ~~shall~~ **must**: ()

a. ~~Be~~ **Be** prepared and signed by a professional engineer or architect licensed to practice in the state of Idaho. ~~The certificate shall:~~ **and** ()

b. ~~Include~~ **Include** a statement that the pool and the ~~appurtenances~~ **related elements** have been constructed in accordance with approved plans and specifications. (4-5-00)()

03. Stability. Pools ~~shall~~ **must** be designed and constructed to withstand all anticipated loadings for both full and empty conditions. A hydrostatic relief valve or other suitable means ~~shall~~ **must** be provided in areas having a high water table. The designing architect or engineer ~~shall be~~ **is** responsible for certifying ~~to~~ the structural stability and safety of the pool. (4-5-00)()

021. -- 029. (RESERVED)

030. PERMITS.

No public pool may be open to the public unless the operator has applied for and received a permit. Permits ~~shall~~ expire on December 31 of each year, unless earlier revoked or suspended for violation of these rules. Exempt pools may voluntarily request to obtain a permit and be inspected. Only persons who comply with these rules ~~shall be~~ **are** entitled to receive and retain a permit. Permits are not transferable. (4-5-00)()

031. APPLICATION.

An application for permit ~~shall~~ **must** be made on forms obtained from the Director's designee. (4-5-00)()

032. PERMIT FEE AND PLAN REVIEW FEE.

~~01. Fee Amounts.~~ All applications ~~shall~~ **must** be accompanied by payment of the permit fee of fifty dollars (\$50) annually for each swimming pool. A plan review fee per unit for each swimming pool is one hundred dollars (\$100). (3-16-04)()

033. WAIVER OF FEES.

Upon written application to the Director ~~of the Department of Health and Welfare~~, a waiver of a specific fee may be

granted to an applicant who is required by these rules to pay the fee. ~~(3-16-04)~~()

01. Determination of Good Cause. Good cause for a waiver must be shown before it is granted by the Director. Good cause may include hardship or extenuating circumstances, as determined by the Director. (3-16-04)

02. Duration of Waiver. If the fee sought to be waived becomes due periodically, the fee may be waived for a designated period of time. (3-16-04)

03. Limitations. Granting of a waiver ~~shall~~ will not be considered as precedent or be given any force or effect in any other proceeding. ~~(3-16-04)~~()

034. -- 039. (RESERVED)

040. INSPECTIONS.

The Director's designee is authorized to conduct inspections as deemed necessary to insure compliance with all provisions of these rules and ~~shall~~ will have right of entry at any time the pool is in operation. ~~(4-5-00)~~()

041. NOTICE OF VIOLATION.

If a violation of any provision of these rules is found during an inspection, the inspector ~~shall~~ will provide a written notice of such violation to the operator, which will establish a time frame for correction. ~~(4-5-00)~~()

042. REINSPECTION.

A reinspection will be made to determine if the violation has been corrected. If upon reinspection the violation has been corrected, the pool will be allowed to remain open. If upon reinspection the violation still remains, the permit may be temporarily suspended and the pool closed until such time the violation has been corrected and approved by the Director, or the Director's designee. ~~(4-5-00)~~()

043. -- 049. (RESERVED)

050. TEMPORARY SUSPENSION AND REVOCATION OF PERMITS.

01. Cause. The Director or the Director's designee may temporarily suspend, or ~~may~~ revoke a permit for failure to comply with these rules or in cases where the permit has been obtained through nondisclosure, misrepresentation, or misstatement of a material fact. ~~(4-5-00)~~()

02. Suspension. If the Director or the Director's designee determines that conditions at a public pool constitutes a serious danger to the health or safety of the public, a written order stating the particular reason for suspension ~~shall~~ will be given to the operator; the permit ~~shall~~ will be immediately suspended and the pool closed until such time the condition is corrected. If the violation to these rules has not been corrected and a reinspection shows the violation still remains, a written order stating the particular reason for suspension ~~shall~~ will be given to the operator and the permit ~~shall~~ will be temporarily suspended and the pool closed until such time the condition is corrected. In the event a permit is suspended, the person to whom the permit was issued ~~shall be afforded~~ has the right to appeal ~~pursuant to~~ under Section 003 of these rules. ~~(4-5-00)~~()

03. Revocation. If an operator fails to comply with the orders of a temporary suspension, the permit ~~shall~~ will be revoked unless the operator immediately closes the pool. Before a permit is revoked, the person to whom the permit was issued ~~shall~~ will receive notice in writing indicating items that fail to comply with this chapter. The permit holder ~~shall~~ will be advised of his right to appeal ~~pursuant to Section 003 of these rules~~. ~~(4-5-00)~~()

04. Reissue. The permit may be reissued upon proper application and upon presentation of evidence that the deficiencies or abuses causing revocation have been corrected. ~~(4-5-00)~~()

051. -- 059. (RESERVED)

060. PENALTY.

Any person who willfully violates, disobeys, or disregards the provisions of these rules ~~shall be~~ is guilty of a misdemeanor under the provisions of Section 56-1008, Idaho Code. ~~(4-5-00)~~()

061. -- 069. (RESERVED)

070. CONSTRUCTION REQUIREMENTS: PLUMBING CODES.

All plumbing ~~shall~~ must conform with and meet the provisions of ~~Division of Building Safety~~ IDAPA 07.02.06, "Rules Concerning the Idaho State Plumbing Code;" ~~adopted by the Idaho State Plumbing Board.~~ (4-5-00)()

071. CONSTRUCTION REQUIREMENTS: ELECTRICAL CODE.

All electrical appliances and wiring ~~shall~~ must conform with and meet the provisions of ~~Division of Building Safety~~; IDAPA 07.01.06, "Rules Governing the Use of National Electrical Code;" ~~adopted by the Idaho State Electrical Board.~~ (4-5-00)()

072. CONSTRUCTION REQUIREMENTS: UNIFORM BUILDING CODE.

All buildings ~~shall~~ must conform with and meet the provisions of ~~Division of Building Safety~~ IDAPA 07.03.06¹, "Rules ~~Governing the Use of the Uniform~~ Building ~~Code~~ Safety." (4-5-00)()

073. CONSTRUCTION REQUIREMENTS: MATERIALS.

Pools and all ~~appurtenances thereto shall~~ related elements must be constructed of materials that are inert, nontoxic to humans, impervious, permanent, and enduring; ~~which~~ can withstand the design stresses; and ~~which~~ will provide a tight tank with a smooth and easily cleanable surface, or to which an easily cleaned surface finish can be applied. (4-5-00)()

074. CONSTRUCTION REQUIREMENTS: CORNERS.

Corners formed by intersection of walls and floors ~~shall~~ must be rounded. (4-5-00)()

075. CONSTRUCTION REQUIREMENTS: FINISH.

Pool finish, including bottom and sides, ~~shall~~ must be of light colored material, nontoxic to humans, with a smooth and easily cleanable surface. (4-5-00)()

076. -- 079. (RESERVED)

080. DESIGN DETAIL: DIMENSIONS.

No limits are specified for length and width of pools except any pool in which diving is allowed ~~shall~~ must be at least sixteen (16) feet wide. (4-5-00)()

081. DESIGN DETAIL: CIRCULATION.

Provisions ~~shall~~ must be made for complete, continuous circulation of water throughout all parts of the pool. Pools with a recirculation system ~~shall~~ must have the necessary treatment and filtration equipment as required. Flow-through pools that can meet the bacterial and clarity requirements of Sections 230 and 231 will not be required to meet Sections 250 through 256 and Sections 260 and 261 of these rules. (4-5-00)()

082. DESIGN DETAIL: SHAPE.

The shape of any pool ~~shall~~ must be such that the circulation of water and the safety of bathers are not impaired. (4-5-00)()

083. DESIGN DETAIL: WADING POOLS.

~~All~~ wading pools ~~shall~~ must have a maximum depth of two (2) feet, ~~and shall~~ be physically separated from any pool; ~~The wading pool shall~~ have a turnover rate of at least once every two (2) hours; ~~All wading pools shall~~ have separate equipment for water recirculation and disinfection ~~and there shall be with~~ no cross connections between a wading pool and any other pool; ~~Wading pools shall~~ and be equipped with anti-vortex drains to avoid any possibility of entrapment. (4-5-00)()

084. DESIGN DETAIL: NO DIVING SIGN.

If a pool is not designed for diving, a conspicuous sign ~~shall~~ must be posted ~~which and~~ states, "NO DIVING;" ~~such sign shall and~~ contain lettering no less than six (6) inches high. Pools allowing diving ~~shall~~ must be at least eight (8) feet six (6) inches deep and meet manufacturer's installation criteria. (4-5-00)()

085. DESIGN DETAIL: SAFETY LINE.

A safety line ~~shall be required to~~ **must** provide a visual and physical indicator of the separation between the shallow and deep portions of a pool. ~~The safety line shall~~ **and** be in place when the pool is open to the general public, except during periods of lap swimming, competitive swimming or supervised training. ~~The safety line shall~~ **It must** be located in the shallow area no closer than one (1) foot nor any further than two (2) feet away from the break in grade line or five (5) foot depth. ~~The safety line shall~~ be securely fastened to wall anchors of corrosion-resistant material and of the type that ~~shall be~~ **is** recessed or ~~have~~ **has** no projections that ~~shall would~~ constitute a hazard when the line is removed. ~~and The safety line's position shall~~ be marked with visible floats. (4-5-00)()

086. -- 089. (RESERVED)

090. SLOPE OF FLOOR: SHALLOW AREA.

Any portion of the pool floor with a depth less than five (5) feet ~~shall~~ **must** be uniform, slope to drain, and ~~shall~~ **must** not exceed a slope of more than one (1) foot in twelve (12) feet horizontally. (4-5-00)()

091. SLOPE OF FLOOR: DEEP AREA.

The slope of the pool floor at a water depth of five (5) feet or more ~~shall~~ **must** be uniform, sloped to drain, and ~~shall~~ **must** not exceed a slope of one (1) foot in three (3) feet horizontally. (4-5-00)()

092. -- 099. (RESERVED)

100. SIDE WALLS.

Walls of a swimming pool ~~shall~~ **must** be either: vertical for water depth of at least six (6) feet; or vertical to a depth of three (3) feet below the water surface and then curved to join the bottom with a radius not greater than the difference between the depth at that point and three (3) feet, provided vertical is interpreted to permit slopes not greater than one (1) foot horizontally for each five (5) feet of sidewall depth (eleven (11) degrees from vertical). (4-5-00)()

(BREAK IN CONTINUITY OF SECTIONS)

110. WIDTH OF DECKS AND WALKWAYS.

01. Pool Deck. A pool must have: ()

a. A continuous deck, a minimum of eight (8) feet wide, ~~shall that~~ **extends** completely around the pool ~~if it has one thousand eight hundred (1,800) square feet of surface area, or more;~~ ()

b. ~~except a pool with less than eighteen hundred (1800) square feet of surface area shall have a~~ A continuous deck a minimum of four (4) feet wide ~~if it has less than one thousand eight hundred (1,800) square feet of surface area; and~~ ()

c. A minimum of three (3) feet ~~shall be provided~~ at the rear of any diving equipment or slide. ()

02. Spa. A spa may be constructed adjacent to a pool provided: ()

a. ~~†~~The spa has one hundred twenty (120) square feet of water surface area or less; ()

b. ~~†~~The spa is separated from the pool by a common wall no more than twelve (12) inches wide; ()

c. ~~†~~The common wall is constructed ~~in such a fashion~~ to prevent its use as a walkway; and ()

d. ~~†~~A continuous deck a minimum of four (4) feet wide extends completely around the pool and the spa. (4-5-00)()

111. SLOPE OF DECKS AND WALKWAYS.

Decks ~~shall~~ **must** have a nonslip surface and be sloped to remove any surface drainage from entering the pool water.

Drainage *shall must* be conducted from the deck in a manner that will not create hazardous or objectionable conditions. ~~Drainage from the decks shall and~~ not be returned to the recirculation system. (4-5-00)()

112. -- 119. (RESERVED)

120. LADDERS, RECESSED STEPS, AND STAIRS REQUIREMENTS.

Recessed steps, stairs, or ladders *shall must* be provided at the shallow and deepest end of a pool. If the pool is over thirty (30) feet wide, such steps, ladders, or stairs *shall must* be installed on each side. (4-5-00)()

121. RECESSED STEPS.

Recessed steps *shall must* be readily cleanable and *shall must* be arranged to drain into the pool. The steps *shall must* have a minimum tread of five (5) inches and a minimum width of fourteen (14) inches. (4-5-00)()

122. STAIRS.

Where stairs are provided, they *shall must* be equipped with a handrail, ~~have~~ *have* walking surfaces and treads *shall be that are* of nonslip design ~~and have with~~ the leading edge in contrasting color, ~~have~~ *have* steps ~~shall have with~~ a minimum tread of twelve (12) inches and a maximum rise of ten (10) inches. ~~There shall be and have~~ no abrupt drop-off or submerged projections into the pool, unless guarded by handrails. (4-5-00)()

123. LADDERS.

~~All~~ *All* ladders *shall must* be corrosion-resistant, ~~and shall be~~ equipped with nonslip treads. ~~All ladders shall be so designed as to provide a handhold, and shall be rigidly installed. There shall be and have~~ a clearance of not more than five (5) inches or less than three (3) inches between any ladder and the pool wall. (4-5-00)()

124. HANDRAILS.

Where recessed steps or ladders are provided within the pool, ~~there shall be a~~ handrails *must be positioned* at the top of both sides that extend ~~s~~ over the coping or edge of the deck. ~~Handrails shall and~~ be tight and secure. (4-5-00)()

125. ACCESS TO DIVING BOARDS.

Platforms and steps for diving boards *shall must* be of sufficient structural strength to safely carry the maximum anticipated loads. Steps *shall must* be of corrosion-resistant material, easily cleanable, and of nonslip design. Handrails *shall must* be provided at all steps and ladders leading to diving boards more than one (1) meter above the water. Platforms and diving boards over one (1) meter high *shall must* be protected with guard railings. (4-5-00)()

126. -- 129. (RESERVED)

130. DIVING AREA: HEADROOM.

All pools *shall must* have at least thirteen (13) feet of unobstructed area above each diving board as measured from the front end of the board, and this unobstructed area *shall must* extend horizontally at least sixteen (16) feet forward of the plummet, at least eight (8) feet behind the plummet, and at least eight (8) feet to both sides of the plummet. (4-5-00)()

131. DIVING AREA: WATER DEPTH.

The dimensions of the diving area on public pools *shall must* conform to the following:

Minimum Dimensions					
Height of the diving board above the water level		Depth of water at the plummet	Distance ahead of plummet	Depth of water at the distance L From plummet	Overhang of diving board beyond edge of pool
H		D-1	L	D-2	O-H
Meters	Feet	Feet	Feet	Feet	Feet

0.00 to 0.50	0'0" to 1.7"	8'6"	11'6"	8'6"	3'0"
0.51 to 0.75	1'8" to 2'6"	9'3"	11'6"	9'3"	4'0"
0.76 to 1.00	2'7" to 3'3"	10'0"	14'0"	10'0"	5'0"
1.01 to 3.00	3'4" to 10'0"	13'0"	20'0"	13'0"	6'0"

*Diving boards and platforms in excess of three (3) meters or ten (10) feet in height are not allowed in a pool without special provisions, controls, and definite limitation on their use, which has been approved by the Director's designee.

(4-5-00)()

(BREAK IN CONTINUITY OF SECTIONS)

133. SEPARATION OF LOW DIVING BOARDS.

All diving boards installed on pools at heights not greater than three (3) feet three (3) inches or one (1) meter above the water level *shall must* be separated from adjacent diving boards of the same or less height by a distance of not less than eight (8) feet, and *shall must* be located not less than ten (10) feet from the side wall of the pool.

(4-5-00)()

134. SEPARATION OF HIGH DIVING BOARDS.

All diving boards installed on pools at heights greater than three (3) feet three (3) inches or one (1) meter above the water level *shall must* be separated from adjacent diving boards of the same or less height by a distance of not less than ten (10) feet, and *shall must* be located not less than twelve (12) feet from the side wall of the pool.

(4-5-00)()

135. ANCHORING OF DIVING BOARDS.

All installed equipment *shall must* be firmly anchored.

(4-5-00)()

136. -- 139. (RESERVED)

140. LIGHTING AND ELECTRICAL REQUIREMENTS.

All electrical appliances and wiring *shall must* conform with and meet the provisions of *the Division of Building Safety, IDAPA 07.01.06, "Rules Governing the Use of National Electrical Code," adopted by the Idaho Electrical Board.* Defects in the electrical system, including underwater lights, overhead lights, and their respective lenses, *shall must* be immediately repaired.

(4-5-00)()

141. PORTABLE ELECTRICAL DEVICES.

Portable electrical devices such as announcing systems and radios, unless battery operated, are prohibited within the pool enclosure.

(4-5-00)

142. OVERHEAD WIRING.

There *shall may not* be ~~no~~ *any* overhead electrical wiring within twenty (20) feet horizontal distance of the pool enclosure.

(4-5-00)()

143. UNDERWATER LIGHTING.

Where underwater lighting is used, the lights *shall must* be spaced to provide illumination so all portions of the pool, including the bottom, may be readily seen without glare.

(4-5-00)()

144. -- 149. (RESERVED)

150. VENTILATION.

All indoor pools, bathhouses, dressing rooms, shower rooms, and toilet spaces *shall must* be ventilated either by natural or mechanical means to prevent corrosion or the build-up of mold or mildew.

(4-5-00)()

151. -- 159. (RESERVED)

160. DRESSING ROOMS, TOILETS, AND SHOWERS.

Dressing rooms, toilets, and showers ~~shall~~ **must** be made available to all users of a pool. Dressing rooms ~~shall~~ **must** be finished in light colors and planned so good sanitation can be maintained throughout the buildings at all times. No glass containers ~~shall be~~ **are** permitted. (4-5-00)()

161. LOCATION OF DRESSING ROOMS.

Dressing rooms ~~shall~~ **must** be located near toilets and showers, and should be adjacent to the locker or checkroom. ~~The, and have a~~ layout ~~of the dressing rooms shall be~~ such that bathers, on leaving the dressing room, should pass the toilet and shower en route to the pool. (4-5-00)()

162. FLOORS IN DRESSING ROOMS, TOILETS, AND SHOWERS.

Floors ~~shall~~ **must** be constructed of non-absorbent materials with non-slip finishes ~~and shall~~, slope to properly located drains ~~and have a~~ sufficient number of drains ~~shall be~~ installed to prevent water from collecting on the floor. (4-5-00)()

163. CONSTRUCTION OF DRESSING ROOMS.

The material used for walls, partitions, and furniture ~~shall~~ **must** be such that it can be easily cleaned and will not be damaged by frequent hosing, wetting, or disinfection. (4-5-00)()

164. TOILETS.

Toilet facilities ~~shall~~ **must** be provided for both men and women; ~~shall~~ be accessible to disabled persons; and ~~shall~~ be kept clean and properly maintained. (4-5-00)()

165. SHOWERS.

~~The following must be provided:~~ ()

01. Showers. Showers ~~shall be provided~~ for both men and women, ~~and shall be~~ **that are** accessible to disabled persons. ()

02. Fixtures. Fixtures ~~shall be~~ **that are** kept clean and properly maintained. ()

03. Water Temperature. ~~The~~ Hot water ~~temperature~~ for showers ~~shall be~~ **that is** not less than ninety (90) degrees and no more than one hundred twenty (120) degrees. ()

04. Scald Prevention. Thermostatic tempering, or mixing valves, ~~shall be installed~~ to prevent scalding of bathers. ()

05. Soap. ~~shall be made available.~~ (4-5-00)()

166. HAND SINKS.

A minimum of one (1) hand wash sink with hot and cold running water ~~shall~~ **and soap must** be provided in each toilet room. ~~Soap shall be made available.~~ (4-5-00)()

167. EXCEPTION.

The requirements of Sections 160 through 166 ~~of these rules~~ do not apply to any pool operated solely for and in conjunction with a hotel, motel, or other place of lodging or other facility containing multiple dwellings. However, dressing rooms, toilets, and showers ~~shall~~ **must** be in compliance with ~~this~~ Sections 160 through 166 ~~of these rules~~, if provided in the pool area of hotels, motels, or other facilities containing multiple dwellings. (4-5-00)()

168. -- 169. (RESERVED)

170. WATER SUPPLY.

The water supply serving a pool ~~shall~~ **must** meet the water quality requirements of the Director's designee for potable water except the Director's designee may approve the use of geothermal waters. Drinking water ~~shall~~ **must** be approved and, if applicable, meet ~~the~~ provisions of IDAPA 58.01.08, "Idaho Rules For Public Drinking Water

Systems.” All portions of the water distribution system ~~shall~~ **must** be protected against backflow and cross connections. (4-5-00)()

171. -- 179. (RESERVED)

180. SEWER SYSTEM.

A sewer system ~~shall~~ **must** be provided and be adequate to serve the facility, including bathhouse, locker room, and related accommodations. The sanitary sewer serving the pool and auxiliary facilities ~~shall~~ **must** discharge to a public sewer system wherever possible. Where no such sewer is available, the connection ~~shall~~ **must** be made to a suitable disposal system designed, constructed, and operated in accordance with IDAPA 58.01.03, “Individual/Subsurface Sewage Disposal Rules.” (4-5-00)()

181. -- 189. (RESERVED)

190. HEALTH AND SAFETY: POOL CLOSURE.

The operator ~~shall~~ **must** immediately close the pool when a pool is in violation of Sections 191, 192, 198, and 230 of these rules, or when ordered by the Director or the Director’s designee, ~~and keep~~ **the pool shall remain** closed until such time as conditions are brought into compliance or the order has been rescinded. (4-5-00)()

191. HEALTH AND SAFETY: OPERATOR.

All pools ~~shall~~ **must** have an operator. (4-5-00)()

192. HEALTH AND SAFETY: LIFEGUARD REQUIREMENT.

01. When Lifeguards Are Required. Lifeguard(s) ~~will be~~ **are** required at any public swimming pool when: ()

a. ~~The numbers of bathers within the pool enclosure exceed thirty-five (35); and~~ ()

b. ~~Any pool that allows~~ **Children** under the age of thirteen (13) **are allowed** to swim without adult supervision ~~shall have a lifeguard on duty.~~ ()

02. When Lifeguards Are Not Required. When lifeguard services are not required, a warning sign ~~shall~~ **must**: ()

a. ~~Be~~ **Be** placed in plain view for all swimmers; ~~and shall~~ ()

b. ~~State,~~ **State,** “WARNING NO LIFEGUARD ON DUTY” with clearly legible letters at least four (4) inches in height; ~~and~~ ()

c. ~~In addition, the sign shall~~ **Also** state, “CHILDREN UNDER 13 YEARS OLD SHALL NOT USE THE FACILITY WITHOUT AN ADULT IN ATTENDANCE,” and “DO NOT SWIM ALONE.” (4-5-00)()

193. HEALTH AND SAFETY: LIFEGUARD CHAIRS.

If lifeguard chairs are provided, they ~~shall~~ **must** be ~~so~~ located and constructed ~~as~~ to provide a clear, unobstructed view of the pool bottom in the area under surveillance. (4-5-00)()

194. HEALTH AND SAFETY: LIFESAVING EQUIPMENT.

01. Rescue Tube. Each lifeguard on duty ~~shall~~ **must** have a rescue tube. ()

02. Shepherd’s Crook, Backboard, and First Aid Kit. Every pool ~~shall~~ **must** have: ()

a. ~~At least one (1) shepherd’s crook or life-saving pole, having blunted ends, at least twelve (12) feet in length; Equipment shall be readily accessible and shall be mounted in a conspicuous place and be kept in good repair and ready condition. Each pool shall have~~ ()

b. ~~#A~~ readily accessible full-length backboard that *shall* comply ~~ies~~ with American Red Cross specifications or equivalent. ~~Each pool shall have; and~~ ()

c. ~~#A~~ readily accessible first aid kit and a pocket face mask to assist with CPR. (4-5-00)()

03. Equipment Accessibility and Condition. Equipment must be readily accessible, be mounted in a conspicuous place, and be kept in good repair and ready condition. (4-5-00)()

195. HEALTH AND SAFETY: SAFETY AND SANITATION.

A lifeguard or operator *shall must* be in full charge of bathers and *shall* have authority and responsibility to enforce all rules of safety and sanitation. Suitable placards embodying sanitation requirements are to be conspicuously posted in the pool enclosure. Safety and sanitation requirements are as follows: (4-5-00)()

01. Shower. A cleansing shower should be taken before swimming. (4-5-00)

02. Disease. Persons having an infectious or communicable disease that may be transmitted through water ~~shall be~~ *are* excluded from swimming. (4-5-00)()

03. Running and Roughhousing. No running or rough play ~~shall be~~ *are* permitted. (4-5-00)()

04. Contamination. Contamination of water, walkways, or dressing room floors in any way is prohibited. (4-5-00)

05. Glass. Glass containers ~~shall be~~ *are* prohibited in the pool area. (4-5-00)()

196. HEALTH AND SAFETY: ACCESS.

When the pool is not open for use, access *shall must* be restricted. (4-5-00)()

197. HEALTH AND SAFETY: EMERGENCY COMMUNICATION.

A means of contacting emergency medical services *shall must* be readily accessible and be provided on the premises. (4-5-00)()

198. CLARITY.

Water *shall must* have sufficient clarity at all times so the main drain can be clearly visible from the deck. Failure to meet this requirement ~~shall constitute~~ *is* grounds for immediate closure of the pool. It is the responsibility of the operator to close the pool when conditions exist that the main drain is not visible from the deck. (4-5-00)()

199. (RESERVED)

200. SUPERVISION.

Every pool *shall must* be operated under the supervision of an operator who assumes responsibility for compliance with all parts of these rules. The operator ~~shall be~~ *is* responsible for operating the pool in a safe and healthful manner. (4-5-00)()

201. OPERATIONS MANUAL.

Each pool *shall must* have a readily accessible pool operations manual, ~~in order~~ to ensure proper operation and maintenance. ~~The pool operations manual shall be readily accessible.~~ The operations manual should include instructions for such items as maintenance schedules, records and reports, water chemistry, accidents, emergency procedures, care of filters, operation of pumps and other equipment, and proper handling and storage of all chemicals used. (4-5-00)()

202. RECORD KEEPING.

The following information *shall must* be recorded each day the pool is open, and *shall* be kept on the premises and available for review: (4-5-00)()

01. Disinfectant Levels; (4-5-00)

- 02. pH Readings; (4-5-00)
- 03. Clarity Readings; (4-5-00)
- 04. Amount and Type of Chemicals Used; and (4-5-00)
- 05. **Accidents Requiring Professional Medical Treatment.** Accidents requiring professional medical treatment, including drownings or near drownings. (4-5-00)

203. REPORTABLE ACCIDENTS.

Accidents requiring professional medical treatment, including drownings or near drownings, ~~shall~~ **must** be reported within twenty-four (24) hours of occurrence to the Director's designee. ~~(4-5-00)~~()

204. -- 209. (RESERVED)

210. DEPTH MARKING LOCATIONS.

01. Water Depth. Water depth ~~shall~~ **must** be plainly marked at or above the water surface on the vertical wall of the pool and on the horizontal edge of the deck or walk next to the pool. ()

02. Depth Markers. Depth markers ~~shall~~ **must** be placed at: ()

a. ~~Maximum~~ Maximum and minimum depths; ()

b. ~~The~~ The five (5) foot break between the deep and shallow portions; ()

c. ~~Intermediate~~ Intermediate one (1) foot increments of depth, where the water depth is five (5) feet or less; and ()

d. ~~Regular~~ Regular intervals around the pool, not more than twenty-five (25) feet apart. ~~(4-5-00)~~()

211. DEPTH MARKERS.

Depth markers ~~shall~~ **must** be numerals a minimum of four (4) inches high of a color contrasting with the background, ~~and plainly visible to persons both in and out of the pool.~~ Where depth markers cannot be placed on the vertical walls above the water level, other means ~~shall~~ **must** be used. ~~The markings shall be plainly visible to persons both in and out of the pool.~~ ~~(4-5-00)~~()

212. -- 219. (RESERVED)

220. WATER QUALITY STANDARDS.

Pools ~~shall~~ **must** be designed to provide for continuous disinfection of the pool water with a chemical that has an effective disinfectant and imparts an easily measured, active residual. A test kit for measuring the accurate concentration of the disinfectant ~~shall~~ **must** be provided at each pool. ~~(4-5-00)~~()

221. CHLORINE DISINFECTION.

When chlorine is used, a minimum free available chlorine residual of not less than one (1) part per million (ppm) with a maximum of five (5) parts per million (ppm) ~~shall~~ **must** be maintained whenever a pool is in use. ~~(4-5-00)~~()

222. BROMINE DISINFECTION.

When bromine is used, a minimum residual of not less than one (1) part per million (ppm) with a maximum of five (5) parts per million (ppm) ~~shall~~ **must** be maintained whenever a pool is in use. ~~(4-5-00)~~()

223. CHLORINATED ISOCYANURATES DISINFECTION.

If chlorinated isocyanurates are used, the maximum allowable concentration ~~shall~~ **must** be one hundred (100) parts per million (ppm). When isocyanurates are used, a test kit for measuring the concentration of the stabilizer ~~shall~~ **must** be provided. ~~(4-5-00)~~()

(BREAK IN CONTINUITY OF SECTIONS)

226. ACID BASED CHEMISTRY.

Pool water ~~shall~~ must be maintained in an alkaline condition as indicated by a pH of not less than seven and two-tenths (7.2) and not over seven and eight-tenths (7.8). The total alkalinity of the water should be within the acceptable range of eighty (80) parts per million (ppm) to two hundred (200) parts per million (ppm). An accurate pH testing kit ~~shall~~ must be provided at each pool. (4-5-00)()

227. OTHER CHEMICALS.

Any chemical ~~shall~~ must be used in accordance with the manufacturer's recommendations and ~~shall~~ not cause irritation to the eyes or skin of the bathers, or have other objectionable physiological effects on bathers. (4-5-00)()

228. CHEMICAL STORAGE.

All chemicals ~~shall~~ must be kept from the reach of the general public. ~~Chemicals shall~~ be stored in original containers, and ~~shall~~ be stored in accordance with the instructions of the manufacturer or, in the absence of such instructions, as directed by the Director's ~~D~~designee. (4-5-00)()

229. CLEANING.

01. Pools. Pools ~~shall~~ must be maintained and operated in a clean, safe, and sanitary manner at all times. Pool walls and bottom should be vacuumed or brushed as needed to remove visible material. ()

02. Decks. Decks ~~shall~~ must be kept clean, safe, and maintained in good condition. ()

03. Bathrooms, Showers, and Dressing Rooms. Bathrooms, showers, and dressing rooms ~~shall~~ must be kept clean, safe, and sanitary at all times. (4-5-00)()

230. BACTERIOLOGICAL QUALITY OF POOL WATERS.

The water in public pools ~~shall~~ must not contain the presence of fecal coliform bacteria. If fecal coliform bacteria are present in any sample, a confirmation sample ~~shall~~ must be taken within twenty-four (24) hours. Should any two (2) consecutive water samples taken show the presence of fecal coliform bacteria, the pool ~~shall~~ must be ~~immediately~~ closed immediately until the bacterial quality of the water is found absent for the presence of fecal coliform bacteria. (4-5-00)()

231. MONTHLY SAMPLING.

Pools not required to have a disinfection system, or those pools having a disinfection system but do not meet the requirements of Sections 220 through 225 ~~of these rules, shall be~~ are required to sample the water for the presence of fecal coliform bacteria on a monthly basis. Sampling ~~shall~~ must be done during hours of peak bather loads. (4-5-00)()

232. -- 239. (RESERVED)

240. DISINFECTANT AND CHEMICAL FEEDERS.

01. Feeder. Pools ~~shall~~ must be equipped with a disinfectant feeder or feeders that ~~shall~~ meet the following requirements. Equipment must be: (4-5-00)()

a. ~~Equipment shall be e~~Capable of being easily disassembled for cleaning or repair and ~~shall~~ be constructed of corrosion-resistant materials. (4-5-00)()

b. ~~Equipment shall be e~~Constructed to permit repeated adjustments without loss of output rate accuracy and ~~shall~~ be constructed to minimize stoppage from debris that may be contained in aid chemicals used. (4-5-00)()

c. ~~Equipment shall be d~~Designed specifically for the type of disinfectant used. and (4-5-00)()

d. ~~Equipment shall be p~~Provided with controls for adjusting the flow rate of disinfectant.

(4-5-00)()

02. **Backflow Prevention.** When the disinfectant is introduced at the suction side of the pump, a device or method *shall must* be provided to prevent air lock of the pump or recirculation system. (4-5-00)()

03. **Chlorine Gas Equipment.** When compressed chlorine gas is used, the following additional features *shall must* be provided: (4-5-00)()

a. Chlorine rooms *shall must* have a ventilating fan with an airtight duct beginning near the floor and terminating at a safe point of discharge to the outdoors, away from any occupied area or any fresh air intake. A louvered air intake *shall must* be provided near the ceiling. The ventilating fan *shall must* provide one (1) air change per minute and operate from a switch located outside the door. (4-5-00)()

b. Chlorinator equipment *shall must* be designed to withstand wear without developing leaks. (4-5-00)()

c. Chlorine cylinders *shall must* be anchored in an upright position to prevent falling over. A valve stem wrench *shall must* be maintained on the chlorine cylinder so the supply can be shut off quickly in the case of an emergency. Empty chlorine gas cylinders *shall must* be tagged as such. Full and empty gas cylinders *shall must* be stored only in the chlorine room and have protective hoods in place when not in use. (4-5-00)()

d. A new washer or gasket approved for use on chlorine gas *shall must* be used each time a chlorine cylinder is connected to the chlorinator. Spare washers/gaskets *shall must* be kept on site. (4-5-00)()

e. A self-contained breathing apparatus designed for use in a chlorine atmosphere *shall must* be provided, and *shall* be located in an area outside the chlorination room, ~~and is~~ easily accessible to pool employees. (4-5-00)()

f. An automatic chlorine leak detector or commercial twenty-six (26) degrees Baume Aqua Ammonia *shall must* be provided for chlorine gas leak detection. (4-5-00)()

g. Installation of chlorinator equipment, and operation thereof, *shall must* be carried out by or under the supervision of personnel trained in the installation and operation of such equipment. (4-5-00)()

04. **Hypochlorite Equipment.** When a hypochlorite solution is fed through hypochlorinator equipment, such equipment *shall must* also provide the following additional features: (4-5-00)()

a. ~~Feed shall be p~~Positive feed under all conditions of pressure in the circulating system, without artificial constriction of the pump suction line whether this line is under vacuum or pressure head; (4-5-00)()

b. ~~Shall provide e~~Constant feed with varying supply or back pressure; (4-5-00)()

c. Prevent backflow from the circulation system to the solution container; ~~and~~ (4-5-00)()

d. Prevent siphoning of hypochlorite solution when recirculation pump and hypochlorinator are both turned off. (4-5-00)

241. -- 249. (RESERVED)

250. RECIRCULATION SYSTEM: FLOW RATE.

A recirculation system, consisting of pumps, piping, skimmers, filters, water disinfection equipment, and other accessory equipment *shall must* be so designed and sized as to completely recirculate the pool volume of water at least once every eight (8) hours. (4-5-00)()

251. RECIRCULATION SYSTEM: SIZING.

All equipment and connecting piping *shall must* be designed to reduce friction losses, and for the piping to carry the required quantity of water at a velocity not to exceed six (6) feet per second for suction side pipe, and not more than

ten (10) feet per second for filter discharge pipe. Piping ~~shall~~ must be of non-toxic material, resistant to corrosion, and able to withstand normal operating pressures. It is recommended all plastic pipes conform with NSF Standard 14 for potable water applications of the National Sanitation Foundation (NSF) and bear the NSF seal. ~~(4-5-00)~~()

252. RECIRCULATION SYSTEM: CLEANING.

01. Cleaning System. A cleaning system ~~shall~~ must be provided to remove dirt from the bottom of the pool. ()

02. Integral Vacuum. When a vacuum is used as an integral part of the recirculation system: ()

a. ~~e~~Connections ~~shall~~ must be located in the walls of the pool, at least eight (8) inches below waterline, and at such point the floor of pool can be cleaned: and ()

b. ~~When a vacuum is used as an integral part of the recirculation system, t~~The vacuum system ~~shall~~ must also be designed to preclude any possible entrapment. ~~(4-5-00)~~()

253. RECIRCULATION SYSTEM: FLOW INDICATOR.

A functioning rate-of-flow indicator ~~shall~~ must be installed and located so the recirculation rate will be accurately measured: ~~It shall~~ be accurate within five percent (5%) of true flow, and ~~shall~~ be located in a position that is easy to read. ~~(4-5-00)~~()

254. RECIRCULATION SYSTEM: CLEANING.

A pump and motor unit ~~shall~~ must be provided for the recirculation of water that has been selected to meet the quantity of water required for filtering, and cleaning the filter, with the total dynamic head developed by the complete system. It is recommended the pump comply with requirements of NSF Standard 50, "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," of the National Sanitation Foundation (NSF) and bear the NSF seal. ~~(4-5-00)~~()

255. RECIRCULATION SYSTEM: THERMOMETERS.

Pools equipped with heaters ~~shall~~ must have a minimum of one (1) fixed thermometer located between the heating outlet and the pool. ~~(4-5-00)~~()

256. RECIRCULATION SYSTEM: STRAINER.

The recirculation system ~~shall~~ must include a corrosion-resistant strainer, readily accessible for frequent cleaning. ~~(4-5-00)~~()

257. -- 259. (RESERVED)

260. FILTRATION SYSTEM AND FILTERS.

01. Filtration System. All pools ~~shall~~ must be equipped with a filtration system for the purpose of clarifying the water so it meets or exceeds the minimum clarity requirement. ()

02. Filters. All ~~F~~filters ~~shall~~ must: ()

a. ~~b~~Be designed and sized to achieve the proper turnover rate without exceeding the maximum flow rate: ()

b. ~~All filters shall b~~Be equipped with pressure or vacuum gauges: and ()

c. ~~Any filter used in a pool shall e~~Comply with all applicable requirements of NSF Standard 50, "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," or in the absence of applicable requirements, be approved by the Director's designee. ~~(4-5-00)~~()

261. DISPOSAL OF WASTE.

Provisions ~~shall~~ must be made to dispose of material cleaned from filters and backwash water in a manner that will

not create a nuisance. If drainage to a sanitary sewer or storm drain is permitted, an air gap ~~shall~~ **must** be provided that will positively preclude against surge or backflow introducing contaminated water into the pool or recirculation system. (4-5-00)()

262. -- 269. (RESERVED)

270. WALL INLETS.

01. General Inlet Requirements. Except as otherwise provided in this ~~section rule~~, inlets ~~shall~~ **must**: ()

a. ~~Be~~ rounded and smooth and installed not less than eighteen (18) inches below the normal operating level and located to produce a uniform circulation, without the existence of dead spots: ~~and~~ ()

b. ~~Inlets shall not~~ Not extend from the pool wall or floor so as to create a hazard. ()

02. Wall Inlet Requirements. If wall inlets are used, there ~~shall~~ **must**: ()

a. ~~Be~~ at a minimum of one (1) per each six hundred (600) square feet of pool surface area. ()

b. ~~If wall inlets are used there shall be~~ Be a minimum of two (2) inlets. In case of a shallow pool, the Director's ~~D~~ designee may grant an exception to this requirement if inlets cannot be installed at the depth otherwise required. (4-5-00)()

271. FLOOR INLETS.

Any pool having a width greater than forty (40) feet ~~shall~~ **must** have floor inlets or a combination of wall and floor inlets that meet the requirements of Section 260 ~~of these rules. They shall be~~ **and are** located so they provide general circulation and ~~do~~ not direct flow to floor drains. (4-5-00)()

272. -- 279. (RESERVED)

280. OVERFLOW SYSTEMS.

All pools ~~shall~~ **must** be designed to provide continuous skimming, ~~have~~ overflow gutters or surface skimmers ~~shall be provided. The and have an~~ overflow system ~~shall be~~ designed and installed so the water level of the pool is maintained at the operating level of the rim or weir device. (4-5-00)()

281. OVERFLOW GUTTERS.

~~The gutter, drains, and return piping to the surge system must be designed to rapidly remove overflow water caused by recirculation displacement, wave action, or other causes produced from the maximum pool bathing load.~~ ()

01. General Requirements. Overflow gutters ~~shall~~ **must**: ()

a. ~~e~~ Extend around the entire perimeter of the pool except at steps or recessed ladders: ()

b. ~~Have~~ the gutter lip ~~shall~~ be level within three-tenths (.3) inch: ()

c. ~~The gutter shall be~~ Be capable of continuously removing fifty percent (50%) of the recirculated water and returning it to the recirculation system: ~~and~~ ()

d. ~~Be designed to prevent entrance or entrapment of bathers.~~ ()

02. Overflow Gutters Connected to the Recirculation System. All overflow gutters connected to the recirculation system must be connected in an approved manner, such as a surge tank. ~~The gutter, drains, and return piping to the surge system shall be designed to rapidly remove overflow water caused by recirculation displacement, wave action, or other causes produced from the maximum pool bathing load. Gutters shall be designed to prevent entrance or entrapment of bathers.~~ (4-5-00)()

282. SKIMMERS: REQUIREMENT.

01. Minimum Requirements. There must be provided: ()

a. A minimum of one (1) skimmer ~~shall be provided~~ for each four hundred (400) square feet of water surface area or fraction thereof; ~~and~~ ()

b. ~~There shall be n~~No fewer than two (2) skimmers in every pool. ()

02. Standard Requirements. Any skimmer used in a pool ~~shall~~ **must** comply with all applicable requirements of NSF Standard 50 "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs," of the NSF International or in the absence of applicable requirements, be approved by the Director's designee. (4-5-00)()

283. SKIMMERS: CAPACITY.

01. Total Capacity. The total capacity of all skimmers used ~~shall~~ **must** be a minimum of two-thirds (2/3) of the required filter flow. ()

02. Piping. Piping for skimmers used ~~shall~~ **must** be designed for a capacity of not less than eighty (80) percent of the required filter flow of the recirculation system, and in no case less than thirty (30) gallons per minute per eight (8) inches of weir. (4-5-00)()

284. SKIMMERS: EQUALIZERS.

01. Equalizer Valve and Line. All skimmers used ~~shall~~ **must** be equipped with an approved equalizer valve and an equalizer line with an inside diameter of not less than two (2) inches, installed not less than twelve (12) inches below the normal operating level of the water. ()

02. Inlet to the Equalizer Line. The inlet to the equalizer line or lines ~~shall~~ **must**: ()

a. ~~b~~Be designed to prevent the creation of a holding force whenever the body or limb of a bather comes into contact with the inlet; ~~and~~ ()

b. ~~The inlet shall b~~Be protected by a grill or shroud that will prevent a bather or any limb of a bather from entering the inlet. (4-5-00)()

285. SKIMMERS: LOCATION.

All inlets ~~shall~~ **must** be spaced at least five (5) feet away from any skimmer. One (1) skimmer ~~shall~~ **must** be placed at a point in the pool opposite the direction of the prevailing winds. (4-5-00)()

286. -- 289. (RESERVED)

290. LOCATION OF DRAINS.

Every pool ~~shall~~ **must** have a tandem main drain located in the deepest section of the pool and ~~shall~~ have the ability to empty the pool through this drain. (4-5-00)()

291. MULTIPLE DRAINS.

Multiple drains ~~shall~~ **must** be provided. Outlet drains ~~shall be~~ **must not be** further apart than twenty (20) feet on center. (4-5-00)()

292. DRAIN GRATING.

The main drain outlet grating ~~shall~~ **must**: ()

01. Area of Openings. ~~H~~Have an area of openings four (4) times the area of the discharge pipe or provide sufficient area so the maximum velocity of water passing through the grate will not exceed six (6) feet per second; ()

02. Maximum Width of Openings. ~~The maximum width of~~ Have grate openings ~~shall be~~ with a maximum width of not more than one-half (1/2) inch; and ()

03. Securely Fastened. ~~Main drain grates shall be~~ securely fastened in such a way that they cannot be removed without the use of tools. (4-5-00)()

293. -- 299. (RESERVED)

300. FENCE AND BARRIERS.

01. For Pools Under 1,800 Square Feet. A fence or barrier a minimum of four (4) feet high to exclude unauthorized persons from the pool area ~~shall~~ **must** enclose each public pool with less than one thousand eight hundred (1,800) square feet of surface area. ()

02. For Pools 1,800 Square Feet or Greater. A fence or barrier a minimum of eight (8) feet high to exclude unauthorized persons from the pool area ~~shall~~ **must** enclose each public pool with one thousand eight hundred (1,800) square feet of surface area, or greater. (4-5-00)()

301. -- 309. (RESERVED)

310. GEOTHERMAL POOL EXEMPTIONS.

~~Geothermal pools are hereby exempt from the following rules.~~ (4-5-00)

01. Exemptions. ~~Geothermal pools are hereby exempt from the following rules:~~ (4-5-00)()

a. If a geothermal pool can meet the bacterial requirements of Section 230 of these rules and the clarity requirements of Section 198 of these rules, it will not be required to meet any requirements of Sections 220 through 225, and Sections 240, 250, and 260 of these rules. (4-5-00)()

b. Section 226 of these rules, "Acid Base Chemistry." (4-5-00)()

c. If an existing geothermal pool has a gravel bottom, Sections 075, 271, and Sections 290 through 292 of these rules. (4-5-00)()

02. Remodeling. Remodeling of an existing geothermal pool will not change exemptions. (4-5-00)

311. -- 319. (RESERVED)

320. TECHNICAL WAIVERS OR MODIFICATIONS.

01. Director Waiver. The Director or the Director's designee may waive or modify the requirements of these rules as a condition of the permit to operate a pool, except no technical waiver or modification will be granted from the health and safety portion of these rules. ()

02. Waiver Requirements. The person requesting a technical waiver or modification ~~shall~~ **must** submit a written request to the Director's designee specifying: ()

a. ~~T~~he section number of these rules and the rationale for considering a modification or waiver of the requirements; ()

b. ~~A~~n analysis of the potential public health, safety hazards, and issues associated with the proposed action; and ()

c. ~~S~~cientific data or other information, as appropriate, showing safety or public health will not be compromised by the proposed action. (4-5-00)()

321. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.01 – ELIGIBILITY FOR HEALTH CARE ASSISTANCE FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-1901

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

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

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202, 56-203, 56-209, 56-239, 56-250, 56-253, 56-255, 56-256 and 56-257, 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 October 16, 2019.

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 rulemaking contains the specific changes described below:

*Section 281 provides Medicaid services to inmates of a public institution should they need inpatient care in a hospital. This section will align with the rule in IDAPA 16.03.05, "Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," around the ineligibility of inmates of public institutions;

*Section 400 outlines the rules that govern the newly expanded adult population that may receive Medicaid for people 19 - 64 years of age. This section also includes the pregnancy Medicaid program since the income limits and coverage aligns with other adult coverage; and

*Section 500 removes the relevant rules related to Pregnant Women coverage incorporated into section 400.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) section 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. These rules are a result of statute changes due to the passage of Proposition 2 and S1204 (2019) which take effect 1/1/2020.

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:

These rule changes have no anticipated fiscal impact to the state general fund, will conform language, and will remove conflicting guidelines in IDAPA with state statutes that have already been adopted. These administrative rule changes do not introduce any additional costs.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is to align IDAPA code with statute.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Camille Schiller, (208) 334-5969.

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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
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450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5564
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0301-1901
(Only Those Sections With Amendments Are Shown.)**

281. MEDICAL EXCEPTION FOR INMATES.

An inmate of an ineligible public institution can receive Medicaid while they are an inpatient in a medical institution provided the inmate meets all Medicaid eligibility requirements. Medicaid begins the day the inmate is admitted and ends the day of discharge from the medical institution. (1-1-20)T

1. Inpatient. An inmate is an inpatient when they are admitted to a hospital, nursing facility, ICF/IID, or, if under the age of twenty-one (21), is admitted to a psychiatric facility. (1-1-20)T

2. Not an Inpatient. An inmate is not an inpatient when receiving care on the premises of a correctional institution. (1-1-20)T

~~281~~ -- 289. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

~~400. PARENTS AND CARETAKER RELATIVES ELIGIBLE FOR~~ MEDICAID ~~COVERAGE~~ **FOR ADULTS.**

~~In order for an individual in a household budget unit to be eligible for Medicaid coverage, the individual must meet the requirements in Subsections 400.01 through 400.06 of this rule.~~ Medicaid is available for the following adults: (4-11-15)(1-1-20)T

01. Parent, Caretaker Relative, or a Pregnant Woman. (1-1-20)T

a. The individual ~~must be~~ who is a parent, caretaker relative, or a pregnant woman in the household budget unit. (4-11-15)(1-1-20)T

~~02b. Responsible for Eligible Dependent Child.~~ The individual ~~must be~~ who is responsible for an eligible dependent child, which includes the unborn child of a pregnant woman. (4-11-15)(1-1-20)T

~~03c. Live in Same Household.~~ The individual ~~must~~ who lives in the same household with the eligible

dependent child.

~~(4-11-15)~~(1-1-20)T

02. Adults Under Age 65. The individual must: (1-1-20)T

a. Be age nineteen (19) or older and under age sixty-five (65); (1-1-20)T

b. Not entitled to or enrolled in Medicare Part A or Part B; and. (1-1-20)T

c. Not otherwise eligible for any other coverage under the State Plan. (1-1-20)T

043. MAGI Income Eligibility. For any of the eligibility groups described in Subsections 400.01 and 02, ~~7~~ the individual must meet all income requirements of the Medicaid program for eligibility determined according to MAGI methodologies identified in Sections 300 through 303, and 411 of these rules. Eligibility is based on:

~~(4-11-15)~~(1-1-20)T

a. The number of members included in the household budget unit; ~~and~~ ~~(3-20-14)~~(1-1-20)T

b. All countable income for the household budget unit; ~~and~~ ~~(3-20-14)~~(1-1-20)T

c. Eligible individuals will have income calculated using their modified adjusted gross income (MAGI). Individuals with MAGI not greater than one hundred thirty-three per cent (133%) after applying a five per cent (5%) disregard to income are eligible to receive Medicaid in this section. (1-1-20)T

054. Member of More Than One Budget Unit. No person may receive benefits in more than one (1) budget unit during the same month. (3-20-14)

065. More Than One Medicaid Budget Unit in Home. If there is more than one (1) Medicaid budget unit in a home, each budget unit is considered a separate unit. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

419. TRANSITIONAL MEDICAID FOR ~~ADULTS~~ PARENTS AND CARETAKER RELATIVES.

Participants who no longer qualify for Medicaid due to an increase in earned income or working hours are eligible for an additional twelve (12) months of Medicaid. Participants must have been eligible for Medicaid during at least three (3) of the six (6) months immediately preceding the month in which the participant became ineligible.

~~(3-25-16)~~(1-1-20)T

(BREAK IN CONTINUITY OF SECTIONS)

421. PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.

A pregnant woman who receives health care assistance and becomes ineligible because of an increase in income will continue to receive coverage through the end of the month in which the sixtieth day of her postpartum period falls.

(1-1-20)T

~~421.2.~~ -- ~~49~~519. (RESERVED)

*Pregnancy-Related Health Coverage
(Sections 500—519)*

500. PREGNANT WOMAN COVERAGE.

~~A pregnant woman of any age is eligible for the Pregnant Woman coverage if she meets all of the non-financial and financial criteria of the coverage group. Health care assistance for Pregnant Woman coverage is limited to pregnancy-related and postpartum services. The Pregnant Woman medical assistance coverage extends through the~~

~~sixty (60) day postpartum period if she was eligible to receive medical assistance when the child was born. (3-28-18)~~

~~01. **Income Limit.** The individual's calculated income must not exceed one hundred thirty-three percent (133%) of the Federal Poverty Guidelines (FPG) for her family size in the application month. (3-20-14)~~

~~02. **Household Size.** The household budget unit consists of the pregnant woman, the unborn child or children if expecting more than one (1) child, and any individual determined to be part of the household budget unit based on MAGI methodologies as identified in Sections 300 through 303, and 411 of these rules. (3-20-14)~~

~~03. **Income Disregards.** A standard disregard in the amount of five percent (5%) of Federal Poverty Guidelines (FPG) for family size is applied to the MAGI income of the pregnant woman if the disregard is necessary to establish income eligibility. (3-20-14)~~

~~04. **Continuing Eligibility.** The pregnant woman remains eligible during the pregnancy regardless of changes in income. The woman must report the end of pregnancy to the Department within ten (10) days. (3-20-14)~~

~~501. **PREGNANT WOMAN INELIGIBLE BECAUSE OF EXCESS INCOME.**~~

~~A pregnant woman who receives health care assistance and becomes ineligible because of an increase in income will continue to receive coverage through the end of the month in which the sixtieth day of her postpartum period falls. (3-20-14)~~

~~502. **PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN.**~~

~~Presumptively eligible (PE) pregnant woman coverage is designed to provide some prenatal care during the time between the pregnancy diagnosis and the eligibility determination. (3-20-14)~~

~~01. **Pregnancy Diagnosis and Eligibility Determination.** A pregnant woman can get limited ambulatory prenatal care as a presumptively eligible (PE) pregnant woman through the end of the month after the month the provider completes the PE determination. (3-20-14)~~

~~02. **Qualified Provider Completes Eligibility Determination.** A qualified PE provider accepts written requests for these services and completes the eligibility determination. (3-20-14)~~

~~03. **Formal Application.** The qualified PE provider must inform the participant how to complete the formal application process. (3-20-14)~~

~~04. **Notification of Eligibility Determination Results.** Qualified PE providers are required to send the result of the PE decision and the completed application for the Pregnant Woman coverage to the Department within two (2) working days of the PE determination. (3-20-14)~~

~~05. **Presumptive Eligibility Decisions.** Notice and hearing rights of the Title XIX Medicaid program do not apply to the PE decisions. An individual is eligible for only one (1) period of PE coverage during each pregnancy. (3-20-14)~~

~~503.—519: (RESERVED)~~

(BREAK IN CONTINUITY OF SECTIONS)

545. PRESUMPTIVE ELIGIBILITY FOR CHILDREN AND ~~PARENTS~~ ADULTS.

Presumptive eligibility determination for qualifying medical coverage groups can only be provided by a qualified hospital defined in Section 011 or these rules. ~~(3-20-14)~~ (1-1-20)T

01. **Presumptive Eligibility Decisions.** Decisions of presumptive eligibility can only be made for children up to age nineteen (19), parents or caretaker relatives with an eligible child in their household, or pregnant women individuals, who meet program requirements for MAGI-based Medicaid coverage for families and children. ~~(4-11-15)~~ (1-1-20)T

02. Presumptive Eligibility Determination. Presumptive eligibility determinations are made by a qualified hospital when an individual receiving medical services is not covered by health care insurance and the financial assessment by hospital staff indicates the individual is eligible for Medicaid Coverage in Idaho. This determination is made by hospital staff through an online presumptive application process: (3-20-14)

- a.** Prior to completion of a full Medicaid application; and (3-20-14)
- b.** Prior to a determination being made by the Department on the full application. (3-20-14)

03. Presumptive Eligibility Period. The presumptive eligibility period begins on the date the presumptive application is filed online and ends with the earlier of the following: (3-20-14)

- a.** The date the full eligibility determination is completed by the Department; or (3-20-14)
- b.** The end of the month after the month the qualified hospital completed the presumptive eligibility determination. (4-11-15)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1704

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 56-118, 56-202(b), and 56-264, Idaho Code.

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

PUBLIC (LIVE) HEARING	
Wednesday, October 16, 2019 - 10:00 a.m. (MDT)	
Medicaid Central Office 3232 Elder Street Conference Room D West/East Boise, ID 83705	
Via VIDEO CONFERENCE (Same date as above)	
9:00 a.m. (PDT)	10:00 a.m. (MDT)
Northern Idaho DHW Office 1120 Ironwood Drive Lower Level - Suite 102 Large Conference Room Coeur d’Alene, ID 83814	Eastern Idaho DHW Office 1070 Hiline Road (Brown Brick Building) Second Floor - Suite 230 Pocatello, ID 83201

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 a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rulemaking revises the reimbursement rate setting methodology for the following types of home and community-based service providers:

1. Developmental Disability Agencies (serving adults and children);
2. Residential Habilitation Agencies;
3. Supported Employment Agencies; and
4. Targeted Service Coordinators.

NOTE: The substantive changes made in this docket have been negotiated over the last two years with providers of home and community-based services across the state of Idaho. Rather than going pending under this docket number, the Department intends for these changes to go pending in the Department’s non-fee Omnibus Docket No. 16-0000-1900 that will publish in the Special Edition of the *Idaho Administrative Bulletin* on Wednesday, November 20, 2019.

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:

There is no anticipated fiscal impact for this rulemaking to the State General Fund, or any other funds. Although future reimbursement rates for the specified providers will be impacted by this rule change, the impact cannot be estimated at this time. Any revisions to provider reimbursement rates will be based on future cost survey data and wage data, and any necessary funding will be requested in accordance with the state budget development and appropriation processes.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2019, Idaho Administrative Bulletin, [Vol. 19-6, pages 57-58](#).

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 Karen Westbrook, (208) 364-1960. 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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0310-1704
(Only Those Sections With Amendments Are Shown.)

037. GENERAL REIMBURSEMENT: PARTICIPANT SERVICES.

The Department will evaluate provider reimbursement rates that comply with 42 U.S.C. 1396a(a)(30)(A). This evaluation will assure payments are consistent with efficiency, economy, and quality of care and safeguards against unnecessary utilization of care and services. Reimbursements will be sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. (4-4-13)

01. Applicable Participant Services. Unless otherwise provided in this chapter of rules, the following types of services are reimbursed as provided in this rule: ()

a. The Personal Care Services (PCS) described in Sections 300-308 of these rules. ()

b. The Aged and Disabled Waiver services described in Sections 320-330 of these rules. ()

c. The Children’s Developmental Disabilities Home and Community-Based State Plan Option Services described in Sections 520-528 of these rules. ()

d. The Adult Developmental Disabilities Waiver services described in Sections 700-706 of these rules. ()

e. The Adult Developmental Disabilities Home and Community-Based State Plan Option Services described in Sections 645-657 of these rules. ()

~~042.~~ **Review Reimbursement Rates.** The Department will review provider reimbursement rates and conduct cost surveys when an access or quality indicator reflects a potential access or quality issue described in *Subsections 037.02 and 037.03 of this rule.* (4-4-13)()

~~023.~~ **Access.** The Department will review annual statewide and regional access reports by service type comparing the previous twelve (12) months to the base-line year of State Fiscal Year 2012. The following measures will be used to determine when there is potential for access issues. (4-4-13)

a. Compare the change in total number of provider locations for service type to the change in eligible participants; or (4-4-13)

b. When participant complaints and critical incidence logs reveal outcomes that identify access issues for a service type. (4-4-13)

~~034.~~ **Quality.** The Department will review quality reports required by each program used to monitor for patterns indicating an emerging quality issue. (4-4-13)

~~045.~~ **Cost Survey.** The Department will survey one hundred percent (100%) of providers. Providers that refuse or fail to respond to the periodic state surveys may be disenrolled as ~~a~~ Medicaid providers. The Department will derive reimbursement rates using direct care staff costs, employment related expenditures, program related costs, and indirect general and administrative costs in the reimbursement methodology, when these costs are incurred by a provider. The Department will conduct cost surveys customized for each of the services *defined identified in Section 038 of these rules.* (4-4-13)()

a. Wage rates will be used in the reimbursement methodology when the expenditure is incurred by the provider type executing the program. Wages will be identified in the Bureau of Labor Statistics website at www.bls.gov when there is a comparable occupation title for the direct care staff. When there is no comparable occupation title for the direct care staff, then a weighted average hourly rate methodology will be used. (4-4-13)

b. For employer related expenditures: (4-4-13)

i. The Bureau of Labor Statistics' report for employer costs per hour worked for employee compensation and costs as a percent of total compensation for Mountain West Divisions will be used to determine the incurred employer related costs by each provider type. The website for access to this report is at www.bls.gov. (4-4-13)

ii. The Internal Revenue Service employer cost for social security benefit and Medicare benefit will be used to determine the incurred employer related costs by provider type. The website for access to this information is at www.irs.gov. (4-4-13)

c. Cost surveys to collect indirect general, administrative, and program related costs will be used when these expenditures are incurred by the provider type executing the program. The costs will be ranked by costs per provider, and the Medicaid cost used in the reimbursement rate methodology will be established at the seventy-fifth percentile in order to efficiently set a rate. (4-4-13)

038. GENERAL REIMBURSEMENT: TYPES OF PARTICIPANT SPECIALIZED REIMBURSEMENT: CERTAIN HOME AND COMMUNITY-BASED SERVICES.

The following types of services are reimbursed as provided in Section 037 of these rules The Department will review provider reimbursement rates to ensure compliance with 42 U.S.C. 1396a(a)(30)(A). This review will assure payments are consistent with efficiency, economy, quality of care, and safeguard against unnecessary utilization of care and services. Reimbursements will be sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area. (4-4-13)()

01. ~~Personal Care~~ **Applicable Home and Community-Based Services.** The ~~fees for personal care services (PCS) described in Section 300 of these rules~~ home and community-based services provided by the following types of providers are reimbursed as described in this rule: ~~(4-4-13)~~ ()

- a. Developmental Disability Agencies providing services to adults; ()
- b. Developmental Disability Agencies providing services to children; ()
- c. Residential Habilitation Agencies; ()
- d. Supported Employment Agencies; and ()
- e. Targeted Service Coordination Agencies. ()

02. ~~Aged and Disabled Waiver Services~~ **Timing, Description, and Results of Rate Reviews.** ~~The fees for personal care services (PCS) described in Section 320 of these rules.~~ ~~(4-4-13)~~ ()

a. Standard Rate Reviews. The Department will conduct a cost survey and review reimbursement rates at least once every five (5) years for each type of provider specified in this rule. Cost surveys will be conducted in the order and on the schedule established by the Department. ()

b. Interim Rate Reviews. The Department will prepare an annual trigger analysis and publish the report on its Medicaid Providers webpage, <http://healthandwelfare.idaho.gov/Providers/MedicaidProviders/tabid/214/Default.aspx>. This annual report will describe the triggers for interim rate review, a summary of the data reviewed for each trigger, and the Department's determination and rationale of whether each trigger was met. The Department will conduct an interim rate review upon the occurrence of one (1) or more of the following triggers: ()

i. When substantiated participant complaints, critical incidents, or both, related to a lack of qualified providers indicate an emerging access issue; ()

ii. When quality reports prepared by the Department or substantiated participant complaints and critical incidents related to the quality of services provided indicate an emerging quality issue; or ()

iii. When the federal or Idaho state minimum wage requirement in effect at the time of the standard rate review significantly increases or decreases. ()

c. No Obligation to Revise Rates. The Department is not required to revise reimbursement rates each time a rate review or cost survey is conducted. The results of a rate review or cost survey do not guarantee a change to the reimbursement rate. ()

03. ~~Children's Waiver Services~~ **Cost Survey Procedures.** ~~The fees for children's waiver services described in Section 680 of these rules.~~ ~~(4-4-13)~~ ()

a. Participation. The Department will survey one hundred percent (100%) of providers. A provider who refuses or fails to respond to the periodic cost surveys may be disenrolled as a Medicaid provider. ()

b. Customization. The Department will conduct cost surveys customized for each type of provider identified in this rule. ()

c. Independent Consultant. The Department will engage an independent cost survey consultant with expertise and experience in fee-for-service home and community-based services, including services for individuals with developmental disabilities. ()

d. Provider Engagement. ()

i. The Department will establish reimbursement advisory workgroups to advise on matters related to

the specialized reimbursement specified in this rule, including notice and development of cost surveys, recommendation of Bureau of Labor and Statistics occupation profile or profiles utilized when setting new reimbursement rates, and other reimbursement-related matters presented by the Department. The Department will retain final decision-making authority over all matters presented to or reviewed by the workgroups. ()

ii. The Department will provide reasonable prior notice of pending cost surveys to impacted providers. ()

iii. The Department or its cost survey consultants will train providers how to complete the cost survey, and provide technical assistance to providers during the cost survey response period. ()

04. ~~Adults with Developmental Disabilities Waiver Services~~ Reimbursement Rate Setting Methodology. The fees for adults with developmental disabilities waiver services described in Section 700 of these rules. Reimbursement rates will be derived using a combination of four (4) cost components - direct care staff wages or targeted service coordinator wages, employee-related expenses, program-related expenses, and general and administrative expenses. Each provider must demonstrate that the average percent of wage and benefits paid to their direct care staff (or targeted service coordinators) meets or exceeds the percent of wages and employee-related expenses utilized in establishing the reimbursement rate for the service type. The cost components and new reimbursement rate are established in accordance with the following: (4-4-13)()

a. Direct Care Staff Wages and Targeted Service Coordinator Wages. ()

i. Direct care staff and targeted service coordinator wages are wages paid to individuals employed or contracted by an agency who perform duties described in the applicable service coverage description for at least seventy-five percent (75%) of the total annual amount of time they are compensated. ()

ii. The wage component (Wage) used to establish the new reimbursement rate is set using the mean hourly wage of one (1) or more occupation profiles from the most current Bureau of Labor and Statistics (BLS) State Occupational Employment and Wage Estimates table for the state of Idaho found on the BLS website at www.bls.gov. The BLS occupation profile that most closely aligns with the duties, education level, and supervision requirements of the direct care staff (or targeted service coordinator) providing the service is utilized. If more than one (1) occupation profile aligns with the duties, education level, and supervision requirements of the direct care staff (or the targeted service coordinator) providing the service, then a weighted average of the mean hourly wage of multiple BLS occupation profiles is utilized. ()

iii. When there is no comparable occupation profile or profiles for the direct care staff (or targeted service coordinator), then the wage component used to establish the new reimbursement rate is set using the weighted average hourly rate (WAHR) of the surveyed wages included in the final cost survey results. ()

iv. The Department will make the final determination of BLS occupation profile or profiles after consideration of advice from the relevant Reimbursement Advisory Workgroup. ()

v. The Department will evaluate an appropriate wage inflation factor based on the economic data available at the time the reimbursement rate is set. ()

b. Employee-Related Expenses (ERE). ()

i. ERE are the expenses incurred by the provider agency for the benefit of the direct care staff (or targeted service coordinators) of an agency in the following six (6) categories: (1) paid leave, (2) supplemental pay, (3) payroll taxes, (4) workers' compensation, (5) insurance coverage, and (6) retirement contributions. ()

ii. The ERE component percentage (ERE%) used to establish the new reimbursement rate is set using the cumulative percentage of employer costs for employee compensation from the most current BLS Employer Costs for Employee Compensation table for the West Region in the Mountain Division and IRS Publication 15. ()

c. Program-Related Expenses (PRE). ()

i. PRE are wages and other expenses that support the objectives and provision of the service but cannot be tied to any particular person receiving the service. Requirements related to the delivery of services in accordance with statute and rule are PRE. ()

ii. Program-related staff are individuals employed by an agency who perform program-related duties as required by statute or rule for at least seventy-five percent (75%) of the total annual amount of time they are compensated. ()

iii. Utilizing data in the final cost survey results, each agency's PRE component percentage (PRE%) is calculated by dividing the agency's total PRE by the agency's total wages. Each agency's PRE% is ranked, and the PRE% used to calculate the new reimbursement rate is set at the mean of the agency PRE%. ()

d. General and Administrative (G&A) Expenses. ()

i. G&A expenses are wages and other expenses related to day-to-day operations common across all businesses. ()

ii. G&A staff are individuals employed by an agency who perform administrative duties for at least seventy-five percent (75%) of the total annual amount of time they are compensated. ()

iii. Utilizing data in the final cost survey results, each agency's G&A component percentage (G&A%) is calculated by dividing the agency's total G&A expenses by the sum of the agency's total wages, plus the total ERE, plus the total PRE, plus the total G&A expenses. Each agency's G&A% is ranked, and the G&A% used to calculate the new reimbursement rate is set at the mean of the agency G&A%. ()

iv. The G&A% used to calculate the new reimbursement rate will not exceed ten percent (10%) of the total reimbursement rate per staff hour. ()

e. Total Reimbursement Rate Per Staff Hour of Service = ((Wage + (ERE% x Wage) + (PRE% x Wage)) / (1 - (G&A%))). ()

f. The Department is not obligated to make budget requests based on the total reimbursement rate per staff hour. The Department will take into consideration the factors of efficiency, economy, quality of care, and access to care when determining rates. Reimbursement rates may be set at a percentage of the total reimbursement rate per staff hour. All reimbursement rate increases are subject to approval by the Idaho State Legislature. ()

~~05. Service Coordination—Quality Performance Incentives. The fees for service coordination described in Section 720 of these rules.~~ (4-13)()

a. Based on the quality of services provided to its Medicaid participants, a provider may become eligible to receive incentive payments. ()

b. Quality measures and associated payment percentages will be established by the Department, in collaboration with the Idaho Council on Developmental Disabilities and DisAbility Rights Idaho (or such other organization designated by the Governor as the state's protection and advocacy system), and will be described in the Idaho Medicaid Provider Handbook available at www.idmedicaid.com. The Department will provide sixty (60) days prior notice of any substantive changes to the quality measures and associated payment percentages described in its provider handbook. ()

c. Incentive payments will be subject to the availability of State and federal funds, and may be rescinded if the quality of services declines. ()

~~06. Therapy Services. The fees for physical therapy, occupational therapy, and speech language pathology services described in Section 215 of these rules include the use of therapeutic equipment to provide the modality or therapy. No additional charge may be made to either the Medicaid program or the client for the use of such equipment.~~ (4-13)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.18 – MEDICAID COST-SHARING

DOCKET NO. 16-0318-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 56-202(b), 56-253 and 56-257, Idaho Code, and Title XIX and Title XXI of the Social Security Act.

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

PUBLIC HEARING
Tuesday, October 8, 2019 1:30 - 3:30 p.m. (MDT)
Medicaid Central Office 3232 Elder Street Conference Room D East Boise, ID 83702
WebEx Information:

Meeting Link for Attendees:

<https://idhw.webex.com/idhw/j.php?MTID=ma4ba5ad0a61ba17b701d8394be342ebe>

Event Number (access code): 808 771 218

**Meeting Password: aeeqfSBw
(23373729 from phones and video systems)**

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 rulemaking proposes to align the Personal Needs Allowance (PNA) for all HCBS participants regardless of marital status. This alignment also allows the Department to reduce the PNA table from six (6) categories of eligibility down to two (2). The final determination of this rule change will align the PNA for all participants without a rent or mortgage expense to 100% of the Federal SSI benefit.

Additionally, a subsection has been added that details that Native Americans and Medicaid Workers with Disabilities are exempt from this share of cost requirement. 42 CFR 447.56 prohibits states from collecting share of cost from Tribal participants and MWD participants. This update is necessary to help align this chapter with other rule chapters, CFR, and clarify existing practice. While this is an addition to this rule, it also provides a clarification to this chapter that has been a source of confusion for participants and providers of HCBS services.

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

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

Aligning the Personal Needs allowance (PNA) to 100% of SSI Federal benefit results in a net impact of an ongoing savings of \$296,726 (approximately \$207,708 Federal dollars and \$89,018 State dollars) per year due to a reduction in Medicaid claims expenditures. The change will result in Share of Cost increasing for a small number of

participants (191 members in State Fiscal Year 2018 and approximately 30 members as of August 5, 2019) receiving Home and Community Based Services, which will decrease the amount of dollars paid in Medicaid claims.

Funding sources: Aligning the PNA to 100% of SSI Federal benefit results in a net impact of an ongoing savings of \$296,726 (approximately \$207,708 Federal dollars and \$89,018) per year due to a reduction in Medicaid claims expenditures.

Automated Systems: There is no fiscal impact associated with changes to automated systems, the Idaho Benefit Eligibility System (IBES). Necessary changes will be incorporated into routine business operations and required annual updates will be made.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019, Idaho Administrative Bulletin, [Vol. 19-6, pages 59-60](#).

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 Jennifer Pinkerton, (208) 287-1171.

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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0318-1901
(Only Those Sections With Amendments Are Shown.)

025. PARTICIPANTS EXEMPT FROM COST-SHARING.

Native American and Alaskan Native participants are exempt from the cost-sharing provisions of Sections 200, 205, 215, ~~and 320~~, and 400 of these rules. The participant must declare his race to the Department to receive this exemption. Participants in the Medicaid Workers with Disabilities (MWD) program are exempt from the cost-sharing provisions of Sections 200, 205, 207, and 400 of these rules. ~~(3-21-12)()~~

(BREAK IN CONTINUITY OF SECTIONS)

215. PREMIUMS FOR PARTICIPATION IN MEDICAID ENHANCED PLAN.

01. Workers with Disabilities. A participant in the Medicaid for Workers with Disabilities coverage group must share in the cost of Medicaid coverage, if required. Countable income is determined under IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)." A participant's premium for his share of Medicaid costs under this coverage group is determined in Subsections 215.02 through 215.04 of this rule. (3-19-07)

~~**02a. Countable Income at or Below 133%.**~~ A participant who has countable income at or below one hundred thirty-three percent (133%) of the current federal poverty guideline is not required to pay a premium for Medicaid. (3-19-07)()

~~**03b. Countable Income Above 133% to 250%.**~~ A participant who has countable income above one hundred thirty-three percent (133%) to two hundred fifty percent (250%) of the current federal poverty guideline is required to pay a monthly premium of ten dollars (\$10) to the Department. (3-19-07)()

~~**04c. Countable Income in Excess of 250%.**~~ A participant who has countable income in excess of two hundred fifty percent (250%) of the current federal poverty guideline is required to pay a monthly premium to the Department. The amount due is the greater of ten dollars (\$10); or seven and one-half percent (7.5%) of the participant's income above two hundred fifty percent (250%) of the current federal poverty guideline. (3-19-07)()

052. Recomputed Premium Amount. Premium amounts are recomputed when changes to a participant's countable income result in a different percentage premium calculation as determined in Subsections 215.02 through 215.04 of this rule, and at the annual re-determination. (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

400. PARTICIPATION IN THE COST OF HOME AND COMMUNITY-BASED WAIVER SERVICES. Medicaid participants required to participate in the cost of Home and Community-Based Waiver (HCBS) services as described in IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," must have their share of cost determined as described in Subsections 400.01 through 400.10 of this rule. (3-19-07)

01. Excluded Income. Income excluded under the provisions of IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Sections 723 and 725, is excluded in determining participation. (3-19-07)

02. Base Participation. Base participation is income available for participation after subtracting all allowable deductions, except for the incurred medical expense deduction in Subsection 400.07 of this rule. Base participation is calculated by the participant's Self Reliance Specialist. The incurred medical expense deduction is calculated by the ~~Regional Medicaid Services (RMS)~~ **Division of Welfare**. (3-19-07)()

03. Community Spouse. Except for the elderly or physically disabled participant's personal needs allowance, base participation for a participant with a community spouse is calculated under IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Section 725. A community spouse is the spouse of an HCBS participant who is not an HCBS participant and is not institutionalized. The HCBS personal needs allowance for a participant living in adult residential care equals the federal Supplemental Security Income (SSI) benefit rate for an individual living independently. (3-19-07)

04. Home and Community Based Services (HCBS) Spouse. Except for the elderly or physically disabled participant's personal needs allowance (PNA), base participation for a participant with an HCBS spouse is calculated and specified under IDAPA 16.03.05, "Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)," Section 723. An HCBS spouse is the spouse of a participant who also receives HCBS. (3-19-07)

05. Personal Needs Allowance. The participant's personal needs allowance depends on ~~his marital status and whether the participant has a~~ legal obligation to pay rent or mortgage. The participant's personal needs allowance is deducted from ~~his~~ **any countable** income after income exclusions and before other allowable deductions.

To determine the amount of the personal needs allowance, use Table 400.05 of this rule:

TABLE 400.05 - PERSONAL NEEDS ALLOWANCE			
Amount of Personal Needs Allowance (PNA) for Participation			
Not Responsible for Rent or Mortgage		Responsible for Rent or Mortgage	
<i>Marital Status</i>	PNA	<i>Marital Status</i>	PNA
<i>No Spouse</i>	One hundred percent (100%) of the federal SSI benefit for a person with no spouse	<i>No Spouse</i>	One hundred and eighty percent (180%) of the Federal SSI benefit for a person with no spouse
<i>Married with Community Spouse</i>	One hundred and fifty percent (150%) of the Federal SSI benefit for a person with no spouse	<i>Married with Community Spouse</i>	One hundred and eighty percent (180%) of the Federal SSI benefit for a person with no spouse
<i>Married with HCBS Spouse</i>	One hundred percent (100%) of the Federal SSI benefit for a person with no spouse. Each spouse receives this amount as his PNA.	<i>Married with HCBS Spouse</i>	One hundred and eighty percent (180%) of the Federal SSI benefit for a single person. Each spouse receives this amount as his PNA.

(3-29-17)()

06. Developmentally Disabled Participants. These allowances are specified in IDAPA 16.03.05, “Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD).” The HCBS personal needs allowance for adult participants receiving waiver services under the Developmentally Disabled Waiver is three (3) times the federal SSI benefit amount to an individual in his own home. (3-19-07)

07. Incurred Medical Expenses. Amounts for certain limited medical or remedial services not covered by the Idaho Medicaid Plan and not paid by a third party may be deducted from the base participation amount. The Department must determine whether a participant’s incurred expenses for such limited services meet the criteria for deduction. The participant must report such expenses and provide verification in order for an expense to be considered for deduction. Costs for over-the-counter medications are included in the personal needs allowance and will not be considered a medical expense. Deductions for necessary medical or remedial expenses approved by the Department will be deducted at application, and changed, as necessary, based on changes reported to the Department by the participant. (3-19-07)

08. Remainder After Calculation. Any remainder after the calculation in Subsection 400.05 of this rule is the maximum participation to be deducted from the participant's provider payments to offset the cost of services. The participation amount will be collected from the participant by the provider. The provider and the participant will be notified by the Department of the amount to be collected. (3-19-07)

09. Recalculation of Participation. The participant’s participation amount must be recalculated annually at redetermination or whenever a change in income or deductions becomes known to the Department. (3-19-07)

10. Adjustment of Participation Overpayment or Underpayment Amounts. The participant’s participation amount is reduced or increased the month following the month the participant overpaid or underpaid the provider. (3-19-07)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.05.04 – RULES OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE
AND VICTIM ASSISTANCE GRANT FUNDING

DOCKET NO. 16-0504-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 39-5209, 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 October 16, 2019.

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 Council on Domestic Violence and Victim Assistance is revising its chapter of rules to remove obsolete language and update its language to reflect current best practices.

FISCAL IMPACT: The following is a specific description, if applicable, of any 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 the state general fund or any other funds related to this rulemaking. Programs affiliated with the ICDVVA provide fees independently.

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 July 3, 2019, Idaho Administrative Bulletin, [Volume 19-7, pages 238-239](#).

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 Nicole Fitzgerald at (208) 332-1542 or Nicole.Fitzgerald@icdv.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0504-1901
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

Under Section 39-5209, Idaho Code, the Idaho Council on Domestic Violence and Victim Assistance (ICDVVA) is authorized to promulgate, adopt, and amend rules to implement the provisions of the Domestic Violence Project Grants Act, as contained in Title 39, Chapter 52, Idaho Code. ~~(3-30-11)~~()

001. TITLE AND SCOPE.

01. Title. The title of these rules is IDAPA 16.05.04, “~~Rules of~~ Grant Funding for the Idaho Council on Domestic Violence and Victim Assistance ~~Grant Funding~~.” ~~(3-30-11)~~()

02. Scope. These rules define the application process, eligibility determination, and other requirements for the grants administered by the ~~Idaho Council on Domestic Violence and Victim Assistance~~ (ICDVVA). ~~(3-30-11)~~()

03. Relationship to the Department of Health and Welfare. The ~~Council on Domestic Violence and Victim Assistance~~ (ICDVVA) is attached to the Department of Health and Welfare for fiscal and administrative purposes, and any grant awards, disbursement of funds, and other procedural matters must be in compliance with Department requirements. Programmatically, the Council is independent of the Department. ~~(5-3-03)~~()

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

01. Documents Incorporated by Reference. In accordance with Section 67-5229, Idaho Code, the following documents are incorporated by reference into this chapter of rules: (7-1-14)

a. “Service Standards for ICDVVA-Funded Programs,” Edition 2014-1, published by the ~~Idaho Council on Domestic Violence and Victim Assistance~~ (ICDVVA), effective July 1, 2014. ~~(7-1-14)~~()

b. “Minimum Standards for Domestic Violence Offender Intervention Programs,” published by the ~~Idaho Council on Domestic Violence and Victim Assistance~~ (ICDVVA), edition 2019-1, effective July 1, 2019. ~~(7-1-19)~~()

02. Availability of Reference Material. Copies of the documents incorporated by reference into these rules are available: (7-1-14)

a. At the Idaho Council on Domestic Violence and Victim Assistance, 304 North 8th Street, Suite 140, P.O. Box 83720, Boise, Idaho 83720-0036. (7-1-14)

b. On the internet at: <http://www.icdv.idaho.gov>. (7-1-14)

(BREAK IN CONTINUITY OF SECTIONS)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS ACT REQUESTS.

01. Confidentiality of Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, “Use and Disclosure of Department

Records.”

~~(3-30-11)~~()

02. Public Records Act. The Department will comply with Title, 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure.

~~(3-30-11)~~()

007. -- 009. (RESERVED)

010. DEFINITIONS.

For the purpose of these rules, the following ~~terms are defined herein~~ definitions apply:

~~(3-12-90)~~()

01. Conflict of Interest. No member of the Council ~~on Domestic Violence and Victim Assistance~~ may vote on any matter before the Council in which ~~they have~~ any substantial ownership, ~~or~~ fiduciary, contractual, consultative, creditor, or directly competitive relationship, and any such relationship be made publicly known.

~~(5-3-03)~~()

a. Appearance. In the use of grantor agency project funds, officials or employees of state or local units of government and nongovernmental grantees/subgrantees ~~shall~~ **must** avoid any action ~~which that~~ might result in, or create the appearance of:

~~(3-12-90)~~()

- i. Using his official position for private gain; (3-12-90)
- ii. Giving preferential treatment to any person; (3-12-90)
- iii. Losing complete independence or impartiality; (3-12-90)
- iv. Making an official decision outside official channels; or (3-12-90)
- v. Adversely affecting the confidence of the public in the integrity of government or the program. (3-12-90)

b. Fiduciary. Exercising a position of trust on behalf of an organization or entity, including any trustee, member of the Board of Directors, officer, legal counsel, or any other person with a legal obligation to act in the best interest of such an organization or entity. (3-12-90)

02. Contract. The grant contract between the program and the Council ~~which that~~ results from a Council ~~on Domestic Violence and Victim Assistance~~ grant award. ~~(5-3-03)~~()

03. Council. The Idaho Council on Domestic Violence and Victim Assistance (**ICDVVA**) as outlined in Section 39-5201, et seq., Idaho Code. ~~(5-3-03)~~()

04. Department. The **Idaho** Department of Health and Welfare. ~~(3-12-90)~~()

05. Domestic Violence. ~~The physical injury, sexual abuse, or forced imprisonment or threat thereof of a family or household member. Crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Idaho. This definition also includes criminal or non-criminal acts constituting intimidation, control, coercion and coercive control, emotional and psychological abuse and behavior, expressive and psychological aggression, financial abuse, harassment, tormenting behavior, distributing or alarming behavior, and additional acts. This definition applies to individuals and relationships as set forth in 45 CFR 1370.2.~~ ~~(3-12-90)~~()

~~**06. Family or Household Member.** One who is related by blood or marriage or who resides or has resided with, or who has been married to the person committing the domestic violence. (3-12-90)~~

~~**07. Region(s).** One (1) or the seven (7) regions of the Idaho Department of Health and Welfare as set~~

~~out in Subsections 005.04.a. through 005.04.g.~~

~~(3-12-90)~~

06. Victim. A person who suffers direct or threatened physical, emotional, or financial harm as a result of an act by someone else, which is a crime. ()

011. -- 014. (RESERVED)

015. GRANTS.

01. Family Violence Grant. Money awarded to a program ~~pursuant to~~ under the Family Violence Prevention and Services Act, Title III of the Child Abuse Amendments of 1984 P.L. 98-457, 42 U.S.C. 10401, and any applicable rules and regulations. ~~(3-12-90)~~ ()

02. State Domestic Violence Grant. Money awarded to a program ~~pursuant to~~ under Sections 39-5201 through 39-5213, Idaho Code (domestic violence project grants), and any applicable rules and regulations. ~~(3-12-90)~~ ()

03. VOCA Grant. Money awarded to a program ~~pursuant to~~ under Victims of Crime Act of 1984, P.L. 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et seq. and any applicable rules and regulations. ~~(3-12-90)~~ ()

04. Regions. The seven (7) regions of the Department of Health and Welfare are as follows: (3-12-90)

a. REGION I -- Benewah County, Bonner County, Boundary County, Kootenai County, Shoshone County. (3-12-90)

b. REGION II -- Clearwater County, Idaho County, Latah County, Lewis County, Nez Perce County. (3-12-90)

c. REGION III -- Adams County, Canyon County, Gem County, Owyhee County, Payette County, Washington County. (3-12-90)

d. REGION IV -- Ada County, Boise County, Elmore County, Valley County. (3-12-90)

e. REGION V -- Blaine County, Camas County, Cassia County, Gooding County, Jerome County, Lincoln County, Minidoka County, Twin Falls County. (3-12-90)

f. REGION VI -- Bannock County, Bear Lake County, Bingham County, Caribou County, Franklin County, Oneida County, Power County. (3-12-90)

g. REGION VII -- Bonneville County, Butte County, Clark County, Custer County, Fremont County, Jefferson County, Lemhi County, Madison County, Teton County. (3-12-90)

05. Grant Applications. Applications for grant funding ~~which~~ that are obtained from the Council. These will have eligibility, legal, and paperwork requirements for the grants administered by the Council. ~~(5-3-03)~~ ()

016. COUNCIL DUTIES.

~~The Council shall:~~

~~(3-12-90)~~

01. Membership. ~~Pursuant to~~ Under Section 39-5204, Idaho Code, consist of seven (7) members appointed by the Governor of Idaho. At least one (1) member ~~shall~~ must reside in one (1) of the seven (7) Department of Health and Welfare regions. Members ~~shall~~ must be representative of persons who have been victims of domestic violence, care providers, law enforcement officials, medical and mental health personnel, counselors, and interested and concerned members of the general public. ~~(3-12-90)~~ ()

02. Purpose. Be the advisory body for programs and services affecting victims of crime. For budgetary purposes and for administrative support purposes, the Council is assigned by the Governor to the Department.

(3-12-90)

03. Grants Awards Process. Award available state and federal grant money to eligible victims' services programs within the state of Idaho. The current available grants are: (3-12-90)

a. State domestic violence; (3-12-90)

b. Federal family violence; (5-3-03)

c. Federal VOCA; and (5-3-03)

d. State ~~batterer treatment~~ offender intervention program grants. (5-3-03)()

04. Other Grants. The Council may establish other state or federal grants ~~which are~~ authorized under Executive Orders and ~~pursuant to~~ under Section 39-5208(2), Idaho Code. (3-12-90)()

017. ELIGIBILITY.

01. State Domestic Violence Grants. To be eligible for a state domestic violence grant, a program must comply with ~~all~~ the applicable requirements of Title 39, Chapter 52, Idaho Code, as specified in Appendix A, ~~A program must also comply with~~ these rules, and with any additional requirements in the grant applications, or ~~that the~~ from the Council ~~may require~~. (3-12-90)()

02. Federal Family Violence Grant. To be eligible for a federal family violence grant, a program must comply with all the applicable sections of the Family Violence and Services Act, ~~and~~ other federal rules and regulations, and any additional requirements in the grant applications or that from the Council may require. (5-3-03)()

03. Federal VOCA Grant. To be eligible for a federal VOCA grant, a program must comply with all the applicable sections of the Victims of Crime Act, any other federal rules and regulations ~~which that~~ apply, these rules and any additional requirements listed in the grant applications, or ~~that from~~ the Council ~~may require~~. (5-3-03)()

04. Tribes. All federally acknowledged tribes in the state of Idaho are eligible for ICDVVA funding. ()

~~045.~~ **Application Process.** The application process for grants, ~~under the grants~~ including time frames for both submission and disposition of applications and the form and contents of applications for annual or supplemental funding, is described in Section 018 of these rules. (5-3-03)()

018. TIME FRAMES.

01. Grant Applications for Annual Grants from the Council. (5-3-03)

a. No less than once a year, the Department will publish a "Grant Applications" (GA) at least two (2) times (once a week for two (2) consecutive weeks, on the same day of the week) in a major daily newspaper in each service area. The GA will specify the deadline for submission of proposals. In no event will the deadline be less than sixty (60) days from the date of first publication of the GA. (3-12-90)

b. A copy of each GA will also be sent to current grantees and to persons and organizations who have requested timely notification ~~of such announcement~~. Requests for advance notification of the solicitation of grant proposals should be directed to the Executive Director of the Idaho Council on Domestic Violence and Victim Assistance, P.O. Box. 83720, ~~450 West State Street~~, Boise, Idaho 83720 - 0036, or info@icdv.idaho.gov. (5-3-03)()

c. Applications for annual grants must be postmarked, ~~or~~ hand-delivered, e-mailed, or electronically delivered as specified in the ICDVVA application RFP, ~~not~~ later than the date designated in the "Grant Applications."

~~(5-3-03)~~()

02. Proposals or Supplemental Grants. Applications for supplemental grants may be submitted for consideration at any time during the effective period of a grant. (5-3-03)

019. DISPOSITION OF APPLICATIONS.

The Council ~~shall act to~~ **will** deny or grant funding as specified below, and all applicants will be notified in writing as to the disposition of their application. ~~(3-12-90)~~()

01. ~~Annual~~ Applications. The Council ~~shall act to~~ **will** deny or grant funding for an annual application within ninety (90) days of the GA deadline. ~~(5-3-03)~~()

02. Supplemental Applications. Allocation of supplemental funding ~~shall be~~ **is** made based upon the availability of funds. ~~(3-12-90)~~()

03. Late Applications. An application for annual funding received after the deadline specified in any GA will be acted upon at a regularly-scheduled meeting of the Council, following consideration of all timely initial and renewal applications for the service area. (5-3-03)

020. EVALUATION OF APPLICATIONS.

Applications from each region ~~shall~~ **are** be evaluated according to the following criteria: ~~(3-12-90)~~()

01. Threshold Factors. Before an application is evaluated and ranked, an affirmative determination must be made that: (3-12-90)

a. The applicant meets eligibility requirements as specified in Section 017 **of these rules**; and ~~(5-3-03)~~()

b. The applicant has the administrative capacity, or has adequately described how provisions for that capacity will be made if not present at the time of application, to administer a grant including having, contracting for, or obtaining staff and expertise to: (3-12-90)

i. Provide proper management and maintain the proper records; ~~and~~ ~~(3-12-90)~~()

ii. Assure fiscal control and efficient disbursement of grant funds; ~~and~~ ~~(3-12-90)~~()

iii. Fulfill grant requirements, including meeting reporting requirements; and (3-12-90)

iv. Provide the proposed services. (3-12-90)

02. Conflict of Interest. Under the following circumstances, a Council member ~~shall~~ **must** declare a conflict of interest in writing to the Executive Director and subsequently refrain from evaluating or ranking, or casting a vote to award a grant to **an applicant who**: ~~(3-12-90)~~()

a. ~~An applicant on whose~~ **Serves on a** board of directors or advisory board **with** the Council member, or a member of ~~her~~ **the Council member's** immediate family ~~serves; or~~ ~~(3-12-90)~~()

b. ~~An applicant employing the Council member or a member of her immediate family; and~~ **Has been, or would be, directly involved in the project as an advisory board member, a consultant, collaborator, or trainer whose expenses would be paid from the subgrant, etc.;** ~~(3-12-90)~~()

c. **Is from the same institution or organization as the Council member, or was employed by that organization within the past year;** ()

d. **Has collaborated recently on work related to the current application or other proposal;** ()

e. **May consider the Council member for a position at the applicant's organization or institution;**

- ()
- f. Has an organization in which the Council member has served in an official or unofficial capacity within the past year: ()
- g. Has an organization in which the Council member has employees, or closely affiliated officials, who serve as board members or in other official capacities for the applicant: ()
- h. Has a family relationship with the Council member: ()
- i. Is known to be close friends or open antagonists with the Council member; or ()
- j. Is currently directly involved in a closely associated project with the Council member. ()
- 03. Evaluation Criteria.** The Council ~~shall~~ uses the following criteria to evaluate applications: ~~(5-3-03)~~ ()
- a.** Assessment of existing victim services in the community and demonstrated need for proposed services in the area. (3-12-90)
- b.** Scope of services or number of eligible activities to be provided. (3-12-90)
- c.** Estimated number of clients to be served and expansion potential, if any. (3-12-90)
- d.** Knowledge and use of other available funding sources or fund-raising activities. (3-12-90)
- e.** Involvement and coordination with community resources including identification of sources of victim access. (3-12-90)
- f.** Recruitment efforts for volunteers to meet the specific needs of the program and the community. (3-12-90)
- g.** Performance record of past activities, if any, including: (3-12-90)
- i.** Creative use of volunteers; (3-12-90)
- ii.** Training of volunteers; (3-12-90)
- iii.** Fund-raising activities; (3-12-90)
- iv.** Administrative performance; (3-12-90)
- v.** Degree of incorporation of self-help activities into program; and (3-12-90)
- vi.** Education service to community. (3-12-90)
- h.** Cooperation with other area domestic violence and victim assistance programs to insure services to all areas and victims without duplicating services. (3-12-90)

(BREAK IN CONTINUITY OF SECTIONS)

022. DOMESTIC VIOLENCE GRANT DISTRIBUTION.
Domestic violence project grants will be awarded in the following manner: (3-12-90)

01. Distribution of Domestic Violence Grants to Regions. ~~On an annual basis,~~ following

determination by the Council of the total funds available for domestic violence grant awards for the following fiscal year, the Council ~~shall~~ **will** establish and announce the base level of funding available for each region. ~~(5-3-03)~~ ()

a. In accordance with Section 39-5212, Idaho Code, not less than fifty-one percent (51%) of available grant funds will be allocated to programs within the seven (7) regions in the proportion that marriage licenses are filed in each region, based on statistics compiled by the state registrar of Vital Statistics. (3-12-90)

b. The allocation of the remaining percentage of available grant funds ~~shall~~ **must** be established and announced annually in varying percentages based on consideration of the following and in the order of priority shown below: ~~(3-12-90)~~ ()

i. Identification of critical needs and evidence of relative distribution of victim population within the state. (3-12-90)

ii. Calculation of a population/area factor, using current U.S. census data and employing the following formula: (3-12-90)

(1) Multiply the population of a region by two (2) and divide the product by the total state population; and (3-12-90)

(2) Divide the square miles for a region by the total square miles for the state and add the resulting figure to the figure determined by calculating the amount as set out in Subsection 022.01.b.i.(1) ~~of this rule.~~ ~~(5-3-03)~~ ()

(3) Divide the sum by three (3), yielding a percentage figure ~~which that~~ represents the population/area factor for the region. ~~(3-12-90)~~ ()

iii. Identification of programs with statewide applicability. (3-12-90)

c. ~~In the event that proposals received from eligible applicants within a given region are insufficient and/or inadequate or that grants awarded are not accepted or grant agreements finalized on a timely basis, or a grant is terminated prior to the completion date, the Council shall~~ **must** solicit qualified new or supplemental proposals from the region and will hold the funds available for the region for a period of six (6) months, ~~in the event of any of the following:-~~ ~~(5-3-03)~~ ()

~~i. The proposals received from eligible applicants within a given region are insufficient or inadequate, or both;~~ ()

~~ii. A grant awarded is not accepted or grant agreement finalized on a timely basis; or~~ ()

~~iii. A grant is terminated prior to the completion date.~~ ()

d. Any domestic violence grant funds not obligated or expended during any award period will be apportioned by the Council at its discretion. (3-12-90)

02. Distribution of Domestic Violence Grants Within the Regions. (3-12-90)

a. Programs ~~shall be~~ **are** selected through a comparative application process; ~~and~~ ~~(3-12-90)~~ ()

b. Applicants ~~shall be~~ **are** compared only with other applicants from the same region; and ~~(3-12-90)~~ ()

c. The Council is not obligated to select or approve any proposal received. (5-3-03)

03. Timing and Duration of Grant Awards. Grant awards under the domestic violence grants project ~~shall be~~ **are** made for a period not to exceed one (1) year unless revoked. Actual funds ~~shall be~~ **are** distributed in accordance with the schedule of payments established for each grant. ~~(3-12-90)~~ ()

023. VICTIM ASSISTANCE GRANT DISTRIBUTION.

Victim assistance grants ~~will be~~ are awarded in the following manner:

~~(3-12-90)~~()

01. Distribution of Victim Assistance Grants to Priority Categories and Regions. ~~On an annual basis,~~ Following the Council's receipt of an award letter from the U.S. Justice Department announcing the amount available for victim assistance grants for the following fiscal year, the Council ~~shall will~~ shall establish and announce the base level of funding available for the priority categories and for each region. Determination of the actual percentage and amount of funds to be allocated for the priority and other categories for the regions, and for statewide projects will be based on data available to the Council.

~~(5-3-03)~~()

a. Allocations for Priority and Other Categories. The Council ~~shall~~ allocates the federal crime victim assistance funds awarded to Idaho to programs by complying with regulations of the Victims of Crime Act of 1989, P.L. 98-473, Title II, Chapter XIV, 42 U.S.C. 10601, et seq.

~~(3-12-90)~~()

b. Allocations for Service Areas.

(3-12-90)

i. The Council ~~shall~~ allocates the victim assistance funds by region based on a population/area factor, as outlined in Subsection 022.01.b.ii of these rules.

~~(5-3-03)~~()

ii. At its discretion, the Council may reserve a portion of the victim assistance grant funds for programs with statewide applicability.

(3-12-90)

c. Any victim assistance grant funds not obligated or expended during any award period ~~shall be~~ are apportioned by the Council at its discretion, within the established federal limits governing use of the funds.

~~(3-12-90)~~()

02. Distribution of Victim Assistance Grants Within Priority Categories and Regions. Grants ~~shall be~~ are awarded through comparison and consideration of applications within a region according to the category of victim services being proposed. The Council is not obligated to select or approve any proposal received.

~~(3-12-90)~~()

03. Timing and Duration of Grant Awards. Grant awards made under the victim assistance grants project ~~shall be~~ are made for a period not to exceed ~~one~~ three (~~1~~ 3) years, unless revoked. Actual funds ~~shall be~~ are distributed in accordance with the schedule of payments established for each grant.

~~(3-12-90)~~()

024. FAMILY VIOLENCE GRANT DISTRIBUTION.

Family violence grants ~~shall be~~ are awarded ~~on an~~ annually ~~basis,~~ following receipt of an award letter from the United States Department of Health and Human Services, announcing the amount available for family violence grants for the following fiscal year. The Council ~~shall~~ establishes and ~~announces~~ the funding available for each region based upon the following allocation.

~~(3-12-90)~~()

01. Allocation. If all seven (7) regions have qualified and eligible applicants, the amount available ~~shall be~~ is divided by seven (7). If not all regions have qualified and eligible applicants, the amount available ~~shall be~~ is divided by the number of regions that have qualified and eligible applicants. The Council is not obliged to accept or approve any proposal received.

~~(3-12-90)~~()

02. Timing and Duration of Grant Awards. Grant awards made under the family violence grant project will be made for a period not to exceed ~~one~~ two (~~1~~ 2) years, unless revoked by the Council. Actual funds ~~shall be~~ are distributed in accordance with the payment scheduled for each grant.

~~(3-12-90)~~()

025. -- 030. (RESERVED)

031. AWARDING OF GRANTS.

Notification of grant awards ~~shall be~~ is accomplished through preparation and issuance of a contract specifying, at a minimum, the eligible activities for which the grant is to be awarded, including the beginning and termination dates of the grant, the amount of the grant award, the schedule of payments, and any terms and conditions additional to

these rules which are agreed to by the parties.

~~(3-12-90)~~()

01. Acceptance of Grant Award by Grantee. Acceptance of the grant award is to be accomplished by returning two (2) copies of the contract bearing the original, signature of the duly authorized representative of the grantee. The copies of the signed contract are to be returned to the Council within fifteen (15) days of the date of the letter transmitting the agreement to the grantee. (5-3-03)

02. Approval or Grant Agreement. The agreement will be deemed approved and the grant effective upon the effective date specified in the agreement when signed by the authorized official for the Council. If more than sixty (60) days have elapsed between the stated effective date and the date the agreement is signed for the Council: (5-3-03)

a. There will be no penalty or reduction of funding if the delay was attributable to the Council. (5-3-03)

b. The program may face a reduction in funding and renegotiation of the agreement if the delay was attributable to the program. (3-12-90)

032. DENIAL, SUSPENSION, OR TERMINATION OF GRANT.

01. Compliance Issues. A grant may be suspended pending investigation to determine compliance with these rules. An application for a grant may be denied or a grant terminated if the program is not in compliance with these rules. (3-12-90)

02. Disincorporation. ~~In the event~~ If a legal entity ~~which that~~ is the recipient of a grant disincorporates, the Council must be informed in writing within twenty (20) days and the grant terminated. Grant funds for all but the portion of the fiscal year during which services required under the grant were performed must be recovered by the Council. Reallocation of remaining grant funds will be in accordance with applicable law. ~~(3-12-90)~~()

03. Internal Take-Over. If the governing board of one (1) of an agency's programs takes over the agency, with the program's board actually becoming the new board of the agency, the Council must be notified in writing within twenty (20) days. The grant may continue in effect without interruption. (3-12-90)

(BREAK IN CONTINUITY OF SECTIONS)

035. STATE AND FEDERAL DOMESTIC VIOLENCE GRANT -- RECORD KEEPING REQUIREMENTS.

Each program receiving a grant(s) from the Department must maintain accurate, current, and complete client, administrative, and fiscal records, including accurate records of the receipt, obligation, and disbursement of funds. Records must be accessible to authorized state officials during normal operating hours for purposes of inspection ~~and~~ or audit, ~~or both~~, with or without prior notification, ~~pursuant to~~ under Section 39-108, Idaho Code. The fiscal and program record requirements required for each grant are in the contract. ~~(3-12-90)~~()

036. AUDITS.

01. Projects Subject to Audit. Projects selected for funding by the Council ~~will be~~ are subject to audit. ~~Pursuant to the~~ Under U.S. Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments," grantees have the responsibility to provide for an audit of their activities. These audits ~~shall~~ must be ~~made~~ conducted annually. Grantees as well as their contractors or other organizations under cooperative agreements or purchase of service contracts are to arrange for examination in the form of independent audits in conformance with OMB Circular A-128. ~~(3-12-90)~~()

02. Audit Requirement. These audits ~~shall~~ must be ~~made~~ performed by an independent auditor in accordance with generally accepted governmental auditing standards governing financial and compliance audits. The ~~required~~ audits are to be performed on an organization-wide basis. The audit ~~reports~~ must include: ~~(3-12-90)~~()

- a. ~~The auditor's~~ **A** report on financial statements of the recipient's organization and a schedule of financial assistance showing the total expenditures for each assistance program; (3-12-90)()
- b. ~~The auditor's~~ **A** report on compliance containing: (3-12-90)()
- i. A ~~statement of~~ positive assurance ~~with respect to those~~ **that** items ~~were~~ tested for compliance, ~~including compliance~~ with laws and regulations pertaining to financial reports and claims for advances and reimbursements; (3-12-90)()
- ii. A negative assurance of those items not tested and a summary of all instances of noncompliance; and (3-12-90)
- iii. ~~The auditor's report on~~ **T**he study and evaluation of internal control systems, which must identify accounting controls, and those controls designed to provide reasonable assurance that federal programs are being managed in compliance with applicable laws and regulations. It must also identify the controls that were not evaluated, and the material weaknesses identified ~~as a result of~~ **by** that identification. (3-12-90)()

~~**02. Audit Objectives.** Grants and other agreements are awarded subject to conditions of fiscal, program and general administration to which the recipient expressly agrees. Accordingly, the audit objective is to renew the recipient's administration of grant funds and required non-federal contributions for the purpose of determining whether the recipient has:~~ (3-12-90)

~~**a.** Financial statements of the government, department, agency, or establishment that present fairly its financial position and the results of financial operations in accordance with generally accepted accounting principles;~~ (3-12-90)

~~**b.** The organization has internal accounting and other control systems to provide reasonable assurance that it is managing federal financial assistance programs in compliance with applicable laws and regulations; and~~ (3-12-90)

~~**e.** The organization has complied with laws and regulations that may have material effect on its financial statements and on each federal assistance program.~~ (3-12-90)

037. -- 999. (RESERVED)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE
16.06.12 – RULES GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP)
DOCKET NO. 16-0612-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-202, Idaho Code, and CFR Title 45 Part 98, Child Care and Development Fund.

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 October 16, 2019.

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 Idaho Child Care Program is removing sections that are no longer necessary and updating language to existing rules to align with federal regulations. The language updates pertain to health and safety training for providers. The Idaho Child Care Program received federal guidance pertaining to identified sections of IDAPA and changes and additions must be completed to come into compliance with the regulations. The program also began reviewing components of the rule that can be removed to comply with the Red Tape Reduction Act.

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

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

The program anticipates minimal, if any, negative impact on the state general fund as a result of this rulemaking. Removal of language pertaining to co-pays and mandatory reporting requirements for activity hours may result in small positive or negative impacts, depending on individual family circumstances, but the net impact of these changes is anticipated to be less than \$10,000 in additional costs to the general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this rulemaking is to align with federal regulations and 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ericka Rupp, (208) 334-5641.

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 October 23, 2019.

Dated this 19th day of August, 2019.

Tamara Prisock
DHW – Administrative Rules Unit
450 W. State Street – 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
Phone: (208) 334-5564
Fax: (208) 334-6558
E-mail: dhwrules@dhw.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 16-0612-1901
(Only Those Sections With Amendments Are Shown.)

401. IN-HOME CARE HEALTH AND SAFETY REQUIREMENTS.

~~Annually~~ Each in-home care provider is responsible to ensure that health and safety requirements are met for children being cared for in the children's own home, as defined in Section 802 of these rules. ~~(3-20-14)~~()

~~01. **Health and Safety Inspections.** In-home health and safety inspections, described in Section 802 of these rules, are not required for in-home care providers caring for children in the children's own home. (3-20-14)~~

~~02. **Health and Safety Training.** Because in-home care providers are exempt from health and safety inspections, each in-home care provider must annually complete health and safety training provided by the local Health District covering requirements listed in Section 802 of these rules. (3-2-17)~~

(BREAK IN CONTINUITY OF SECTIONS)

503. COPAYMENTS.

Eligible families, except TAFI families participating in non-employment TAFI activities and guardians of foster children, must pay part of their child care costs. Providers are responsible for ensuring families pay the determined child care costs and must not waive these costs. (3-2-17)

01. Poverty Rates. Poverty rates will be one hundred thirty percent (130%) of the Federal Poverty Guidelines (FPG) available on the U.S. Health and Human Services website at <http://aspe.hhs.gov/poverty>. The monthly rate will be calculated by dividing the yearly rate by twelve (12). (4-4-13)

02. Calculating Family Payment. Family income and activity for the month of the child care will determine the family share of child care costs. The payment made by the Department will be the allowable local market rate or billed costs, whichever is lower, less the co-payment. (4-4-13)

~~03. **Changes to Copayments.** A family's share of child care costs will not increase due to a change in income only. (4-11-19)~~

(BREAK IN CONTINUITY OF SECTIONS)

CHANGE REPORTING REQUIREMENTS FOR THOSE RECEIVING CHILD CARE BENEFITS
(Sections 600 - 699)

600. CHANGE REPORTING REQUIREMENTS.

A family who receives child care benefits must report the following permanent changes by the tenth day of the month following the month in which the change occurred. (4-4-13)

~~01. **Change in Full-time or Part-time Activity Hours.** (3-28-18)~~

021. Change in Permanent Address. (3-28-18)

032. Change in Household Composition. (4-4-13)

043. Change in Income. When the household's total gross income for family of the same size exceeds

- any of the following: (4-11-19)
- a. One hundred and thirty percent (130%) of the Federal Poverty Guidelines (FPG); (4-11-19)
 - b. Eighty-five percent (85%) of the State Median Income (SMI); or (4-11-19)
 - c. The graduated phase-out income limit as defined in the Idaho Child Care State Plan. (4-11-19)
- 054. Change in Child Care Provider.** (5-1-11)

601. ~~REQUIRED ACTION ON REPORTED CHANGES. (RESERVED)~~

~~The Department will take the actions listed below on changes that are reported within the time frame listed in Section 600 of these rules. (5-1-11)~~

- ~~**01. Change in Income or Hours of Activity.** (5-1-11)~~
- ~~a. If a change in income or hours of qualifying activity results in a decrease in the amount of the child care benefit, the Department will make the change effective the month following the month the change is reported. (4-2-08)~~
 - ~~b. If a change results in an increase in the amount of the child care benefit, the Department will make the change effective in the month the change was reported. (5-1-11)~~
- ~~**02. Change in Billed Amount.** If the billed amount of child care changes, the Department will make the change effective for the month the change is reported. (5-1-11)~~

(BREAK IN CONTINUITY OF SECTIONS)

801. HEALTH AND SAFETY TRAINING.

All child care providers must complete a series of health and safety trainings during an orientation period of not more than ninety (90) days, in addition to ongoing annual training that address each of the following topics: (3-2-17)

- 01. Infectious Diseases.** The prevention and control of infectious diseases (including immunization). (3-2-17)
- 02. Sudden Infant Death Syndrome.** The prevention of sudden infant death syndrome and use of safe sleeping practices. (3-2-17)
- 03. Medication.** The administration of medication, consistent with standards for parental consent. (3-2-17)
- 04. Allergic Reactions.** The prevention of and response to emergencies due to food and allergic reactions. (3-2-17)
- 05. Environmental Safety.** Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic. (3-2-17)
- 06. Child Abuse Prevention.** Prevention of shaken baby syndrome, ~~and~~ abusive head trauma, child maltreatment, and recognition and reporting of child abuse and neglect. (3-2-17)()
- 07. Emergency Preparedness.** Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event. (3-2-17)
- 08. Hazardous Substances.** Proper handling, storage, and disposal of medicines, cleaning supplies, and other hazardous substances, including biocontaminants. (3-2-17)

09. Transportation. Appropriate precautions in transporting children, including the use of child safety restraints and seat belts. (3-2-17)

10. Child Development. Address major domains such as cognitive, social, emotional, physical development, and approaches to learning. ()

802. HEALTH AND SAFETY REQUIREMENTS.

All providers must comply with the health and safety requirements listed in Subsections 802.01 through 802.13 of this rule. All providers must agree to an annual, unannounced health and safety inspection, with the exception of in-home child care described in Section 401 of these rules. Compliance with these standards does not exempt a provider from complying with stricter health and safety standards under state law, tribal law, local ordinance, or other applicable law. (3-2-17)

01. Age of Provider. All child care providers providing services must be eighteen (18) years old or older. Persons sixteen (16) or seventeen (17) years old may provide child care if they have direct, on-site supervision from a licensed child care provider who is at least eighteen (18) years old. (4-2-08)

02. Sanitary Food Preparation. Food for use in child care facilities must be prepared and served in a sanitary manner. Utensils and food preparation surfaces must be cleaned and sanitized before using to prevent contamination. (4-2-08)

03. Food Storage. All food served in child care facilities must be stored to protect it from potential contamination. (4-2-08)

04. Hazardous Substances. Medicines, cleaning supplies, and other hazardous substances must be handled safely and stored out of the reach of children. Biocontaminants must be disposed of appropriately. (3-2-17)

05. Emergency Communication. A telephone or some type of emergency communication system is required. (4-2-08)

06. Smoke Detectors, Fire Extinguishers, and Exits. A properly installed and operational smoke detector must be on the premises where child care occurs. Adequate fire extinguishers and fire exits must be available on the premises. (4-2-08)

07. Hand Washing. Each provider must wash his hands with soap and water at regular intervals, including before feeding, after diapering or assisting children with toileting, after nose wiping, and after administering first aid. (4-2-08)

08. CPR/First Aid. ~~All P~~providers must ~~insure that at all times children are present at least one (1) adult on the premises has~~ have current certification in pediatric rescue breathing (CPR) and pediatric first aid treatment from a certified instructor. ~~(3-2-17)~~()

09. Health of Provider. Each provider must certify that he does not have a communicable disease or any physical or psychological condition that might pose a threat to the safety of a child in his care. (4-2-08)

10. Child Abuse. Providers must report suspected child abuse to the appropriate authority. (4-2-08)

11. Transportation. Providers who transport children as part of their child care operations must operate safely and legally, using child safety restraints and seat belts as required by state and local statutes. (3-2-17)

12. Disaster and Emergency Planning. Providers must have documented policies and procedures planning for emergencies resulting from a natural disaster, or man-caused event that include: (3-2-17)

a. Evacuation, relocation, shelter-in-place, and lock-down procedures, and procedures for communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions. (3-2-17)

- b. Procedures for staff and volunteer emergency preparedness training and practice drills. (3-2-17)
- c. Guidelines for the continuation of child care services in the period following the emergency or disaster. (3-2-17)
- 13. Environmental Safety.** Building and physical premises must be safe, including identification of and protection from hazards that can cause bodily injury including electrical hazards, bodies of water, and vehicular traffic. (3-2-17)
- 14. Safe Sleep.** Providers must place newborn infants to twelve (12) months in a safe sleep environment. Safe sleep practices include, alone, on their backs, and in a Consumer Product Safety Commission (CPSC) certified crib. (3-28-18)

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.04.08 – INDIVIDUAL DISABILITY AND GROUP SUPPLEMENTAL DISABILITY INSURANCE MINIMUM STANDARDS RULE

DOCKET NO. 18-0408-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-4207, 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 October 16, 2019.

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 provides standards for various individual disability and group supplemental disability policies. This rulemaking seeks to fix confusing pre-existing condition language, remove medical expense coverage types, make other clarifications and restructure sections in order to clarify which standards apply to which type of coverage.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 7, 2019, Idaho Administrative Bulletin, [Vol. 19-8, page 76](#).

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:

Title 41, Chapter 42, Idaho Code, Individual Accident and Health, requires the director to issue rules to establish minimum standards for benefits in certain categories of coverage in various policies. The NAIC Model Regulation to Implement the Accident and Sickness Insurance Minimum Standards Act, # 171, provides standardized outlines of coverage and associated required notices. The applicable outlines and notices are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Weston Trexler at weston.trexler@doi.idaho.gov, or (208) 334-4315.

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 October 23, 2019.

Dated this 9th day of September, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0408-1901
(Only Those Sections With Amendments Are Shown.)

18.04.08 – INDIVIDUAL ~~DISABILITY~~ AND GROUP SUPPLEMENTAL~~RY~~ DISABILITY
INSURANCE MINIMUM STANDARDS RULE

000. LEGAL AUTHORITY.

~~This rule is issued pursuant to the authority vested in the Director under Chapter 42, Title 41, Chapters 2 and 42, Idaho Code, and Chapter 52, Title 67-5220(1), Idaho Code.~~ (3-30-01)()

001. TITLE AND SCOPE.

01. **Title.** ~~This rule is titled~~ IDAPA 18.04.08, “Individual ~~Disability~~ and Group Supplemental~~ry~~ Disability Insurance Minimum Standards Rule.” (3-30-01)()

02. **Scope Purpose.** The purpose of this ~~rule chapter~~ is to implement ~~Chapter 42, Title 41, Chapters 21, 22, 34, and 42, Idaho Code, and, to this extent not in conflict with federal law,~~ to standardize and simplify the terms and coverages of individual ~~and group supplementary~~ disability insurance ~~policies, and group supplemental health insurance consisting of group disability policies and certificates providing hospital confinement indemnity, accident only, specified disease, specified accident or limited benefit health coverage.~~ This rule is also intended, to facilitate public understanding and comparison of coverage, to eliminate provisions ~~contained in individual accident and sickness insurance policies and group supplemental health insurance~~ that may be misleading or confusing in connection with the purchase of the coverages or with the settlement of claims, and to provide for full disclosure in the marketing and sale of ~~individual accident and sickness insurance policies and group supplemental health~~ such insurance. ~~This rule is also intended to provide for disclosure in the sale of dental and vision plans.~~ (3-30-01)()

03. **Applicationability and Scope.** This ~~rule chapter~~ applies to all individual ~~accident and sickness insurance policies~~ and group ~~supplemental health~~ policies and certificates, ~~including short-term plans providing hospital confinement indemnity, disability income protection, accident only, specified disease, specified accident, or limited benefit health coverage, referred to collectively in this chapter as “supplementary disability insurance,” delivered, or issued for delivery, continued or renewed in this state, or covering a resident of this state, unless on and after the effective date of this rule that are not~~ specifically exempted ~~from the rule.~~ (3-30-01)()

a. This ~~rule applied to~~ ~~chapter applies to~~ dental plans and vision plans only as specified. (3-30-01)()

~~b. This chapter applies to group supplementary plans whether issued to supplement a group health benefit plan, or as a supplementary plan that pays benefits regardless of other coverage.~~ ()

~~bc.~~ This ~~rule chapter~~ does not apply to: (3-30-01)()

i. Individual policies or contracts issued pursuant to a conversion privilege under a ~~group~~ policy or ~~contract of group or individual insurance when the group or individual policy or contract includes provisions that are inconsistent with the requirements of this rule~~ ~~certificate.~~ (3-30-01)()

ii. Policies issued to employees or members as additions to franchise plans ~~in existence on the effective date of this rule.~~ (3-30-01)()

iii. Medicare supplement policies subject to ~~Title 41, Chapter 44, Title 41, Idaho Code, Medicare Supplement Insurance Minimum Standards, and IDAPA 18.04.10, “Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.”~~ (3-30-01)()

iv. Long-term care insurance policies subject to ~~Title 41, Chapter 46, Title 41, Idaho Code, Long Term~~

Care Insurance, ~~and IDAPA 18.04.11, "Long-Term Care Insurance Minimum Standards."~~ (3-30-01)()

v. Civilian Health and Medical Program of the Uniformed Services, Title 10, Chapter 55, ~~Title 10~~ of the United States Code, (CHAMPUS) supplement insurance policies. (3-30-01)()

vi. Individual or group major medical expense coverage, including short-term coverage. ()

~~04. Other Rules Applicable. The requirements contained in this rule shall be in addition to any other applicable rules previously adopted.~~ (3-30-01)

~~002. WRITTEN INTERPRETATIONS.~~

~~In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost at this agency.~~ (3-30-01)

~~0032. ADMINISTRATIVE APPEALS.~~

All contested cases will be governed by the provisions of Title 41, Chapter 2, ~~Title 41~~, Idaho Code, and the Idaho Administrative Act, Title 67, Chapter 52, ~~Title 67~~, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (3-30-01)()

~~0043. INCORPORATION BY REFERENCE.~~

01. **Copies.** ~~Copies of these documents m~~May be obtained from the Idaho Department of Insurance, 700 W. State Street, 3rd Floor, PO Box 83720, Boise, Idaho 83702-0043, or from the Internet website at <http://www.doi.idaho.gov/> under the "Consumer Assistance" link. (3-30-01)()

02. **Documents Incorporated by Reference.** The following ~~sections~~ Outlines of Coverage and required notices are incorporated by reference from the April 1999 version of the NAIC Model Regulation to Implement the Accident and Sickness Insurance Minimum Standards Act ~~are incorporated by reference into these rules:~~ (3-30-01)()

~~a. Basic Hospital Expense Coverage.~~ (3-30-01)

~~b. Basic Medical-Surgical Expense Coverage.~~ (3-30-01)

~~c. Basic Hospital/Medical-surgical Expense Coverage.~~ (3-30-01)

~~da.~~ Hospital Confinement Indemnity Coverage. (3-30-01)

~~e. Individual Major Medical Expense Coverage.~~ (3-30-01)

~~fb.~~ Disability Income Protection Coverage. (3-30-01)

~~gc.~~ Accident Only Coverage. (3-30-01)

~~hd.~~ Specified Disease ~~or Specified Accident Coverage.~~ (3-30-01)()

e. Specified Accident ()

~~if.~~ Limited Benefit Health Coverage. (3-30-01)

~~ig.~~ Dental Plans. (3-30-01)

~~hh.~~ Vision Plans. (3-30-01)

~~fi.~~ Notice to Applicant Regarding Replacement of Accident and Sickness Insurance (direct sales). (3-30-01)

~~iii.~~ Notice to Applicant Regarding Placement of Accident and Sickness Insurance (other than direct sales). (3-30-01)

~~005. OFFICE OFFICE HOURS MAILING ADDRESS, STREET ADDRESS AND WEB SITE.~~

~~01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. (3-28-18)~~

~~02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. (3-28-18)~~

~~03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83702-0043. (3-28-18)~~

~~04. Web Site Address. The department's website is <http://www.doi.idaho.gov>. (3-28-18)~~

~~006. PUBLIC RECORDS ACT COMPLIANCE.~~

~~Any records associated with this rule are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code, as well as applicable exemptions. (3-28-18)~~

~~007.~~ -- 009. (RESERVED)

010. DEFINITIONS.

01. Accident Only Coverage. "Accident Only Coverage" means a policy or certificate that provides coverage, singly or in combination, for death, dismemberment, disability or hospital and medical care caused by an accident, and does not provide coverage for non-accidents. ()

02. Dental Coverage. "Dental Coverage" means a policy or certificate that primarily provides benefits for dental expenses. ()

03. Disability Income Protection Coverage. "Disability Income Protection Coverage" means a policy or certificate that provides for periodic payments, weekly or monthly, for a specified period during the continuance of disability resulting from either sickness or injury or a combination of both. ()

04. Hospital Confinement Indemnity Coverage. "Hospital Confinement Indemnity Coverage" means a policy or certificate of accident and sickness insurance that provides daily benefits for hospital confinement on an indemnity basis, meaning the benefit is a fixed dollar amount per day of confinement, regardless of the expenses incurred. ()

05. Limited Benefit Health Coverage. "Limited Benefit Health Coverage" means a policy or certificate that provides benefits that are less than the minimum standards for benefits required under Sections 035 through 039 of this chapter. ()

06. Major Medical Expense Coverage. "Major Medical Expense Coverage" means a policy of accident and sickness insurance that provides hospital, medical and surgical expense coverage. ()

07. Specified Accident Coverage. "Specified Accident Coverage" means a policy or certificate that provides coverage for a specifically identified kind of accident (or accidents) for each person insured under the coverage for accidental death or accidental death and dismemberment combined. ()

08. Specified Disease Coverage. "Specified Disease Coverage" means a policy or certificate that pays benefits only after the diagnosis of a specifically named disease or diseases. ()

09. Vision Coverage. "Vision Coverage" means a policy or certificate that primarily provides benefits for vision expenses. ()

011. POLICY DEFINITIONS AND TERMS.

Except as provided in this ~~rule chapter~~, an ~~individual accident and sickness~~ insurance policy or ~~group supplemental health insurance policy delivered or issued for delivery to any person in this state and certificate~~ to which this ~~rule chapter~~ applies ~~shall contain~~ **must not include** definitions ~~respecting~~ **more restrictive than** the ~~matters set forth below that comply with the requirements of Section 004.~~ **following:** (3-30-01)()

01. Accident. “Accident,” “accidental injury,” and “accidental” ~~shall be defined~~ **is** to employ “result” language and ~~shall~~ not include words that establish an accidental means test or use words such as “external, violent, visible wounds” or similar words of description or characterization. (3-30-01)()

a. ~~The definition shall not be more restrictive than the following:~~ “Injury” or “injuries” means accidental bodily injury sustained by the insured person that is the direct cause of the condition for which benefits are provided, independent of disease or bodily infirmity or any other cause, and that occurs while the insurance is in force. (3-30-01)()

b. ~~The definition~~ **It** may ~~provide that injuries shall not include~~ **exclude** injuries for which ~~B~~ benefits are provided: (3-30-01)()

i. ~~#~~ Under workers’ compensation, employers’ liability, or similar law; or (3-30-01)

ii. Under a motor vehicle no-fault plan, unless ~~prohibited by law~~ **the motor vehicle no-fault plan provides for coordination of benefits**; or (3-30-01)()

iii. ~~For~~ injuries occurring while the insured person is engaged in any activity pertaining to a trade, business, employment or occupation for wage or profit. (3-30-01)()

02. Convalescent Nursing Home. “Convalescent nursing home,” “extended care facility,” or “skilled nursing facility” ~~shall~~ **is to** be defined in relation to its status, facility and available services. (3-30-01)()

a. ~~A definition of the~~ **Such** home or facility ~~shall not be more restrictive than one requiring that it is to:~~ (3-30-01)()

i. Be operated pursuant to law; (3-30-01)

ii. Be approved for payment of Medicare benefits or be qualified to receive approval for payment of Medicare benefits, if so requested; (3-30-01)

iii. Be primarily engaged in providing, in addition to room and board accommodations, skilled nursing care under the supervision of a duly licensed physician; (3-30-01)

iv. Provide continuous twenty-four (24) hours per day nursing service by or under the supervision of a registered nurse; and (3-30-01)

v. Maintain a daily medical record of each patient. (3-30-01)

b. The definition of the home or facility may provide that the term ~~shall~~ **will** not be inclusive of: (3-30-01)()

i. A home, facility or part of a home or facility used primarily for rest; (3-30-01)

ii. A home or facility for the aged or for the care of drug addicts or alcoholics; or (3-30-01)

iii. A home or facility primarily used for the care and treatment of mental diseases or disorders, or for custodial or educational care. (3-30-01)

03. Home Health Care Agency. “Home Health Care Agency” means an agency approved under

Medicare, or that is licensed to provide home health care under applicable state law, or that meets all of the following requirements: ()

a. It is primarily engaged in providing home health care services; ()

b. Its policies are established by a group of professional personnel (including at least one (1) physician and one (1) registered nurse); ()

c. A physician or a registered nurse provides supervision of home health care services; ()

d. It maintains clinical records on all patients; and ()

e. It has a full-time administrator. ()

04. Hospice. "Hospice" means a facility licensed, certified or registered in accordance with state law that provides a formal program of care that is: ()

a. For terminally ill patients whose life expectancy is less than six (6) months; ()

b. Provided on an inpatient or outpatient basis; and ()

c. Directed by a physician. ()

~~035.~~ **Hospital.** ~~May~~ "Hospital" is to be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Healthcare Organizations, Accreditation of Rehabilitation Facilities or by Medicare. (3-30-01)()

~~hospital~~ may: ~~The definition of the term "hospital" shall not be more restrictive than one requiring that the~~ (3-30-01)()

i. Be an institution licensed to operate as a hospital pursuant to law; (3-30-01)

ii. Be primarily and continuously engaged in providing or operating, either on its premises or in facilities available to the hospital on a prearranged basis and under the supervision of a staff of licensed physicians, medical, diagnostic and major surgical facilities for the medical care and treatment of sick or injured persons on an in-patient basis for which a charge is made; and (3-30-01)

iii. Provide twenty-four (24) hour nursing service by or under the supervision of registered nurses. (3-30-01)

~~b.~~ The ~~definition of the~~ term "hospital" may ~~state that the term shall~~ not be inclusive of the following, unless the facility otherwise meets the qualifications set forth at ~~Subsection 004.03 Paragraph 011.05.a.~~ of this ~~rule~~ Section: (3-30-01)()

i. Convalescent homes or, convalescent, rest, or nursing facilities; (3-30-01)

ii. Facilities affording primarily custodial, educational, or rehabilitatory care; (3-30-01)

iii. Facilities for the aged, drug addicts, or alcoholics; or (3-30-01)

iv. A military or veterans' hospital, a soldiers' home or a hospital contracted for or operated by any national government or government agency for the treatment of members or ex-members of the armed forces, except for services rendered on an emergency basis where a legal liability for the patient exists for charges made to the individual for the services. (3-30-01)

~~04. Medicare. Means The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then constituted or later amended.~~ (3-30-01)

~~056.~~ **Mental Disorders or Nervous Disorders.** “Mental Disorders” or “Nervous Disorders” *Shall not be defined more restrictively than a definition including* includes neurosis, psychoneurosis, psychosis, or mental or emotional disease or disorder of any kind. (3-30-01)()

~~067.~~ **Nurse.** “Nurse” *May be defined so that the description of nurse is* restricted to a type of nurse, such as registered nurse, a licensed practical nurse, or a licensed vocational nurse. If the words “nurse,” “trained nurse” or “registered nurse” are used without specific instruction, then the use of these terms requires the insurer to recognize the services of any individual who qualifies under the terminology in accordance with the applicable statutes or administrative rules of the licensing or registry board of the state of Idaho. (3-30-01)()

~~078.~~ **One Period of Confinement.** “One Period Confinement” *Means* consecutive days of in-hospital service received as an in-patient, or successive confinements when discharge from and readmission to the hospital occurs within a period of time not more than ninety (90) days or three (3) times the maximum number of days of in-hospital coverage provided by the policy to a maximum of one hundred eighty (180) days. (3-30-01)()

~~089.~~ **Partial Disability.** “Partial Disability” *Shall be defined is* in relation to the individual’s inability to perform one or more but not all of the “major,” “important” or “essential” duties of employment or occupation, or may be related to a percentage of time worked or to a specified number of hours or to compensation. (3-30-01)()

~~09.~~ **Physician.** *May be defined by including words such as “qualified physician” or “licensed physician.” The use of these terms requires an insurer to recognize and to accept, to the extent of its obligation under the contract, all providers of medical care and treatment when the services are within the scope of the provider’s licensed authority and are provided pursuant to applicable laws.* (3-30-01)

10. Preexisting Condition. “Preexisting Condition” *Shall not be defined more restrictively than the following is:* (3-30-01)()

~~a.~~ *A health benefit plan shall not deny, exclude or limit benefits for a covered individual for covered expenses incurred more than twelve (12) months following the effective date of the individual’s coverage due to a preexisting condition. A health benefit plan shall not define a preexisting condition more restrictively than:* (3-30-01)

~~i~~a. A condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care or treatment during the six (6) months immediately preceding the effective date of coverage; (3-30-01)

~~i~~b. A condition for which medical advice, diagnosis, care or treatment was recommended or received during the six (6) months immediately preceding the effective date of coverage; or (3-30-01)

~~i~~c. A pregnancy existing on the effective date of coverage. (3-30-01)

~~b.~~ *A health benefit plan shall waive any time period applicable to a preexisting condition exclusion or limitation period with respect to particular services for the period of time an individual was previously covered by qualifying previous coverage to the extent such previous coverage provided benefits with respect to such services, provided that the qualifying previous coverage was continuous to a date not more than sixty three (63) days prior to the effective date of the new coverage.* (3-30-01)

~~e.~~ *An individual carrier shall not modify a health benefit plan with respect to an individual or dependent through riders, endorsements, or otherwise, to restrict or exclude coverage for certain diseases or medical conditions otherwise covered by the health benefit plan.* (3-30-01)

11. Provider. “Provider” means a person or entity that, where required, is licensed to provide health care or related services. ()

~~142.~~ **Residual Disability.** “Residual Disability” *Shall be defined is* in relation to the individual’s reduction in earnings and may be related either to the inability to perform some part of the “major,” “important,” or “essential duties” of employment or occupation, or to the inability to perform all usual business duties for as long as is usually required. A policy that provides for residual disability benefits may require a qualification period, during

which the insured must be continuously totally disabled before residual disability benefits are payable. The qualification period for residual benefits may be longer than the elimination period for total disability. In lieu of the term “residual disability,” the insurer may use “proportionate disability” or other term of similar import that in the opinion of the Director adequately and fairly describes the benefit. (3-30-01)()

123. **Sickness or Illness.** ~~“Sickness or Illness” shall not be defined to be more restrictive than the following: “Sickness (or Illness) means sickness or disease of an insured person that first manifests presents itself after the effective date of insurance and while the insurance is in force. The definition It may be further modified to exclude sickness or disease for which benefits are provided under a worker’s compensation, occupational disease, employers’ liability or similar law.”~~ (3-30-01)()

134. **Total Disability.** ~~“Total Disability” shall be defined is~~ in accordance with the following limitations: (3-30-01)()

a. ~~A general definition of total disability shall not be more restrictive than one requiring that~~ The individual who is totally disabled not be engaged in any employment or occupation for which he or she is or becomes qualified by reason of education, training or experience, and is not in fact engaged in any employment or occupation for wage or profit. (3-30-01)()

b. Total disability may be defined in relation to the inability of the person to perform duties but ~~may is~~ not ~~to~~ be based solely upon an individual’s inability to: (3-30-01)()

i. Perform “any occupation whatsoever,” “any occupational duty,” or “any and every duty of his occupation”; or (3-30-01)

ii. Engage in a training or rehabilitation program. (3-30-01)

c. An insurer may require the complete inability of the person to perform all of the substantial and material duties of his or her regular occupation or words of similar import. An insurer may require care by a physician other than the insured or a member of the insured’s immediate family. (3-30-01)

012. -- 019. (RESERVED)

0120. PROHIBITED POLICY PROVISIONS.

01. **Probationary or Waiting Period.** Except as provided in Subsection ~~00411.10~~ pertaining to the definition of a preexisting condition ~~or Paragraph 038.02.e. of this chapter regarding specified disease coverage,~~ a policy ~~shall or certificate will~~ not contain provisions establishing a probationary or waiting period during which no coverage is provided under the policy ~~or certificate.~~ Accident policies ~~shall will~~ not contain probationary or waiting periods. (3-30-01)()

02. **Additional Coverage as Dividend.** A policy or rider for additional coverage ~~may will~~ not be issued as a dividend unless an equivalent cash payment is offered as an alternative to the dividend policy or rider. A dividend policy or rider for additional coverage ~~shall will~~ not be issued for an initial term of less than six (6) months. (3-30-01)()

a. The initial renewal subsequent to the issuance of a policy or rider as a dividend ~~shall will~~ clearly disclose that the policyholder is renewing the coverage that was provided as a dividend for the previous term and that the renewal is optional. (3-30-01)()

03. **Return of Premium or Cash Value Benefit.** A disability income policy, accident only policy, limited benefit policy, specified disease policy or hospital confinement indemnity policy may contain a “return of premium” or “cash value benefit” so long as the return of premium or cash value benefit is not reduced by an amount greater than the aggregate of claims paid under the policy, and the insurer demonstrates that the reserve basis for the policies is adequate. No other policy subject to this ~~rule~~ chapter shall provide a return of premium or cash value benefit, except return of unearned premium upon termination or suspension of coverage, retroactive waiver of premium paid during disability, payment of dividends on participating policies, or experience rating refunds. (3-28-18)()

~~04. Federally Operated Hospital. Policies providing hospital confinement indemnity coverage shall not contain provisions excluding coverage because of confinement in a hospital operated by the federal government. (3-30-01)~~

054. Exclusions. A policy ~~shall~~ or certificate will not limit or exclude coverage by type of illness, accident, treatment or medical condition, except ~~as follows~~ that a policy or certificate may include one (1) or more of the following limitations or exclusions: (3-30-01)()

- a. Preexisting conditions or diseases, except for congenital anomalies of a covered dependent child; (3-30-01)
- b. Mental or emotional disorders, alcoholism and drug addiction; (3-30-01)
- c. Pregnancy, except for complications of pregnancy; (3-30-01)
- d. Illness, treatment or medical condition arising out of: (3-30-01)
 - i. War or act of war (whether declared or undeclared); participation in a felony, riot or insurrections; service in the armed forces or units auxiliary to it; (3-30-01)
 - ii. Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; (3-30-01)
 - iii. Professional aviation for wage or profit; and (3-30-01)()
 - ~~iv. With respect to short term nonrenewable policies, interscholastic sports; and~~ (3-30-01)
 - iv. With respect to disability income protection policies, incarceration. (3-30-01)
- e. Cosmetic surgery, except that “cosmetic surgery” ~~shall~~ will not include reconstructive surgery when the service is incidental to or follows surgery resulting from trauma, infection or other diseases of the involved part, and reconstructive surgery because of congenital disease or anomaly of a covered dependent child; or involuntary complications or complications related to a cosmetic procedure; (3-30-01)()
- f. Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, chronic foot strain or symptomatic complaints of the feet; (3-30-01)
- g. Care in connection with the detection and correction by manual or mechanical means of structural imbalance, distortion, or subluxation in the human body for purposes of removing nerve interference and the effects of it, where the interference is the result of or related to distortion, misalignment or subluxation of, or in the vertebral column; (3-30-01)
- h. Benefits ~~provided under in excess of Medicare eligible expense, if enrolled in~~ Medicare or other governmental program (except Medicaid), or benefits provided under a state or federal worker’s compensation law, employers liability or occupational disease law, or motor vehicle no-fault law unless the motor vehicle no-fault plan provides for coordination of benefits; services performed by a member of the covered person’s immediate family; and services for which no charge is normally made in the absence of insurance; (3-30-01)()
 - i. Dental care or treatment; (3-30-01)
 - j. Eye glasses and the examination for the prescription, or fitting of them; (4-11-19)()
 - k. Rest cures, custodial care, transportation, and routine physical examinations; (4-11-19)
 - l. Territorial limitations; and (4-11-19)()
 - m. Hearing aids, auditory osseointegrated (bone conduction) devices, cochlear implants and

examination for or fitting of them, except for congenital or acquired hearing loss that without intervention may result in cognitive or speech development deficits of a covered dependent child, covering not less than one (1) device every thirty-six (36) months per ear with loss and not less than forty-five (45) language/speech therapy visits during the first twelve (12) months after delivery of the covered device. (4-11-19)

n. Missed or canceled appointments; completion of claim forms or records copying; failure to vacate a room on or before the facility's established discharge hour; educational and training services except as provided by the policy or certificate; over the counter medical supplies, consumable or disposable supplies, including but not limited to elastic stockings, ace bandages, gauze, alcohol swabs or dressings; ()

o. Treatment, services or supplies not prescribed by or upon the direction of a licensed provider, acting within the scope of his or her license; ()

p. Services rendered prior to the effective date of coverage or after termination of coverage, except as provided by an extension of benefits provision, and; ()

q. The reversal of an elective sterilization procedure, including but not limited to vasovasostomies or salpingoplasties. ()

05. Preexisting Conditions. ()

a. Except as provided in this subsection, a policy will not deny, exclude or limit benefits for covered expenses incurred more than twelve (12) months following the effective date of the coverage due to a preexisting condition. ()

b. For policies other than disability income or specified disease, an individual carrier will not modify a policy with respect to an individual or dependent through riders, endorsements, or otherwise, to restrict or exclude coverage for specifically named preexisting diseases or conditions otherwise covered by the policy. ()

~~06. Authority of Director to Disapprove. Policy provisions precluded in Section 011 shall not be construed as a limitation on the authority of the Director to disapprove other policy provisions in accordance with Chapters 21, 22 and 42 of Title 41 of the Idaho Code, or that in the opinion of the Director are unjust, unfair or unfairly discriminatory to the policyholder, beneficiary or a person insured under the policy. (3-30-01)~~

021. -- 029. (RESERVED)

~~Accident and Sickness Minimum Standards for Benefits
(Sections 012 through 029)~~

~~01230. ACCIDENT AND SICKNESS MINIMUM STANDARDS FOR BENEFITS.~~

01. Minimum Standards. The following minimum standards for benefits are prescribed for the categories of coverage noted in ~~the following sub~~Sections 035 through 040 of this chapter. ~~An individual accident and sickness~~ Such an insurance policy or ~~group supplemental health insurance policy shall~~ certificate will not be offered, delivered or issued for delivery, continued or renewed in this state, or covering a resident of this state unless it meets the required minimum standards for the specified categories or the Director finds that the policies or contracts are allowable as limited benefit health insurance, and the outline of coverage complies with the applicable model outline of coverage ~~established by the National Association of Insurance Commissioners ("NAIC") and accessible by the Internet at www.doi.state.id.us, under the "Consumer Assistance" link,~~ for each category of coverage ~~noted in Sections 013 through 029. Section 012 shall not preclude the issuance of any policy or contract combining two (2) or more categories set forth in Section 41-4204(1) and 41-4204(2), Idaho Code. Limitations on coinsurance percentages set forth in this rule do not apply to out of network benefits offered as part of a managed care plan.~~ An insurer will deliver an outline of coverage to an applicant or enrollee with the sale. (3-30-01)()

013. GENERAL RULES:

~~012.~~ Termination of Coverage of Spouse Limitations Renewability. A "noncancellable," "guaranteed

renewable,” or “noncancellable and guaranteed renewable” ~~individual accident and sickness~~ policy ~~shall or certificate will~~ not provide for termination of coverage of the spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than nonpayment of premium. In addition, the policy shall provide that in the event of the insured’s death, the spouse of the insured, if covered under the policy, ~~shall will~~ become the insured. (3-30-01)()

a. The terms “noncancellable,” “guaranteed renewable,” or “noncancellable and guaranteed renewable” ~~shall will~~ not be used without further explanatory language in accordance with the disclosure requirements of Section 101 of this ~~rule~~ chapter. (3-30-01)()

b. The terms “noncancellable” or “noncancellable and guaranteed renewable” may be used only in ~~an~~ ~~individual accident and sickness~~ a policy that the insured has the right to continue in force by the timely payment of premiums set forth in the policy ~~until the age of sixty-five (65) or until eligibility for Medicare~~, during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force. (3-30-01)()

c. An individual accident and sickness or individual accident-only policy that provides for periodic payments, weekly or monthly, for a specified period during the continuance of disability resulting from accident or sickness may provide that the insured has the right to continue the policy only to age sixty (60) if, at age sixty (60), the insured has the right to continue the policy in force at least to age sixty-five (65) while actively and regularly employed. (3-30-01)

d. Except as provided in ~~Subsection 0130.02~~ of this ~~rule~~ chapter, (the term “guaranteed renewable” may be used only in a policy that the insured has the right to continue in force by the timely payment of premiums ~~and~~, until the age of sixty-five (65) or until eligibility for Medicare and to the extent not in conflict with ~~the federal~~ Health Insurance Portability and Accountability Act; (HIPAA), during which period the insurer has no right to make unilaterally any change in any provision of the policy while the policy is in force, except where the insurer is able to show good cause for changing the policy provisions and obtains prior written approval from the Director. The insurer may make changes in premium rates by classes. (3-30-01)()

023. Age and Durational Requirements. In ~~an individual accident and sickness~~ policy covering both husband and wife, the age of the younger spouse ~~shall will~~ be used as the basis for meeting the age and durational requirements of the definitions of “noncancellable” or “guaranteed renewable.” However, this ~~requirement shall provision will~~ not ~~prevent require~~ termination of coverage of the older spouse upon attainment of the stated age so long as the policy may be continued in force as to the younger spouse ~~as the insured~~ to the age or for the durational period as specified in the policy. (3-30-01)()

034. Accidental Death and Dismemberment Coverage. When accidental death and dismemberment coverage is part of the ~~individual accident and sickness insurance~~ policy coverage offered under the contract, the insured ~~shall will~~ have the option to include all insureds under the coverage ~~and not just the principal insured~~. (3-30-01)()

045. Military Service Limitations. If a policy contains a status-type military service exclusion or a provision that suspends coverage during military service, the policy ~~shall will~~ provide, upon receipt of written request, for refund of premiums as applicable to the person on a pro rata basis. (3-30-01)()

056. Pregnancy Benefit Extension. In the event the insurer cancels or refuses to renew, policies providing pregnancy benefits ~~shall will~~ provide for an extension of benefits as to pregnancy commencing while the policy is in force and for which benefits would have been payable had the policy remained in force. (3-30-01)()

067. Convalescent or Extended Care Benefits. Policies providing convalescent or extended care benefits following hospitalization ~~shall will~~ not condition the benefits upon admission to the convalescent or extended care facility within a period of less than fourteen (14) days after discharge from the hospital. (3-30-01)()

078. Coverage of Dependents. A policy’s coverage ~~shall will~~ continue for a dependent child who is incapable of self-sustaining employment due to ~~mental retardation~~ ~~intellectual disability~~ or physical ~~handicap~~

disability on the date that the child's coverage would otherwise terminate under the policy due to the attainment of a specified age for children and who is chiefly dependent on the insured for support and maintenance. The policy may require that within thirty-one (31) days of the date the company receives due proof of the incapacity in order for the insured to elect to continue the policy in force with respect to the child, or that a separate converted policy be issued at the option of the insured or policyholder. Provisions relating to coverage of dependents with mental intellectual disabilities or physical handicaps shall disabilities need meet the requirements of Sections 41-2139 and 41-2203, Idaho Code. (3-30-01)()

~~089.~~ **Expenses of Live Donor.** A policy providing coverage for the recipient in a transplant operation shall will also provide reimbursement of any medical expenses of a live donor to the extent that benefits remain and are available under the recipient's policy or certificate, after benefits for the recipient's own expenses have been paid. (3-30-01)()

~~109.~~ **Recurrent Disabilities.** A policy may contain a provision relating to recurrent disabilities, but a provision relating to recurrent disabilities shall not specify that a recurrent disability be separated by a period greater than six (6) months. (3-30-01)()

~~101.~~ **Accidental Death and Dismemberment.** Accidental death and dismemberment benefits shall will be payable if the loss occurs within ninety (90) days from the date of the accident, irrespective of total disability. Disability income benefits, if provided, shall will not require the loss to commence less than thirty (30) days after the date of accident, nor shall will any policy that the insurer cancels or refuses to renew require that it be in force at the time disability commences if the accident occurred while the coverage was in force. (3-30-01)()

~~112.~~ **Specific Dismemberment Benefits.** Specific dismemberment benefits shall will not be in lieu of other benefits unless the specific benefit equals or exceeds the other benefits. (3-30-01)()

~~12.~~ **Accident Only Policy.** *An accident only policy providing benefits that vary according to the type of accidental cause shall prominently set forth in the outline of coverage the circumstances under which benefits are payable that are lesser than the maximum amount payable under the policy.* (3-30-01)

~~13.~~ **Continuous Loss Extension of Benefits.** Termination of the policy shall will be without prejudice to a continuous loss that commenced while the policy or certificate was in force. *The continuous total disability of the insured may be a condition for the* Such extension of benefits beyond the period during which the policy was in force may be a conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. (3-30-01)()

~~14.~~ **Fractures or Dislocations.** A policy providing coverage for fractures or dislocations may will not provide benefits only for "full or complete" fractures or dislocations. (3-30-01)()

~~014.~~ **BASIC HOSPITAL EXPENSE COVERAGE.**

A policy of accident and sickness insurance that provides coverage for a period of not less than thirty one (31) days during a continuous hospital confinement for each person insured under the policy, for expense incurred for necessary treatment and services rendered as a result of accident or sickness for at least the following: (3-30-01)

~~01.~~ **Daily Hospital Room and Board.** *Daily hospital room and board in an amount not less than the lesser of:* (3-30-01)

~~a.~~ *Eighty percent (80%) of the charges for semiprivate room accommodations; or* (3-30-01)

~~b.~~ *One hundred dollars (\$100) per day.* (3-30-01)

~~02.~~ **Miscellaneous Services.** *Miscellaneous hospital services for expenses incurred for the charges made by the hospital for services and supplies that are customarily rendered by the hospital and provided for use only during any one period of confinement in an amount not less than either eighty percent (80%) of the charges incurred up to at least three thousand dollars (\$3,000) or ten (10) times the daily hospital room and board benefits; and* (3-30-01)

- ~~03. **Hospital Outpatient Services.** Hospital outpatient services consisting of: (3-30-01)~~
- ~~a. Hospital services on the day surgery is performed; (3-30-01)~~
 - ~~b. Hospital services rendered within seventy-two (72) hours after injury, in an amount not less than one hundred fifty dollars (\$150); and (3-30-01)~~
 - ~~c. X ray and laboratory tests to the extent that benefits for the services would have been provided in an amount of less than one hundred dollars (\$100) if rendered to an in-patient of the hospital. (3-30-01)~~

~~04. **Combined Deductible.** Benefits provided under Subsections 014.01 and 014.02 of this rule may be provided subject to a combined deductible amount not in excess of one hundred dollars (\$100). (3-30-01)~~

~~**015. BASIC MEDICAL SURGICAL EXPENSE COVERAGE.**~~

~~A policy of accident and sickness insurance that provides coverage for each person insured under the policy for the expenses incurred for the necessary services rendered by a physician for treatment of an injury or sickness for at least the following: (3-30-01)~~

- ~~01. **Surgical Services.** Surgical services shall be: (3-30-01)~~
- ~~a. In amounts not less than those provided on a fee schedule based on the relative values contained in the most recent Medicare Resource Based Relative Value Scale, or as defined to the Director, utilizing Current Procedure Terminology (CPT) coding or other acceptable relative value schedule, up to a maximum of at least one thousand dollars (\$1000) for one procedure; or (3-30-01)~~
 - ~~b. Not less than eighty percent (80%) of the reasonable charges. (3-30-01)~~

~~02. **Anesthesia Services.** Anesthesia services, consisting of administration of necessary general anesthesia and related procedures in connection with covered surgical service rendered by a physician other than the physician (or the physician assistant) performing the surgical services in an amount not less than: (3-30-01)~~

- ~~a. Eighty percent (80%) of the reasonable charges; or (3-30-01)~~
- ~~b. Fifteen percent (15%) of the surgical service benefit. (3-30-01)~~

~~03. **In Hospital Medical Services.** In hospital medical services, consisting of physician services rendered to a person who is a bed patient in a hospital for treatment of sickness or injury other than that for which surgical care is required, in an amount not less than: (3-30-01)~~

- ~~a. Eighty percent (80%) of the reasonable charges; or (3-30-01)~~
- ~~b. Fifty dollars (\$50) per day for not less than twenty-one (21) days during one period of confinement. (3-30-01)~~

~~**016. BASIC HOSPITAL/MEDICAL SURGICAL EXPENSE COVERAGE.**~~

~~A combined coverage and must meet the requirements of both Sections 014 and 015. (3-30-01)~~

~~**031. -- 034. (RESERVED)**~~

~~**017**~~**35. HOSPITAL CONFINEMENT INDEMNITY COVERAGE.**

01. Minimum Standards for Benefits. The following minimum standards apply:

~~01a. **Hospital Confinement Indemnity Coverage.** A policy of accident and sickness insurance that~~
~~provides daily benefits for hospital confinement on an indemnity basis in an amount not less than forty dollars (\$40) per day; and ()~~

b. Provides benefits for not less than thirty-one (31) days during each period of confinement for each person insured under the policy. (3-30-01)()

~~02. **Preexisting Condition Limitation.** Coverage shall not be excluded due to a preexisting condition for a period greater than twelve (12) months following the effective date of coverage of an insured person unless the preexisting condition is specifically and expressly excluded. (3-30-01)~~

~~03c. **No Coordination of Benefits.** Benefits shall will be paid regardless of other coverage. (3-30-01)()~~

02. Prohibited Policy or Certificate Provisions. ()

a. Policies may contain a “return of premium” or “cash value benefit” so long as the return of premium or cash value benefit is not reduced by an amount greater than the aggregate of claims paid under the policy or certificate, and the insurer demonstrates that the reserve basis for the policies is adequate. ()

b. Policies providing hospital confinement indemnity coverage will not contain provisions excluding coverage because of confinement in a hospital operated by the federal government. ()

c. Policies or certificates which include additional indemnity coverage on a basis other than per day of confinement will not be considered hospital confinement coverage. ()

03. Required Disclosure Provisions. ()

a. All hospital confinement indemnity policies and certificates will display prominently on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: “Notice to Buyer: This is a hospital confinement indemnity (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses.” ()

b. Outlines of coverage delivered in connection with “Hospital Confinement Indemnity Coverage” to persons eligible for Medicare by reason of age shall contain the following language in boldface type on the first page of the outline of coverage: “THIS IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the ‘Guide to Health Insurance for People with Medicare’ available from the company.” ()

c. An insurer will deliver to persons eligible for Medicare any notice required under IDAPA 18.01.54, “Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.” ()

018. INDIVIDUAL MAJOR MEDICAL EXPENSE COVERAGE.

~~01. **Major Medical Expense Coverage.** An accident and sickness insurance policy that provides hospital, medical and surgical expense coverage, to an aggregate maximum of not less than five hundred thousand dollars (\$500,000); coinsurance percentage per year per covered person not to exceed fifty percent (50%) of covered charges, provided that the coinsurance out of pocket maximum combined with any deductibles shall not exceed four percent (4%) of the aggregate maximum limit under the policy for each covered person; a deductible stated on a per person, per family, per illness, per benefit period, or per year basis, or a combination of these bases not to exceed four percent (4%) of the aggregate maximum limit under the policy for each covered person for at least: (3-30-01)~~

~~**a.** Daily hospital room and board expenses subject only to limitations based on average daily cost of the semiprivate room rate in the area where the insured resides; (3-30-01)~~

~~**b.** Miscellaneous hospital services; (3-30-01)~~

~~**c.** Surgical services; (3-30-01)~~

~~**d.** Anesthesia services; (3-30-01)~~

- ~~e. In-hospital medical services; and (3-30-01)~~
- ~~f. Out-of-hospital care, consisting of physicians' services rendered on an ambulatory basis where coverage is not provided elsewhere in the policy for diagnosis and treatment of sickness or injury, diagnostic x-ray, laboratory services, radiation therapy, and hemodialysis ordered by a physician. (3-30-01)~~
- ~~02. **Additional Benefits.** Individual major medical expense coverage must also provide not fewer than three (3) of the following additional benefits: (3-30-01)~~
 - ~~a. In-hospital private duty registered nurse services; (3-30-01)~~
 - ~~b. Convalescent nursing home care; (3-30-01)~~
 - ~~c. Diagnosis and treatment by a radiologist or physiotherapist; (3-30-01)~~
 - ~~d. Rental of special medical equipment, as defined by the insurer in the policy; (3-30-01)~~
 - ~~e. Artificial limbs or eyes, casts, splints, trusses or braces; (3-30-01)~~
 - ~~f. Treatment for functional nervous disorders, and mental and emotional disorders; or (3-30-01)~~
 - ~~g. Out-of-hospital prescription drugs and medications. (3-30-01)~~
- ~~03. **Deductible Application.** If the policy is written to complement underlying basic hospital expense and basic medical-surgical expense coverage, the deductible may be increased by the amount of the benefits provided by the underlying coverage. (3-30-01)~~
- ~~04. **Benefit Requirements.** The minimum benefits required by Subsection 018.01 may be subject to all applicable deductibles, coinsurance and general policy exceptions and limitations. A major medical expense policy may also have special or internal limitations for prescription drugs, nursing facilities, intensive care facilities, mental health treatment, alcohol or substance abuse treatment, transplants, experimental treatments, mandated benefits required by law and those services covered under Subsection 018.02 and other such special or internal limitations as are authorized or approved by the Director. Except as authorized by Subsection 018.04 through the application of special or internal limitations, a major medical expense policy must be designed to cover, after any deductibles or coinsurance provisions are met, the usual, customary and reasonable charges, as determined consistently by the carrier and as subject to prior written approval by the Director or another rate agreed to between the insurer and provider, for covered services up to the lifetime policy maximum. (3-30-01)~~

01936. DISABILITY INCOME PROTECTION COVERAGE.

~~A policy that provides for periodic payments, weekly or monthly, for a specified period during the continuance of disability resulting from either sickness or injury or a combination of them that. (3-30-01)~~

~~**01. Minimum Standards for Benefits.** The following minimum standards apply to disability income protection coverage: ()~~

~~**01a. Periodic Payments.** Provides that periodic payments that are payable at ages after sixty-two (62) and reduced solely on the basis of age are at least fifty percent (50%) of amounts payable immediately prior to sixty-two (62); (3-30-01)()~~

~~**02b. Elimination Period.** Contains an elimination period no greater than: (3-30-01)()~~

~~**a.i.** Ninety (90) days in the case of a coverage providing a benefit of one year (1) or less; (3-30-01)~~

~~**b.ii.** One hundred and eighty (180) days in the case of coverage providing a benefit of more than one (1) year but not greater than two (2) years; or (3-30-01)~~

~~**e.iii.** Three hundred sixty-five (365) days in all other cases during the continuance of disability resulting~~

from sickness or injury; (3-30-01)

~~03c. Payable Time Period During Disability.~~ Has a maximum period of time for which it is payable during disability of at least six (6) months. No reduction in benefits shall be put into effect because of an increase in Social Security or similar benefits during a benefit period. (3-30-01)

02. Prohibited Policy Provisions. ()

~~04a. One Elimination Period.~~ Where a policy provides total disability benefits and partial disability benefits, only one (1) elimination period may be required. (3-30-01)

~~b. A disability income policy may contain a "return of premium" or "cash value benefit" so long as the return of premium or cash value benefit is not reduced by an amount greater than the aggregate of claims paid under the policy, and the insurer demonstrates that the reserve basis for the policies is adequate.~~ ()

~~c. Disability income benefits will not require the loss to commence less than thirty (30) days after the date of accident, nor will any policy that the insurer cancels or refuses to renew require that it be in force at the time disability commences if the accident occurred while the coverage was in force.~~ ()

~~d. No reduction in benefits will be put into effect because of an increase in Social Security or similar benefits during a benefit period.~~ ()

~~e. No policy or certificate may use activities of daily living to define partial or total disability.~~ ()

~~03. Required Disclosure Provisions. All disability income protection policies will display prominently on the first page of the policy, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy the following: "Notice to Buyer: This is a disability income protection policy."~~ ()

~~02037. ACCIDENT ONLY COVERAGE.~~

~~A policy that provides coverage, singly or in combination, for death, dismemberment, disability or hospital and medical care caused by accident.~~

~~01. Minimum Standards for Benefits. The following minimum standards apply to accident only coverage:~~ ()

~~a. Accidental death and double dismemberment amounts under the policy shall be or certificate are at least one thousand dollars (\$1,000);~~ ()

~~b. and a single dismemberment amount shall be is at least five hundred dollars (\$500); and~~ (3-30-01) ()

~~c. Benefits for disability, hospital or medical care will be as defined in the policy or certificate.~~ ()

~~02. Prohibited Policy Provisions. Accident only policies or certificates will not contain probationary or waiting periods.~~ ()

~~03. Required Disclosure Provisions.~~ ()

~~a. All accident-only policies and certificates will contain a prominent statement on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size of type used for headings or captions of sections in the policy or certificate, a prominent statement as follows: "Notice to Buyer: This is an accident-only (policy) (certificate) and it does not pay benefits for loss from sickness. Review your (policy) (certificate) carefully."~~ ()

~~b. An accident-only policy or certificate providing benefits that vary according to the type of accidental cause will prominently set forth in the outline of coverage the circumstances under which benefits are~~

payable that are less than the maximum amount payable under the policy or certificate. ()

c. Accident-only policies or certificates that provide coverage for hospital or medical care will contain the following statement in addition to the Notice to Buyer: "This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses." ()

02138. SPECIFIED DISEASE COVERAGE.

01. ~~Specified Disease Coverage~~ Minimum Standards for Benefits. ~~Pays benefits for the diagnosis and treatment of a specifically named disease or diseases. A specified disease~~ The following minimum standards apply to policy must meet the following rules and one (1) of the following sets of minimum standards for benefits, as defined in Section 021 for cancer only policies, or other specified disease coverage: (3-30-01)()

a. ~~Insurance covering~~ Coverage for cancer only or cancer in conjunction with other conditions or diseases must needs to meet the standards of ~~Sections 024, 025, or 027~~ Paragraphs 038. 01.e., 01.f., or 01.g. of this rule Section. (3-30-01)()

b. ~~Insurance covering~~ Coverage for specified diseases other than cancer must meets the standards of ~~Sections 023 or 027~~ Paragraphs 038. 01.c., 01.d., or 01.g. of this rule Section. (3-30-01)()

c. Non-cancer Coverages with Deductible. Coverage for each insured person for a specifically named disease (or diseases) with a deductible amount not in excess of two hundred fifty dollars (\$250) and an overall aggregate benefit limit of not less than ten thousand dollars (\$10,000) and a benefit period of not less than two (2) years for at least the following incurred expenses:

- i. Hospital room and board and any other hospital furnished medical services or supplies; ()
- ii. Treatment by a legally qualified physician or surgeon; ()
- iii. Private duty services of a registered nurse (R.N.); ()
- iv. X-ray, radium and other therapy procedures used in diagnosis and treatment; ()
- v. Professional ambulance for local service to or from a local hospital; ()
- vi. Blood transfusions, including expense incurred for blood donors; ()
- vii. Drugs and medicines prescribed by a physician; ()
- viii. The rental of an iron lung or similar mechanical apparatus; ()
- ix. Braces, crutches, and wheel chairs deemed necessary by the attending physician for the treatment of the disease; ()
- x. Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease; and ()
- xi. May include coverage of any other expenses necessarily incurred in the treatment of the disease. ()

d. Non-cancer Coverages without Deductible. Coverage for each insured person for a specifically named disease (or diseases) with no deductible amount, and an overall aggregate benefit limit of not less than twenty five thousand dollars (\$25,000) payable at the rate of not less than fifty dollars (\$50) a day while confined in a hospital and a benefit period of not less than five hundred (500) days. ()

e. Cancer-only or Combination Expense Policies. Coverage for each insured person for cancer-only coverage or in combination with one (1) or more other specified diseases on an expense incurred basis for services,

supplies, care, and treatment of cancer, in amounts not in excess of the usual and customary charges, with a deductible amount not in excess of two hundred fifty dollars (\$250), and an overall aggregate benefit limit of not less than ten thousand dollars (\$10,000) and a benefit period of not less than three (3) years for at least the following minimum provisions: ()

- i. Treatment by, or under the direction of, a legally qualified physician or surgeon; ()
- ii. X-ray, radium, chemotherapy and other therapy procedures used in diagnosis and treatment; ()
- iii. Hospital room and board and any other hospital furnished medical services or supplies; ()
- iv. Blood transfusions and their administration, including expense incurred for blood donors; ()
- v. Drugs and medicines prescribed by a physician; ()
- vi. Professional ambulance for local service to or from a local hospital; ()
- vii. Private duty services of a registered nurse provided in a hospital; ()
- viii. Braces, crutches, and wheelchairs deemed necessary by the attending physician for the treatment of the disease; ()
- ix. Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease; and ()
- x. Home health care that is necessary care and treatment provided at the insured person's residence by a home health care agency or by others under arrangements made with a home health care agency. The program of treatment will be prescribed in writing by the insured person's attending physician, who shall approve the program prior to its start. The physician certifies that hospital confinement would be otherwise required. Home health care includes, but is not limited to: ()
 - (1) Part-time or intermittent skilled nursing services provided by a registered nurse or a licensed practical nurse; ()
 - (2) Part-time or intermittent home health aide services that provide supportive services in the home under the supervision of a registered nurse or a physical, speech, or hearing occupational therapists; ()
 - (3) Physical, occupational, or speech and hearing therapy; ()
 - (4) Medical supplies, drugs, and medicines prescribed by a physician and related pharmaceutical services, and laboratory services to the extent the charges or costs would have been covered if the insured person had remained in the hospital; ()
- xi. Therapy, including physical, speech, hearing, and occupational therapy; ()
- xii. Special equipment including hospital bed, toilette, pulleys, wheelchairs, aspirator, chux, oxygen, surgical dressings, rubber shields, colostomy, and ileostomy appliances; ()
- xiii. Prosthetic devices including wigs and artificial breasts; ()
- xiv. Nursing home care for non-custodial services; and ()
- xv. Reconstructive surgery when deemed necessary by the attending physician. ()
- f. Per Diem Cancer Coverages. Cancer coverages on a per diem indemnity basis includes:** ()
 - i. A fixed-sum payment of at least one hundred dollars (\$100) for each day of hospital confinement

for at least three hundred sixty-five (365) days; ()

ii. A fixed-sum payment equal to one-half (1/2) the hospital inpatient benefit for each day of hospital or nonhospital outpatient surgery, chemotherapy and radiation therapy, for at least three hundred sixty-five (365) days of treatment; and ()

iii. A fixed-sum payment of at least fifty dollars (\$50) per day for blood and plasma, which includes their administration whether received as an inpatient or outpatient for at least three hundred sixty-five (365) days of treatment. ()

g. Lump Sum Indemnity Coverage. Lump sum indemnity coverage for any specified disease will be payable as a fixed, one-time payment made within thirty (30) days of submission to the insurer of proof of diagnosis of the specified disease. ()

i. Dollar benefits may only be in increments of one thousand dollars (\$1,000). ()

ii. Where coverage is advertised or otherwise represented to offer generic coverage of a disease or diseases, the same dollar amounts will be payable regardless of the particular subtype of the disease with one exception. In the case of clearly identifiable subtypes with significantly lower treatments costs, lesser amounts may be payable so long as the policy or certificate clearly differentiates that subtype and its benefits. ()

h. Hospice Care. Hospice care is optional and does not cover non-terminally ill patients. If offered, it must provide: ()

i. Eligibility for payment of benefits when the attending physician of the insured provides a written statement that the insured person has a life expectancy of six (6) months or less; ()

ii. A fixed-sum payment of at least fifty dollars (\$50) per day; and ()

iii. A lifetime maximum benefit limit of at least ten thousand dollars (\$10,000). ()

i. Nursing Home Care. Benefits for skilled nursing home confinement or the receipt of home health care are optional. If offered, it must provide: ()

i. A fixed-sum payment equal to one-fourth (1/4) the hospital in-patient benefit for each day of skilled nursing home confinement for at least one hundred (100) days, but no more restrictive than under Medicare; ()

ii. A fixed-sum payment equal to one-fourth (1/4) the hospital in-patient benefit for each day of home health care for at least one hundred (100) days, but no more restrictive than under Medicare; and ()

iii. Benefit payments begin with the first day of care or confinement after the effective date of coverage if the care or confinement is for a covered disease even though the diagnosis of a covered disease is made at some later date (but not retroactive more than thirty (30) days from the date of diagnosis) if the initial care or confinement was for diagnosis or treatment of the covered disease. ()

02. General Rules Prohibited Policy or Certificate Provisions. Except for cancer coverage provided on an expense-incurred basis, either as cancer-only coverage or in combination with one or more other specified diseases, the following rules *shall* apply to specified disease coverages in addition to all other requirements imposed by this *rule chapter*. In cases of conflict *Subsections 021.02.a. through 021.02.l., shall the following* govern: (3-30-01)()

a. Policies covering a single specified disease or combination of specified diseases *may are not to* be sold or offered for sale other than as specified disease coverage under *this Section 021 of this rule.* (3-30-01)()

b. Any policy issued pursuant to *this Section 021 of this rule* that conditions payment upon pathological diagnosis of a covered disease shall also provide that if the pathological diagnosis is medically

inappropriate, a clinical diagnosis will be accepted instead. (3-30-01)()

c. Notwithstanding any other provision of this ~~rule~~ chapter, specified disease policies ~~shall~~ will provide benefits to any covered person not only for the specified diseases but also for any other conditions or diseases, directly caused or aggravated by the specified diseases or the treatment of the specified disease. (3-30-01)()

d. Individual accident and sickness policies containing specified disease coverage ~~shall~~ will be guaranteed renewable. (3-30-01)()

e. No policy issued pursuant to ~~this~~ Section ~~021~~ shall contain a waiting or probationary period greater than thirty (30) days. A specified disease policy may contain a waiting or probationary period following the issue or reinstatement date of the policy or certificate in respect to a particular covered person before the coverage becomes effective as to that covered person. (3-30-01)()

~~f. An application or enrollment form for specified disease coverage shall contain a statement above the signature of the applicant or enrollee that a person to be covered for specified disease is not also covered by any Title XIX program (Medicaid, or any similar name). The statement may be combined with any other statement for which the insurer may require the applicant's or enrollee's signature. (3-30-01)~~

~~g.~~ Payments may be conditioned upon an insured person's receiving medically necessary care, given in a medically appropriate location, under a medically accepted course of diagnosis or treatment. (3-30-01)

~~h.~~ Benefits ~~for specified disease coverage shall~~ will be paid regardless of other coverage. (3-30-01)()

~~i.~~ After the effective date of the coverage (or applicable waiting period, if any) benefits ~~shall~~ begins with the first day of care or confinement if the care or confinement is for a covered disease even though the diagnosis is made at some later date. The retroactive application of the coverage ~~may~~ is not ~~to~~ be less than ninety (90) days prior to the diagnosis. (3-30-01)()

~~j.~~ Policies providing expense benefits ~~shall~~ will not use the term "actual" when the policy only pays up to a limited amount of expenses. Instead, the term "charge" or substantially similar language should be used that does not have the misleading or deceptive effect of the phrase "actual charges." (3-30-01)()

~~k.~~ Preexisting condition ~~shall~~ will not be defined to be more restrictive than the following: "Preexisting condition means a condition for which medical advice, diagnosis, care or treatment was recommended or received from a physician within the six (6) month period preceding the effective date of coverage of an insured person." (3-30-01)()

~~l.~~ Coverage for specified diseases will not be excluded due to a preexisting condition for a period greater than twelve (12) months following the effective date of coverage of an insured person unless the preexisting condition is specifically excluded. (3-30-01)

03. Required Disclosure Provisions. ()

~~a. An application or enrollment form for specified disease coverage will contain a statement above the signature of the applicant or enrollee that a person to be covered for specified disease is not also covered by any Title XIX program (Medicaid, or any similar name). The statement may be combined with any other statement for which the insurer may require the applicant's or enrollee's signature. ()~~

~~b. All specified disease policies and certificates will contain on the first page in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate a prominent statement as follows: "Notice to Buyer: This is a specified disease (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses. Read your (policy) (certificate) carefully with the outline of coverage." ()~~

c. Outlines of coverage delivered in connection with “Specified Disease” to persons eligible for Medicare by reason of age will contain the following language in boldface type on the first page of the outline of coverage: **“THIS IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the ‘Guide to Health Insurance for People with Medicare’ available from the company.”** ()

d. An insurer will deliver to persons eligible for Medicare any notice required under IDAPA 18.01.54, **“Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.”** ()

~~022. HOSPICE CARE.~~

~~01. Hospice Care. A facility licensed, certified or registered in accordance with state law that provides a formal program of care that is: (3-30-01)~~

~~a. For terminally ill patients whose life expectancy is less than six (6) months; (3-30-01)~~

~~b. Provided on an inpatient or outpatient basis; and (3-30-01)~~

~~c. Directed by a physician. (3-30-01)~~

~~02. Optional Benefit. Hospice care is an optional benefit. However, if a specified disease insurance product offers coverage for hospice care, it shall meet the following minimum standards: (3-30-01)~~

~~a. Eligibility for payment of benefits when the attending physician of the insured provides a written statement that the insured person has a life expectancy of six (6) months or less; (3-30-01)~~

~~b. A fixed sum payment of at least fifty dollars (\$50) per day; and (3-30-01)~~

~~c. A lifetime maximum benefit limit of at least ten thousand dollars (\$10,000). (3-30-01)~~

~~03. Non-Terminally Ill Patients. Hospice care does not cover non-terminally ill patients who may be confined in a: (3-30-01)~~

~~a. Convalescent home; (3-30-01)~~

~~b. Rest or nursing facility; (3-30-01)~~

~~c. Skilled nursing facility; (3-30-01)~~

~~d. Rehabilitation unit; or (3-30-01)~~

~~e. Facility providing treatment for persons suffering from mental diseases or disorders or care for the aged or substance abusers. (3-30-01)~~

~~023. NON-CANCER COVERAGES.~~

~~The following minimum benefits standards apply to non-cancer coverages: (3-30-01)~~

~~01. Minimum Benefit Standards for Non-Cancer Coverages. Coverage for each insured person for a specifically named disease (or diseases) with a deductible amount not in excess of two hundred fifty dollars (\$250) and an overall aggregate benefit limit of not less than ten thousand dollars (\$10,000) and a benefit period of not less than two (2) years for at least the following incurred expenses: (3-30-01)~~

~~a. Hospital room and board and any other hospital furnished medical services or supplies; (3-30-01)~~

~~b. Treatment by a legally qualified physician or surgeon; (3-30-01)~~

~~c. Private duty services of a registered nurse (R.N.); (3-30-01)~~

- ~~d. X-ray, radium and other therapy procedures used in diagnosis and treatment; (3-30-01)~~
- ~~e. Professional ambulance for local service to or from a local hospital; (3-30-01)~~
- ~~f. Blood transfusions, including expense incurred for blood donors; (3-30-01)~~
- ~~g. Drugs and medicines prescribed by a physician; (3-30-01)~~
- ~~h. The rental of an iron lung or similar mechanical apparatus; (3-30-01)~~
- ~~i. Braces, crutches, and wheel chairs as are deemed necessary by the attending physician for the treatment of the disease; (3-30-01)~~
- ~~j. Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease; and (3-30-01)~~
- ~~k. May include coverage of any other expenses necessarily incurred in the treatment of the disease. (3-30-01)~~

~~02. **Benefit Limits for Specifically Named Disease.** Coverage for each insured person for a specifically named disease (or diseases) with no deductible amount, and an overall aggregate benefit limit of not less than twenty five thousand dollars (\$25,000) payable at the rate of not less than fifty dollars (\$50) a day while confined in a hospital and a benefit period of not less than five hundred (500) days. (3-30-01)~~

~~024. **CANCER ONLY OR COMBINATION POLICIES.**~~

~~A policy that provides coverage for each insured person for cancer only coverage or in combination with one (1) or more other specified diseases on an expense incurred basis for services, supplies, care, and treatment of cancer in amounts not in excess of the usual and customary charges, with a deductible amount not in excess of two hundred fifty dollars (\$250), and an overall aggregate benefit limit of not less than ten thousand dollars (\$10,000) and a benefit period of not less than three (3) years shall provide at least the following minimum provisions: (3-30-01)~~

~~01. **Qualified Physician or Surgeon.** Treatment by, or under the direction of, a legally qualified physician or surgeon; (3-30-01)~~

~~02. **X-Ray and Therapy Procedures.** X-ray, radium chemotherapy and other therapy procedures used in diagnosis and treatment; (3-30-01)~~

~~03. **Hospital.** Hospital room and board and any other hospital furnished medical services or supplies; (3-30-01)~~

~~04. **Blood Transfusions.** Blood transfusions and their administration, including expense incurred for blood donors; (3-30-01)~~

~~05. **Prescription Medicines.** Drugs and medicines prescribed by a physician; (3-30-01)~~

~~06. **Ambulance Services.** Professional ambulance for local service to or from a local hospital; (3-30-01)~~

~~07. **Private Duty Nurse.** Private duty services of a registered nurse provided in a hospital; (3-30-01)~~

~~08. **Medical Equipment.** Braces, crutches, and wheelchairs deemed necessary by the attending physician for the treatment of the disease; (3-30-01)~~

~~09. **Emergency Transportation to Referral Treatment Facility.** Emergency transportation if in the opinion of the attending physician it is necessary to transport the insured to another locality for treatment of the disease; and (3-30-01)~~

~~10. **Home Health Care and Treatment.** Home health care that is necessary care and treatment provided at the insured person's residence by a home health care agency or by others under arrangements made with a home health care agency. The program of treatment shall be prescribed in writing by the insured person's attending physician, who shall approve the program prior to its start. The physician must certify that hospital confinement would be otherwise required. A "home health care agency" is an agency approved under Medicare, or is licensed to provide home health care under applicable state law, or meets all of the following requirements: (3-30-01)~~

~~a. It is primarily engaged in providing home health care services; (3-30-01)~~

~~b. Its policies are established by a group of professional personnel (including at least one (1) physician and one (1) registered nurse); (3-30-01)~~

~~c. A physician or a registered nurse provides supervision of home health care services; (3-30-01)~~

~~d. It maintains clinical records on all patients; and (3-30-01)~~

~~e. It has a full time administrator. (3-30-01)~~

~~11. **Home Health Care.** Home health care includes, but is not limited to: (3-30-01)~~

~~a. Part time or intermittent skilled nursing services provided by a registered nurse or a licensed practical nurse; (3-30-01)~~

~~b. Part time or intermittent home health aide services that provide supportive services in the home under the supervision of a registered nurse or a physical, speech, or hearing occupational therapists; (3-30-01)~~

~~c. Physical, occupational, or speech and hearing therapy; and (3-30-01)~~

~~d. Medical supplies, drugs, and medicines prescribed by a physician and related pharmaceutical services, and laboratory services to the extent the charges or costs would have been covered if the insured person had remained in the hospital. (3-30-01)~~

~~12. **Therapy.** Therapy includes physical, speech, hearing, and occupational therapy; (3-30-01)~~

~~13. **Special Equipment.** Special equipment including hospital bed, toilette, pulleys, wheelchairs, aspirator, chux, oxygen, surgical dressings, rubber shields, colostomy, and ileostomy appliances; (3-30-01)~~

~~14. **Prosthetic Devices.** Prosthetic devices including wigs and artificial breasts; (3-30-01)~~

~~15. **Non-Custodial Services.** Nursing home care for non-custodial services; and (3-30-01)~~

~~16. **Reconstructive Surgery.** Reconstructive surgery when deemed necessary by the attending physician. (3-30-01)~~

~~025. **PER DIEM CANCER COVERAGES.**~~

~~The following minimum benefits standards apply to cancer coverages written on a per diem indemnity basis. These coverages shall offer insured persons: (3-30-01)~~

~~01. **Minimum Benefit Payment Based on Hospital Confinement.** A fixed sum payment of at least one hundred dollars (\$100) for each day of hospital confinement for at least three hundred sixty five (365) days; (3-30-01)~~

~~02. **Minimum Benefit Payment Based on Out Patient Services.** A fixed sum payment equal to one-half (1/2) the hospital inpatient benefit for each day of hospital or nonhospital outpatient surgery, chemotherapy and radiation therapy, for at least three hundred sixty five (365) days of treatment; and (3-30-01)~~

~~03. **Minimum Benefit Payment Based on Administration of Plasma or Blood Donor.** A fixed sum~~

~~payment of at least fifty dollars (\$50) per day for blood and plasma, which includes their administration whether received as an inpatient or outpatient for at least three hundred sixty five (365) days of treatment. (3-30-01)~~

~~026. NURSING HOME BENEFITS.~~

~~Benefits tied to confinement in a skilled nursing home or to receipt of home health care are optional. If a policy offers these benefits, they must equal the following: (3-30-01)~~

~~01. **Minimum Benefit Standards Based on Nursing Home Confinement.** A fixed sum payment equal to one-fourth (1/4) the hospital in-patient benefit for each day of skilled nursing home confinement for at least one hundred (100) days. (3-30-01)~~

~~02. **Minimum Benefit Standards Based on Home Health Care.** A fixed sum payment equal to one-fourth (1/4) the hospital in-patient benefit for each day of home health care for at least one hundred (100) days. (3-30-01)~~

~~03. **Benefit Payments.** Benefit payments shall begin with the first day of care or confinement after the effective date of coverage if the care or confinement is for a covered disease even though the diagnosis of a covered disease is made at some later date (but not retroactive more than thirty (30) days from the date of diagnosis) if the initial care or confinement was for diagnosis or treatment of the covered disease. (3-30-01)~~

~~04. **Restrictions or Limitations.** Notwithstanding any other provision of this rule, any restriction or limitation applied to the benefits in Subsections 026.01. and 026.02. of this rule, whether by definition or otherwise, shall be no more restrictive than those under Medicare. (3-30-01)~~

~~027. LUMP SUM INDEMNITY COVERAGE.~~

~~The following minimum benefits standards apply to lump sum indemnity coverage of any specified disease: (3-30-01)~~

~~01. **Indemnity Benefit, Specific Disease.** These coverages must pay indemnity benefits on behalf of insured persons of a specifically named disease or diseases. The benefits are payable as a fixed, one-time payment made within thirty (30) days of submission to the insurer of proof of diagnosis of the specified disease. Dollar benefits shall be offered for sale only in even increments of one thousand dollars (\$1,000). (3-30-01)~~

~~02. **Equal Coverage.** Where coverage is advertised or otherwise represented to offer generic coverage of a disease or diseases, the same dollar amounts shall be payable regardless of the particular subtype of the disease with one exception. In the case of clearly identifiable subtypes with significantly lower treatments costs, lesser amounts may be payable so long as the policy clearly differentiates that subtype and its benefits. (3-30-01)~~

02839. SPECIFIED ACCIDENT COVERAGE.

01. Minimum Standards for Benefits. The following minimum standards apply to specified accident coverage: ()

a. A policy that provides coverage for a specifically identified kind of accident (or accidents) for each person insured under the policy for accidental death or accidental death and dismemberment combined, with a benefit amount not less than one thousand dollars (\$1,000) for accidental death; ()

b. A benefit amount not less than one thousand dollars (\$1,000) for double dismemberment; and ()

c. A benefit amount not less than five hundred dollars (\$500) for single dismemberment. (3-30-01)()

02. Prohibited Policy or Certificate Provisions. Specified accident policies will not contain probationary or waiting periods. ()

03. Required Disclosure Provisions. ()

a. Specified accident policies or certificates that provide coverage for hospital or medical care will contain the following statement in addition to the Notice to Buyer: “This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses.” ()

b. All specified accident policies and certificates will contain a prominent statement on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size of type used for headings or captions of sections in the policy or certificate, a prominent statement as follows: “Notice to Buyer: This is an accident-only (policy) (certificate) and it does not pay benefits for loss from sickness. Review your (policy) (certificate) carefully.” ()

029.040. LIMITED BENEFIT HEALTH COVERAGE.

01. ~~Limited Benefit Plan Minimum Standards. A policy or contract, other than a policy or contract covering only a specified disease or diseases, that provides benefits that are less than the minimum standards for benefits required under Sections 014, 015 through 018, 020, and 028 of this rule.~~ ()

a. Limited Benefit Health Coverage ~~policies or contracts may~~ **will not** be delivered or issued for delivery in this state ~~unless approved by the Director prior to use.~~ ()

b. ~~only if an outline of coverage meeting the requirements of this rule for “Limited Benefit Health Coverage” is completed and delivered as required by Subsection 101.01.n. of this rule and the policy or certificate is clearly labeled as a limited benefit policy or certificate as required by Subsection 101.01.a.~~ A policy covering a single specified disease or combination of diseases ~~shall meet the requirements of Section 021 of this rule, and shall~~ **must** not be offered for sale as ~~a~~ “limited **benefit**” coverage.” (3-30-01)()

02c. ~~Limited Benefit Plan Exceptions. Subsection 029.02~~ Section 040 does not apply to policies designed to provide coverage for long-term care or to Medicare supplement insurance, as defined in Title 41, Chapter 46, ~~Title 41~~, Idaho Code, “Long-Term Care Insurance” and Title 41, Chapter 44, ~~Title 41~~, Idaho Code, “Medicare Supplement Insurance Minimum Standards.” (3-30-01)()

02. Required Disclosure Provisions. ()

a. All limited benefit health policies and certificates will display prominently on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: “Notice to buyer: This is a limited benefit health (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses.” ()

b. An insurer will deliver to persons eligible for Medicare any notice required under IDAPA 18.01.54, “Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.” ()

041. DENTAL COVERAGE.

01. Required Disclosure Provisions. Dental coverage will include the following disclosures: ()

a. All applications will contain a prominent statement in either contrasting color or in boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant’s signature block on the application as follows: “The (policy) (certificate) provides dental benefits only. Review your (policy) (certificate) carefully.” ()

b. All dental plan policies and certificates will display prominently on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: “Notice to Buyer: This (policy) (certificate) provides dental benefits only.” ()

042. VISION COVERAGE.

01. Required Disclosure Provisions. Vision coverage will include the following disclosures: ()

a. All applications will contain a prominent statement in either contrasting color or in boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant's signature block on the application as follows: "The (policy) (certificate) provides vision benefits only. Review your (policy) (certificate) carefully." ()

b. All vision plan policies and certificates will display prominently on the first page of the policy or certificate in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This (policy) (certificate) provides vision benefits only." ()

~~03043.~~ -- 100. (RESERVED)

101. REQUIRED DISCLOSURE PROVISIONS.

01. General Rules for Disclosure Provisions. (3-30-01)()

a. All applications for coverages specified in Sections ~~01435~~ through ~~01840, 020, 028, and 029~~ of this rule shall will contain a prominent statement ~~by type, stamp or other appropriate means~~ in either contrasting color or in boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant's signature block on the application as follows: "The (policy) (certificate) provides limited benefits. Review your (policy) (certificate) carefully." (3-30-01)()

~~**b.** All applications for dental plans shall contain a prominent statement by type, stamp or other appropriate means in either contrasting color or in boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant's signature block on the application as follows: "The (policy) (certificate) provides dental benefits only. Review your (policy) (certificate) carefully." (3-30-01)~~

~~**c.** All applications for vision plans shall contain a prominent statement by type, stamp or other appropriate means in either contrasting color or in boldface type at least equal to the size type used for the headings or captions of sections of the application and in close conjunction with the applicant's signature block on the application as follows: "The (policy) (certificate) provides vision benefits only. Review your (policy) (certificate) carefully." (3-30-01)~~

~~**d.** Each policy of individual accident and sickness insurance and group supplemental health insurance shall or certificate subject to this chapter will include a renewal, continuation or nonrenewal provision. The language or specification of the provision shall needs to be consistent with the type of contract to be issued. The provision shall will be appropriately captioned, shall will appear on the first page of the policy or certificate, and shall will clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed. (3-30-01)()~~

e. Except for riders or endorsements by which the insurer effectuates a request made in writing by the policyholder or exercises a specifically reserved right under the policy, all riders or endorsements added to a policy after date of issue or at reinstatement or renewal that reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the policyholder. After date of policy issue, any rider or endorsement that increases benefits or coverage with a ~~concomitant~~ commensurable increase in premium during the policy term ~~must is to~~ be agreed to in writing signed by the policyholder, except if the increased benefits or coverage is required by law. The signature requirements in this paragraph apply to group supplemental health insurance certificates only where the certificate holder also pays the insurance premium. (3-30-01)()

f. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall will be set forth in the policy or certificate. (3-30-01)()

g. A policy or certificate that provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import shall will include a definition of the

terms and an explanation of the terms in its accompanying outline of coverage. (3-30-01)()

h. If a policy or certificate contains any limitations with respect to preexisting conditions, the limitations ~~shall~~ **will** appear as a separate paragraph of the policy or certificate and be labeled as “Preexisting Condition Limitations.” (3-30-01)()

~~**i.** All accident-only policies and certificates shall contain a prominent statement on the first page of the policy or certificate, in either contrasting color or in boldface type at least equal to the size of type used for headings or captions of sections in the policy or certificate, a prominent statement as follows: “Notice to Buyer: This is an accident-only (policy) (certificate) and it does not pay benefits for loss from sickness. Review your (policy) (certificate) carefully.”~~ (3-30-01)

~~**j.** Accident-only policies or certificates that provide coverage for hospital or medical care shall contain the following statement in addition to the Notice to Buyer required by Subsection 101.01.i: “This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses.”~~ (3-30-01)

~~**kg.** All policies and certificates, except single-premium nonrenewable policies and as otherwise provided in this paragraph, shall~~ **will** have a notice prominently printed on the first page of the policy or certificate ~~or attached to it~~ stating in substance that the policyholder or certificate holder ~~shall~~ **will** have the right to return the policy or certificate within ten (10) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the policyholder or certificate holder is not satisfied for any reason. (3-30-01)()

~~**h.**~~ If age is to be used as a determining factor for reducing the maximum aggregate benefits made available in the policy or certificate as originally issued, that fact ~~shall~~ **will** be prominently set forth in the outline of coverage. (3-30-01)()

~~**mi.**~~ If a policy or certificate contains a conversion privilege, it ~~shall~~ **will** comply, in substance, with the following: (3-30-01)()

i. The caption of the provision ~~shall~~ **will** be “Conversion Privilege” or words of similar import. (3-30-01)()

ii. The provision ~~shall~~ **will** indicate the persons eligible for conversion, the circumstances applicable to the conversion privilege, including any limitations on the conversion, and the person by whom the conversion privilege may be exercised: ~~and~~ (3-30-01)()

iii. The provision ~~shall~~ **will** specify the benefits to be provided on conversion or may state that the converted coverage will be as provided on a policy form then being used by the insurer for that purpose. (3-30-01)()

~~**n.** Outlines of coverage delivered in connection with policies defined as “Hospital Confinement Indemnity Coverage” in Section 017, “Specified Disease Coverage” in Subsection 012.09, or “Limited Benefit Health Coverage” in Section 029 of this rule to persons eligible for Medicare by reason of age shall contain the information for hospital confinement indemnity providing limited benefits (supplemental benefits) and Accident-Only Coverage as set forth in the model outlines of coverage found on the Department of Insurance Internet web site at www.doi.state.id.us, “Consumer Assistance” link. In addition, the following language shall be printed on or attached to the first page of the outline of coverage: “THIS IS NOT A MEDICARE SUPPLEMENT POLICY. If you are eligible for Medicare, review the ‘Guide to Health Insurance for People With Medicare’ available from the company.”~~ (3-30-01)

~~**i.** An insurer shall also deliver to persons eligible for Medicare any notice required under IDAPA 18.04.10, Section 019, “Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.”~~ (3-30-01)

~~**o.** All specified disease policies and certificates shall contain on the first page or attached to it in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in~~

~~the policy or certificate a prominent statement as follows: "Notice to Buyer: This is a specified disease (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses. Read your (policy) (certificate) carefully with the outline of coverage."~~ (3-30-01)

~~p. All hospital confinement indemnity policies and certificates shall display prominently by type, stamp, or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This is a hospital confinement indemnity (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses."~~ (3-30-01)

~~q. All limited benefit health policies and certificates shall display prominently by type, stamp or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This is a limited benefit health (policy) (certificate). This (policy) (certificate) provides limited benefits. Benefits provided are supplemental and are not intended to cover all medical expenses."~~ (3-30-01)

~~r. All basic hospital expense policies and certificates shall display prominently by type, stamp or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This is a basic hospital expense (policy) (certificate). This (policy) (certificate) provides limited benefits and should not be considered a substitute for comprehensive health insurance coverage."~~ (3-30-01)

~~s. All basic medical-surgical expense policies and certificates shall display prominently by type, stamp, or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This is a basic medical-surgical expense (policy) (certificate). This (policy) (certificate) provides limited benefits and should not be considered a substitute for comprehensive health insurance coverage."~~ (3-30-01)

~~t. All basic hospital/medical-surgical expense policies and certificates shall display prominently by type, stamp or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This is a basic hospital/medical-surgical expense (policy) (certificate). This (policy) (certificate) provides limited benefits and should not be considered a substitute for comprehensive health insurance coverage."~~ (3-30-01)

~~u. All dental plan policies and certificates shall display prominently by type, stamp or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This (policy) (certificate) provides dental benefits only."~~ (3-30-01)

~~v. All vision plan policies and certificates shall display prominently by type, stamp or other appropriate means on the first page of the policy or certificate, or attached to it, in either contrasting color or in boldface type at least equal to the size type used for headings or captions of sections in the policy or certificate the following: "Notice to Buyer: This (policy) (certificate) provides vision benefits only."~~ (3-30-01)

02. Outline of Coverage Requirements. Outlines of coverage required under this ~~rule~~ chapter will conform to the model outlines of coverage ~~as incorporated herein in Section 004 of this chapter, and~~ set forth at the Idaho Department of Insurance website, ~~www.doi.state.id.us, under the consumer assistance link.~~ (3-30-01)()

a. An insurer ~~shall~~ will deliver an outline of coverage to an applicant or enrollee in the sale of individual accident and sickness insurance, group supplemental health insurance, dental plans and vision plans as required by Section 41-4205, Idaho Code, ~~that conforms to Subsection 013-03 of this rule.~~ If an application is made by electronic means, an insurer will deliver an outline of coverage on the next working day the completed application is received, and delivery may be made by the following methods regardless of the form of application: (3-30-01)()

- i. E-mail: ()
- ii. Website link: ()
- iii. Facsimile: ()
- iv. First class mail; or ()
- v. Any other method permitted by the Director. ()

b. If an outline of coverage was delivered at the time of application or enrollment and the policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate must will accompany the policy or certificate when it is delivered and contain the following statement in no less than twelve (12) boldface point type, immediately above the company name: **“NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon (application) (enrollment), and the coverage originally applied for has not been issued.”** (3-30-01)()

~~e. The appropriate outline of coverage for policies or contracts providing hospital coverage that only meet the standards of Section 014 shall be that statement contained in the model outline of coverage for Basic Hospital Expense Coverage, as set forth at the Department of Insurance Internet website, www.doi.state.id.us. The appropriate outline of coverage for policies providing coverage that meets the standards of both Sections 014 and 015, shall be the statement contained in the model outline of coverage for Basic Hospital/Medical-Surgical Expense Coverage, as set forth at the Department web site. The appropriate outline of coverage for policies providing coverage that meets the standards of both Sections 014 and 017, or Sections 016 and 017, or Sections 014, 015, and 017 shall be the statement contained in the model outline of coverage for Individual Major Medical Expense Coverage as set forth at the Department web site.~~ (3-30-01)

~~d.c.~~ In any case where the prescribed outline of coverage is inappropriate for the coverage provided by the policy or certificate, an alternate outline of coverage shall will be ~~submitted to~~ filed with the Director ~~for prior written approval.~~ (3-30-01)()

102. -- 200. (RESERVED)

201. REQUIREMENTS FOR REPLACEMENT OF INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE.

01. **Application Form.** An application form shall will include a question designed to elicit information as to whether the insurance to be issued is intended to replace any other accident and sickness insurance presently in force. A supplementary application or other form to be signed by the applicant containing the question may be used. (3-30-01)()

02. **Required Notice.** Notices required under this chapter will conform to the model outlines of coverage incorporated herein in Section 004 of this chapter, and set forth at the Idaho Department of Insurance website. Upon determining that a sale will involve replacement, an insurer, or its agent shall will furnish the applicant, prior to issuance or delivery of the policy, the “Notice To Applicant Regarding Replacement Of Accident And Sickness Insurance,” taking into consideration the requirement for direct response or other than direct response. A direct response insurer shall deliver to the applicant upon issuance of the policy, the notice described in this Section 201. (3-30-01)()

202. -- 999. (RESERVED)

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.04.16 – RULES GOVERNING SHORT-TERM HEALTH INSURANCE COVERAGE

DOCKET NO. 18-0416-1901 (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 41-211, 41-4207, 41-5211, Idaho Code, and House Bill 275.

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 October 16, 2019.

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:

House Bill 275 passed the legislature and was signed into law by the Governor amending sections 41-5203, 41-5207, Chapter 52, Title 41. It added a new section of Idaho Code to define and provide for the purchase of enhanced short-term health insurance plans. Enhanced short-term plans will have an initial period of less than twelve (12) months. This rule will offer choices to consumers for individual health insurance and define the consumer protections required to offer such plans.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, page 240](#).

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 Weston Trexler at weston.trexler@doi.idaho.gov, or (208) 334-4315. 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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0416-1901
(New Chapter)

IDAPA 18
TITLE 04
CHAPTER 16

18.04.16 – RULES GOVERNING SHORT-TERM HEALTH INSURANCE COVERAGE

000. LEGAL AUTHORITY.

Title 41, Chapters 2, 21, 42, and 52, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. IDAPA 18.04.16, “Rules Governing Short-Term Health Insurance Coverage.” ()

02. Purpose and Scope. Implement Title 41, Chapters 21, 42, and 52, Idaho Code, regarding short-term, limited-duration insurance by defining requirements for enhanced short-term plans and nonrenewable short-term coverage, including minimum standards for benefits, rating rules, enrollment, renewability and required disclosure provisions. ()

03. Applicability. This rule applies to all enhanced short-term plans and nonrenewable short-term coverage that provide medical expense coverage. ()

002. ADMINISTRATIVE APPEALS.

All administrative appeals will be governed by Title 41, Chapter 2, Idaho Code; Title 67, Chapter 52, Idaho Code; and IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to the applicable definitions in Chapters 21, 42, and 52, Idaho Code, the following definitions apply: ()

01. Benchmark Medical Plan. The health benefit plan identified by the U.S. Department of Health and Human Services to be applicable in establishing required benefit coverages by Qualified Health Plans within Idaho, excluding any supplements for pediatric dental or vision. ()

02. Exchange. Has the meaning set forth in Section 41-6103, Idaho Code. ()

03. Nonrenewable Short-term Coverage. Short-term, limited-duration insurance that is not renewable, has a duration of six (6) months or less in total, and is not an Enhanced Short-term Plan under Section 41-5203(11), Idaho Code, and this rule. ()

04. Preexisting Condition. ()

a. A condition for which an ordinarily prudent person would seek medical advice, diagnosis, care or treatment during the six (6) months immediately preceding the effective date of coverage; ()

b. A condition for which medical advice, diagnosis, care or treatment was recommended or received during the six (6) months immediately preceding the effective date of coverage; or ()

c. A pregnancy existing on the effective date of coverage. ()

05. Qualified Health Plan or QHP. A health plan certified as such by the Exchange. ()

06. Reissuance or Replace. The practice of issuing a short-term, limited-duration insurance policy covering at least one individual having short-term, limited-duration insurance coverage within sixty-three (63) days of the policy's effective date. ()

07. Short-term, Limited-duration Insurance. Health insurance coverage pursuant to a contract that has a specified expiration date less than twelve (12) months after the original effective date of the contract and, including renewals or extensions, has a total duration of no longer than thirty-six (36) months. ()

011. GENERAL RULES FOR ENHANCED SHORT-TERM PLANS.

01. Application of Requirements. Any short-term, limited-duration insurance that, including renewals, reissuance or extensions, has a total duration of longer than six (6) months is subject to the requirements applicable to enhanced short-term plans. ()

02. Guaranteed Issue. Enhanced short-term plans are only to be offered on a guaranteed issue basis. ()

03. Portability. Enhanced short-term plan coverage is qualifying previous coverage under Title 41, Chapter 52, Idaho Code. Preexisting condition exclusions must be waived for the period of time an individual was previously covered by an enhanced short-term plan or other qualifying previous coverage. ()

04. Requirement to Offer Exchange Plans. To offer an enhanced short-term plan, a carrier must offer individual QHPs through the Exchange in the same service area. ()

012. GENERAL RULES FOR NONRENEWABLE SHORT-TERM COVERAGE.

Nonrenewable short-term coverage is subject to the provisions of IDAPA 18.04.14, Sections 086, 087, 088, and 101. ()

013. -- 019. (RESERVED)

020. ENROLLMENT.

01. Enhanced Short-term Plans. There are two exclusive options for enhanced short-term plan enrollment. ()

a. Year-round Enrollment. If a carrier allows year-round enrollment in enhanced short-term plans, the following provisions apply: ()

i. A preexisting condition exclusion period, as defined at Subsection 010.04, may be applied, subject to Section 41-5208, Idaho Code. ()

ii. The policy must be offered on a plan year basis, not a calendar year basis. ()

b. Annual Open Enrollment Period. If a carrier restricts enrollment in enhanced short-term plans to an annual open enrollment period, the following apply: ()

i. No preexisting condition exclusion period may be applied. ()

ii. The beginning and ending dates of the open enrollment period are identical to those for enrollment in QHPs, unless the Director allows an extension of the open enrollment period for enhanced short-term plans after determining it is in the public interest. ()

iii. Special enrollment periods must be allowed to the same extent as QHP enrollment. ()

02. Nonrenewable Short-term Coverage. Nonrenewable short-term coverage is to be offered on a year-round basis. ()

021. RENEWAL AND REISSUANCE.

01. Enhanced Short-term Plans Renewals. ()

a. A policy must be renewable at the option of the enrollee, consistent with Section 41-5207, Idaho Code. ()

b. No new application or questions concerning the health or medical condition of the covered individuals may be requested to effectuate the renewal. ()

c. A policy is not to be renewable beyond thirty-six (36) consecutive months. ()

d. Upon exhaustion of a policy's renewability due to duration or age, the policyholder is eligible for enrollment into fully renewable coverage, including all of the current carrier's QHPs, when an enhanced short-term policy has been in effect for at least eleven (11) months. Timely notification of eligibility must be provided to the policyholder plus the notification of any offer of reissuance. ()

02. Enhanced Short-term Plans Reissuances. Upon exhausting renewability due to duration or age, the following provisions apply to reissuance: ()

a. No new application or questions concerning the health or medical condition of the covered individuals may be requested for reissuance. ()

b. The reissuance premium rate is a change in premium rate subject to IDAPA 18.04.14.036.17. ()

03. Nonrenewable Coverage. Carriers may not renew nonrenewable short-term coverage and may not reissue or replace nonrenewable short-term coverage issued by the same or another carrier. ()

022. RATING REQUIREMENTS.

01. Enhanced Short-term Plans. In addition to the requirements applicable to individual health benefit plans, the following rating requirements apply: ()

a. Premium rates may not vary by gender. ()

b. Geographic rating areas identical to those used for Exchange-offered QHPs. ()

c. Medical underwriting criteria may be used to ascertain the risk characteristics of an applicant, if the criteria are limited to those in the Universal Health Statement Addendum and available claims data. ()

d. Enhanced short-term plans comprise a single risk pool with the carrier's other actively marketed individual health benefit plans subject to Title 41, Chapter 52, Idaho Code. ()

e. The rating period is on a calendar year basis, whereby the rates filed apply to all enrollees uniformly during a given calendar year and premium rate changes occur at the start of a new calendar year. ()

02. Nonrenewable Short-term Coverage. The following rating requirements apply: ()

a. The rates cannot utilize case characteristics other than age, individual tobacco use, and geography but may vary by the duration of coverage requested. ()

- b.** Case characteristics are applied uniformly, without regard to the risk characteristics of an eligible individual. ()
- c.** The premium rate is not affected by an applicant's risk characteristics or health status. ()
- d.** The premium rate remains the same for the duration of the policy. ()

023. -- 030. (RESERVED)

031. MINIMUM STANDARDS FOR BENEFITS.

- 01. Required Covered Benefits.** ()
 - a.** Daily hospital room and board expenses subject only to limitations based on average daily cost of the semiprivate room rate in the area where the insured resides; ()
 - b.** Miscellaneous hospital services; ()
 - c.** Surgical services; ()
 - d.** Anesthesia services; ()
 - e.** In-hospital medical services; and ()
 - f.** Out-of-hospital care, consisting of physicians' services rendered on an ambulatory basis where coverage is not provided elsewhere in the policy for diagnosis and treatment of sickness or injury, diagnostic x-ray, laboratory services, radiation therapy, and hemodialysis ordered by a physician. ()
- 02. Minimum Additional Benefits.** A separate premium corresponding to additional benefits offered through a rider must be filed and actuarially justified. A policy must provide not fewer than three (3) of the following additional benefits: ()
 - a.** In-hospital private duty registered nurse services; ()
 - b.** Convalescent nursing home care; ()
 - c.** Diagnosis and treatment by a radiologist or physiotherapist; ()
 - d.** Rental of special medical equipment, as defined by the insurer in the policy; ()
 - e.** Artificial limbs or eyes, casts, splints, trusses or braces; ()
 - f.** Treatment for functional nervous disorders, and mental and emotional disorders; or ()
 - g.** Out-of-hospital prescription drugs and medications. ()
- 03. Enhanced Short-term Plans Covered Benefits.** The following covered benefits and limitations must be provided consistent with the Benchmark Medical Plan, including: ()
 - a.** Ambulatory (outpatient) patient services; ()
 - b.** Emergency services; ()
 - c.** Hospitalization; ()
 - d.** Maternity and newborn care; ()

- e. Mental health and substance use disorder services, including behavioral health treatment; ()
- f. Prescription drugs; ()
- g. Rehabilitative and habilitative services and devices; ()
- h. Laboratory services; and ()
- i. Preventive and wellness services and chronic disease management. ()

04. Prescription Drug Formulary. If a prescription drug coverage formulary is applied, the applicable formulary drug list must: ()

- a. Include at least one drug in every United States Pharmacopeia (USP) category and class; ()
- b. Cover a range of drugs across a broad distribution of therapeutic categories and classes and recommended drug treatment regimens that treat all covered disease states, and does not discourage enrollment by any group of enrollees; and ()
- c. Provide appropriate access to drugs included in broadly accepted treatment guidelines and indicative of then-current general best practices. ()

05. Cost Sharing. ()

- a. Except for out-of-network benefits offered as part of a managed care plan, a coinsurance percentage may not exceed fifty percent (50%) of covered charges. A coinsurance percentage for out-of-network benefits offered as part of a managed care plan may not exceed sixty percent (60%) of covered charges. ()
- b. The maximum out-of-pocket must be stated in the policy and in aggregate may not exceed four percent (4%) of the aggregate annual limit under the policy for each covered person. All deductibles, copayments, coinsurance and any other cost-sharing are applicable to the maximum out-of-pocket. Within the aggregate maximum, the policy may include separate out-of-pocket limits applicable to particular services. ()
- c. The annual limit is no less than one million dollars (\$1,000,000) for each covered person. ()
- d. Enhanced short-term plans must provide coverage for and not impose any cost sharing requirements for preventive and wellness services consistent with QHP requirements. ()

06. Applicability of Mental Health Parity. Enhanced short-term plans must meet the requirements of Section 2726 of the Public Health Service Act (Mental Health Parity and Addiction Equity Act) in the same manner and extent as QHPs. ()

07. Benefit Requirements. The minimum benefits required by Subsections 030.01, 030.02, and 030.03 may be subject to all applicable deductibles, coinsurance and general policy exceptions and limitations. Except as prohibited by Subsections 030.03, 030.05, and 030.06, a policy may also have special or internal limitations for nursing facilities, transplants, experimental treatments, services covered under Subsection 030.02, and other special or internal limitations authorized by the Director. Except as authorized by this Subsection through the application of special or internal limitations, a policy must cover, after any deductibles or coinsurance provisions are met, the usual, customary and reasonable charges, as determined consistently by the carrier and as subject to prior written approval by the Director or another rate agreed to between the insurer and provider, for covered services up to the annual limit. ()

032. -- 039. (RESERVED)

040. REQUIRED DISCLOSURE PROVISIONS.

Polices subject to this chapter must include in the application for coverage, any application materials, and the insurance contract, the following language in at least 14-point type:

“This coverage is not required to comply with certain federal market requirements for health insurance, principally those contained in the Affordable Care Act. Be sure to check your policy carefully to make sure you are aware of any exclusions or limitations regarding coverage of preexisting conditions or health benefits (such as hospitalization, emergency services, maternity care, preventive care, prescription drugs, and mental health and substance use disorder services). Your policy might also have lifetime and/or annual dollar limits on health benefits. If this coverage expires or you lose eligibility for this coverage, you might have to wait until an open enrollment period to get other health insurance coverage.” ()

041. -- 999. (RESERVED)

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.06.06 – RULES FOR THE SURPLUS LINE REGULATION

DOCKET NO. 18-0606-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 41-211 and 41-1232, 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 October 16, 2019.

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 combines parts of three former rules regarding surplus lines into one rule following the Governor's [Executive Order 19-02](#), the Red Tape Reduction Act. This rule provides updated procedures for the placement of surplus lines insurance in the state of Idaho.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 7, 2019, Idaho Administrative Bulletin, [Vol. 19-8, p. 84](#).

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 Nathan Faragher at nathan.faragher@doi.idaho.gov, or (208) 334-4314. 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 October 23, 2019.

Dated this 9th day of September, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 18-0606-1901
(Only Those Sections With Amendments Are Shown.)

18.06.06 – ~~RULES FOR THE SURPLUS LINE~~ **REGULATION RULES**

000. LEGAL AUTHORITY.

~~The statutory authority of this rule is Title 67, Chapter 52, Idaho Code and~~ Title 41, Chapters ~~2 and~~ 12, Idaho Code. ~~(1-1-94)~~()

001. TITLE AND SCOPE.

01. Title. ~~This rule is titled~~ IDAPA 18.06.06, “~~Rules for the Surplus Line~~ **Regulation Rules.**” ~~(6-30-19)T~~()

02. Scope. ~~The purpose of this rule is to p~~Provide procedures for the placement of surplus line insurance. ~~(5-3-03)~~()

002. ~~WRITTEN INTERPRETATIONS (RESERVED)~~

~~The Department of Insurance has or relies upon written interpretive statements of the rule chapter in accordance with Section 67-5201(19)(b)(iv), Idaho Code.~~ (1-1-94)

003. ADMINISTRATIVE APPEALS.

All administrative appeals ~~shall be~~ **are** governed by **Title 41**, Chapter 2, ~~Title 41~~, Idaho Code, ~~and the Idaho Administrative Procedure Act~~, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, Idaho Rules of Administrative Procedure, Idaho Rules of Administrative Procedure of the Attorney General ~~—General Provisions.~~ (6-30-19)T()

004. DEFINITIONS.

In addition to the definitions set forth in Section 41-1213, Idaho Code, the following definitions also apply: ()

01. **Open Lines for Export.** ~~The term~~ “Open Lines for Export” ~~shall mean~~ **is defined as** the class or classes of business which the Director ~~by order or by rule, bulletin, or by publishing on the Department of Insurance website~~, has declared eligible for export in accordance with Section 41-1216, Idaho Code, ~~and for which there appears to be no reasonable or adequate market among authorized insurers, either to acceptance of risk, contract terms, or premium or premium rate.~~ (6-30-19)T()

02. **Lines Other Than Open Lines for Export.** ~~The term~~ “Lines Other Than Open Lines for Export” ~~shall mean~~ **is defined as** the class ~~of or~~ classes of business not on the list of open lines for export which are to be offered to eligible surplus lines insurers in accordance with ~~Sections 41-1214, and 41-1215~~ **Title 41 Chapter 12**, Idaho Code. (6-30-19)T()

03. **Diligent Search.** ~~Diligent search or effort by the Surplus Line producer, for purposes of Section 41-1214(2), Idaho Code, shall be deemed to have been~~ **A Broker has** exercised **their obligations under Section 41-1214(2), Idaho Code** if the ~~Surplus Line producer~~ **Broker** or the referring insurance producer ~~shall~~ **submits** a risk to at least ~~three~~ **one (1)** authorized companies ~~y, which are~~ engaged in writing in Idaho the type of coverage sought, or if there are no companies ~~actually~~ engaged in writing such coverage, the risk ~~shall be~~ **is** submitted to at least ~~three~~ **one (1)** companies ~~y that, in the Surplus Line Broker’s or producer’s or the insurance producer’s professional judgment, are~~ **is** the most likely to accept the risk. (6-30-19)T()

04. **Delegated Contractor.** Any contractor to whom activities have been delegated by the Director ~~under Section 41-1232, Idaho Code.~~ ()

~~005. DELEGATION OF RESPONSIBILITY TO SURPLUS LINES ASSOCIATION.~~

~~The Idaho Department of Insurance delegates the following activities to the Surplus Lines Association of Idaho ("Association"):~~ (6-30-19)T

~~01. Eligibility for Export. Under the general supervision of the Idaho Department of Insurance, the Association will be responsible for determination of eligibility for export of particular proposed coverages to eligible unauthorized insurers.~~ (6-30-19)T

~~02. Broker Compliance. The Association is to examine all submissions from licensed resident and non-resident Idaho Surplus Lines Brokers to assure compliance with Section 41-1217, Idaho Code—Eligible Surplus Lines Insurers.~~ (6-30-19)T

~~03. Requirements of Surplus Lines Association. That the Association, in addition to the responsibilities outlined above, shall:~~ (6-30-19)T

~~a. For the protection of all concerned have its Articles, By-Laws, Rules, and Procedures approved by the Director. Any changes made therein should receive prior approval before being put into effect. However, any submitted change, if not acted on within sixty (60) days of receipt by the Director, will be deemed approved.~~ (6-30-19)T

~~b. File with the Director, and keep current, a list of its members.~~ (6-30-19)T

~~c. Keep complete records of all transactions concerning Surplus Lines to the end that proper tax may be collected on surplus lines policies and that proper reports will be forwarded to the Director as concerns all submissions. Submissions are to be made by licensed Idaho Surplus Lines Brokers through the Association to the Director on forms approved by the Director, and shall comply with requirements of Chapter 12, Idaho Code.~~ (6-30-19)T

~~d. Make its records available at any time for examination by the Director.~~ (6-30-19)T

~~e. Report through its manager to the Director any known violations of the Surplus Lines Law as cited in Title 41, Chapter 12, Idaho Code.~~ (6-30-19)T

0065 -- 010. (RESERVED)

~~010. DELEGATION OF RESPONSIBILITY TO SURPLUS LINES ASSOCIATION:~~

~~The Idaho Department of Insurance delegates the following activities to the Surplus Lines Association of Idaho ("Association"):~~ (6-30-19)T

~~01. Eligibility for Export. Under the general supervision of the Idaho Department of Insurance, the Association will be responsible for determination of eligibility for export of particular proposed coverages to eligible unauthorized insurers.~~ (6-30-19)T

~~02. Broker Compliance. The Association is to examine all submissions from licensed resident and nonresident Idaho Surplus Lines Brokers to assure compliance with Section 41-1217, Idaho Code—ELIGIBLE SURPLUS LINES INSURERS.~~ (6-30-19)T

~~03. Requirements of Surplus Lines Association. That the Association, in addition to the responsibilities outlined above, shall:~~ (6-30-19)T

~~a. For the protection of all concerned have its Articles, By-Laws, Rules, and Procedures approved by the Director. Any changes made therein should receive prior approval before being put into effect. However, any submitted change, if not acted on within sixty (60) days of receipt by the Director, will be deemed approved.~~ (6-30-19)T

~~b. File with the Director, and keep current, a list of its members.~~ (6-30-19)T

~~c. Keep complete records of all transactions concerning Surplus Lines to the end that proper tax may be collected on surplus lines policies and that proper reports will be forwarded to the Director as concerns all submissions. Submissions are to be made by licensed Idaho Surplus Lines Brokers through the Association to the Director on forms approved by the Director, and shall comply with requirements of Chapter 12, Idaho Code.~~ (6-30-19)T

011. BIENNIAL LICENSE.

The Idaho license of a resident or non-resident *Surplus Line* Broker must be renewed every two (2) years. ~~Both the~~ original license fee and the renewal fee are prescribed in ~~the Rules of the Idaho Department of Insurance ("Department"), IDAPA 18.01.02, "Schedule of Fees, Licenses, and Miscellaneous Charges."~~ ~~Producers are in violation of the Insurance Code if they~~ A broker will not solicit surplus line business before ~~they are~~ being licensed as a *Surplus Line* Broker. ~~If a~~ A broker must notify the Licensing Division of the Department if not renewing the license decides not to renew his license in any particular year, he should notify the Licensing Division of the Department of his intention prior to ~~his~~ the license renewal date. The Director may, ~~in his discretion,~~ allow the continuation of a non-renewed license ~~which is not timely renewed,~~ if, within one (1) year after the renewal date, the licensee submits ~~the appropriate~~ a renewal request and a continuation fee ~~which is~~ twice the amount ~~otherwise~~ required ~~as provided~~ by Section 41-1008(3), Idaho Code. (5-3-03)()

012. ANNUAL REPORT.

Each *Surplus Line* Broker ~~shall~~ will file an annual report with the Director by March 1st of each year, of Surplus Line business transacted during the previous calendar year on an approved forms ~~approved by the Director.~~ (6-30-19)T()

013. PAYMENT OF STATE TAX.

01. Tax Due March 1. On or before March 1st of each year, ~~all Idaho licensed Surplus Line~~ each licensed Brokers ~~shall~~ will pay premium tax to the Department ~~the premium tax~~ on business written during the preceding calendar year. ~~The Surplus Line Broker must collect this tax, which tax will be collected~~ from the insured, in addition to the stamping fee. (5-3-03)()

02. Tax Summary. By February 1st of each year the *Surplus Lines Association* delegated contractor will provide to each *Surplus Line* Broker a summary of records showing the state tax due the Department for the preceding year. ~~The broker must pay and this amount will be paid~~ to the Department ~~the exact amount of tax indicated on the Surplus Lines Association summary~~ by the Broker. A flat percentage of the gross premium written during the year is not acceptable since tax was collected on each individual policy and that full amount must will be paid to the Department. (5-3-03)()

014. PAYMENT OF STAMPING FEES.

01. Application. ~~The~~ A stamping fee ~~shall be~~ is charged on all premiums and policy fees written on Idaho business at a rate established by the *Board of Directors of the Surplus Line Association* delegated contractor and approved by the Department. This rate will may be adjusted ~~from time to time in order~~ to obtain the objectives of the *Association* delegated contractor. The stamping fee cannot be refunded except ~~where there are~~ in the case of extenuating circumstances, ~~reported to, and~~ approved by the *Surplus Lines Association* delegated contractor. (5-3-03)()

02. Association Summary. Within ten (10) days following the month during which the surplus line insurance was handled through the *Association office* delegated contractor, the *Manager* delegated contractor will submit ~~to each Surplus Line Broker~~ an invoice summarizing the premium, Idaho tax, and Stamping Fee for each submission processed to each Broker. (5-3-03)()

03. Payable on Receipt. The Stamping Fee ~~of the Surplus Line Association~~ is payable upon receipt of billing. It is delinquent if not paid within thirty (30) days after the last day of the month in which the business was reported. (1-1-94)()

015. COLLECTION OF TAXES.

01. Idaho Premium Taxes. Idaho Premium Tax must will be collected from the insured. ~~This tax is charged on the premium paid.~~ Policy fees, service fees, and other like fees are considered part of the premium and subject to premium tax. State premium taxes must will be refunded to the taxpayer upon cancellation of the policy or return of premium for any reason. (5-3-03)()

02. **Purchasing Groups.** Purchasing groups that obtain insurance from an unauthorized or authorized surplus lines insurer must will use an Idaho-licensed surplus lines b Broker ~~licensed in the state of Idaho~~. The Surplus Lines Broker is responsible to collect and submit all taxes and fees ~~to the Surplus Lines Association~~ as required by this Chapter. (5-3-03)()

016. **REPORTING TAXES AND STAMPING FEES.**

Brokers must are to report premium taxes and stamping fees in increments of not less than one year. ~~If a b~~ A Broker ~~elects to who~~ collects quarterly or monthly payments of premiums from the insured, ~~he may do so, providing he will~~ provide reports of the premium tax and stamping fee in the initial submission or renewal for a full year. (1-1-94)()

017. **PLACEMENT AND COMMISSIONS.**

01. **Basic Requirement.** All surplus line business ~~whether produced from within the state of Idaho or outside, must is to~~ be placed through a licensed Surplus Line Broker. Each producer of surplus line business must will hold an Idaho resident or non-resident producer license ~~for Idaho~~. (5-3-03)()

02. **Idaho Producer.** When a producer requests placement by a licensed Surplus Line Broker, the commission received and paid ~~shall will~~ be based on the mutual written agreement of the parties ~~concerned~~. (6-30-19)T()

018. **SUBMISSION TIME PERIODS.**

All affidavits, submissions, certificates, endorsements and other documents for insurance written for Open Lines for Export and Other Than Open Lines for Export must be received at by the Surplus Lines Association delegated contractor within thirty (30) days of receipt by the broker of the certificate, endorsement or other policy document. If the complete submission cannot be made within this time period, ~~then~~ the information with submission form and affidavit, if applicable, will be forwarded. The b Broker is responsible for meeting this requirement ~~and the burden of compliance is upon him~~. (6-30-19)T()

019. **OPEN LINES FOR EXPORT.**

Pursuant to Section 41-1216, the Director will publish A list of approved classes of insurance coverage or risks ~~shall be published by the Director and a copy of which shall be delivered to and maintained by a delegated association, if one has been delegated. These classes are recognized by the Department and the Association as eligible for export since it has been previously determined that an adequate market among authorized insurers does not exist in Idaho. Under this provision, brokers are not required to comply with sections 41-1214(2), (3) and 41-1215 of the Idaho Insurance Code, but proper submission must be provided to the Director or to a delegated association, if one has been delegated pursuant to Section 41-1232(c), Idaho Code, within thirty (30) days after the insurance policy is received by the Idaho broker.~~ If a risk does not appear on this list, then the b Broker must file the normal submission forms and documents and ~~he must~~ execute the broker's affidavit. (6-30-19)T()

020. **BROKERS RECORDS.**

~~Each broker shall keep in his office a~~ A full and true record of each surplus line coverage procured by ~~him as outlined in section 41-1227 of the Idaho Insurance Code~~ each Broker is to be maintained by the Broker. Reports of all documents processed by the Surplus Lines Association delegated contractor will be provided on a monthly basis to the b Broker. These reports, in addition to the broker's copy of policies and endorsements, must be kept for a period of five (5) years and are subject to examination by the d Director. (5-3-03)()

021. **APPROVED LIST OF INSURERS.**

Pursuant to Section 41-1217, Idaho Code, the Director compiles or approves A list, ~~commonly known as the "white" list, containing the only non-admitted companies authorized of unauthorized insurers, whether foreign or alien, eligible~~ to write surplus line business in ~~this state will be issued from time to time by the Director. While this list is in effect, a b~~ Idaho. Brokers may only place surplus line business with ~~those~~ only on the current list. ~~After receiving the updates from the Director, t~~ The association delegated contractor will ~~keep b~~ inform Brokers ~~informed of~~ additions and changes through timely notice to the list. (7-1-98)()

022. -- 999. (RESERVED)

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – RULES GOVERNING MINED LAND RECLAMATION [RULES GOVERNING EXPLORATION, SURFACE MINING, AND CLOSURE OF CYANIDATION FACILITIES]

DOCKET NO. 20-0302-1901

(SECOND) 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 47-1505(3) and 58-104(6), Idaho Code.

MEETING SCHEDULE: A negotiated rulemaking meeting has been scheduled, and additional meeting dates will be posted at www.idl.idaho.gov/rulemaking/20.03.02-2019.

PUBLIC MEETING

Thursday, October 24, 2019
9:00 a.m. - 3:00 p.m. (MDT)

Idaho State Capitol Building
4th floor, Majority Caucus Room (W-433)
700 West Jefferson Street, Boise, ID

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: Those interested in participating in the negotiated rulemaking process are encouraged to attend scheduled meetings and submit written comments to the address below. Please contact Eric Wilson at (208) 334-0261 or ewilson@idl.idaho.gov to be added to the email list of interested parties.

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 on the agency website and to interested persons who contact the agency.

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:

A Temporary Rule is currently in place to implement the 2019 legislative changes to the Mined Land Reclamation Act at Title 47, Chapter 15, Idaho Code. Additional rule negotiations are needed before the rulemaking can proceed to the next step. The main points that require additional negotiations include, but are not limited to, details on the surface impacts of underground mines, application fees for reclamation plans, application requirements for reclamation plans and post-closure, fees for plan and operation reviews, calculation methods and types of financial assurance, and further changes to comply with the Red Tape Reduction Act. A detailed summary of the purpose of the negotiated rulemaking is set forth in the initial Notice of Intent to Promulgate Rules published in the Idaho Administrative Bulletin, May 1, 2019, **Vol. 19-5, page 69**.

ASSISTANCE ON TECHNICAL QUESTIONS AND OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a draft copy of the rule text, contact Eric Wilson at (208) 334-0261 or ewilson@idl.idaho.gov. Materials pertaining to the negotiated rulemaking, including preliminary rule drafts, research materials, supporting documents, and the schedule of negotiated rulemaking meetings, can be found on the agency website at www.idl.idaho.gov/rulemaking/20.03.02-2019.

SUBMISSION OF WRITTEN COMMENTS: Written comments may be submitted by mail, fax, or email at the address below. Information about public comment opportunities throughout the rulemaking process will be available at www.idl.idaho.gov/rulemaking/20.03.02-2019 or by contacting the undersigned.

Dated this 17th day of September, 2019.

Eric Wilson
Resource Protection and Assistance Bureau Chief
Idaho Department of Lands
300 N. 6th Street, Suite 103; P.O. Box 83720

Boise, Idaho 83720-0050
Phone: (208) 334-0261
Fax: (208) 334-3698
rulemaking@idl.idaho.gov

IDAPA 23 – BOARD OF NURSING
23.01.01 – RULES OF THE IDAHO BOARD OF NURSING
DOCKET NO. 23-0101-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-1404, 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 October 16, 2019.

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 proposed rulemaking is being done to delete all rules related to ‘Medication Assistant – Certified’ (MA-C) personnel.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, pages 65 through 66](#).

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 Janet Summers at (208) 577-2500.

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 October 23, 2019.

Dated this 18th day of September, 2019.

Russell Barron, Executive Director
Idaho Board of Nursing
280 N. 8th St. (8th & Bannock), Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 577-2479
Fax: (208) 334-3262

THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 23-0101-1901
(Only Those Sections With Amendments Are Shown.)

491. TECHNICIANS/TECHNOLOGISTS.

01. **Functions.** Technicians/technologists may perform limited nursing functions within the ordinary, customary, and usual roles in their fields and are exempted from licensure by the Board under Section 54-1412, Idaho Code, (~~Nursing Practice Act~~), provided they are: (5-3-03)()

- a. Enrolled in or have completed a formal training program acceptable to the Board; or (5-3-03)
- b. Registered with or certified by a national organization acceptable to the Board. (5-3-03)

02. **Supervision.** Technicians/technologists providing basic nursing care services on an organized nursing unit in an institutional setting must function under the supervision of a licensed registered nurse. (3-30-07)

~~492. MEDICATION ADMINISTRATION BY MEDICATION ASSISTANTS—CERTIFIED (MA-C).~~

~~01. **When Tasks May Be Performed.** A medication assistant—certified may perform the delegated function of administration of medications and related tasks under the direct supervision of a licensed nurse, if:~~ (3-26-08)

- ~~a. The medication assistant—certified does not assume other unrelated tasks while he is administering drugs;~~ (3-26-08)
- ~~b. The medication is given by an approved medication route, to include:~~ (3-26-08)
- ~~i. Orally, to include sublingual, buccal;~~ (3-26-08)
 - ~~ii. Topically;~~ (3-26-08)
 - ~~iii. For the eye, ear, or nose;~~ (3-26-08)
 - ~~iv. Vaginally;~~ (3-26-08)
 - ~~v. Rectally;~~ (3-26-08)
 - ~~vi. Transdermally;~~ (3-26-08)
 - ~~vii. Oral inhaler;~~ (3-26-08)
 - ~~viii. Established gastric (non-nasogastric) tube; and~~ (3-26-08)
- ~~e. The delegation does not conflict with provisions of Subsection 400.02 of these rules.~~ (3-26-08)

~~02. **When Tasks Shall Not Be Performed.** A medication assistant—certified shall not perform a task involving the administration of medication if:~~ (3-26-08)

- ~~a. The medication administration requires a nurse's assessment of the patient prior to or following the medication, a calculation of the dosage of the medication, or the conversion of the dosage. The provision does not restrict the medication assistant—certified from administering PRN medication to stable patients; or~~ (3-26-08)

~~b. The supervising nurse is unavailable to monitor the progress of the patient and the effect on the patient of the medication; or (3-26-08)~~

~~e. The patient's condition is unstable or the patient has changing nursing needs. (3-26-08)~~

~~03. **Report Medication Errors.** A medication assistant—certified who has any reason to believe that he has made an error in the administration of medication shall follow facility policy and procedure to report the possible or known error to his supervising nurse and shall assist in completing any required documentation of the medication error. (3-26-08)~~

~~04. **Medication Administration Policies.** (3-26-08)~~

~~a. The medication assistant—certified shall report to the supervising nurse: (3-26-08)~~

~~i. Signs or symptoms that appear life-threatening; (3-26-08)~~

~~ii. Events that appear health threatening; and (3-26-08)~~

~~iii. Medications that produce no results or undesirable effects as reported by the patient. (3-26-08)~~

~~b. A licensed nurse shall supervise medication assistant—certified. (3-26-08)~~

~~e. A licensed registered nurse shall periodically review the following: (3-26-08)~~

~~i. Authorized provider orders; and (3-26-08)~~

~~ii. Patient medication records. (3-26-08)~~

~~d. Tasks that may not be performed by the medication assistant—certified: (3-26-08)~~

~~i. Receive controlled substances. (3-26-08)~~

~~ii. Administration of parenteral or injectable medications. (3-26-08)~~

~~iii. Administration of any medication by nasogastric tube. (3-26-08)~~

~~iv. Calculate drug dosage. (3-26-08)~~

~~v. Destruction of medications. (3-26-08)~~

~~vi. Receive written or verbal medication orders. (3-26-08)~~

~~vii. Request initial dose medications. (3-26-08)~~

~~viii. Evaluate medication error reports. (3-26-08)~~

~~ix. Perform treatments unrelated to the administration of medications. (3-26-08)~~

~~x. Conduct patient assessments. (3-26-08)~~

~~xi. Engage in patient teaching activities. (3-26-08)~~

~~xii. Administer initial dose or non-routine medications when the patient's response to the medication is not predictable. (3-26-08)~~

~~493. **EDUCATION AND TRAINING FOR MEDICATION ASSISTANT—CERTIFIED.**~~

- ~~01. **Education Program Content.** Education for medication assistant certified shall include: (3-26-08)~~
- ~~a. At least eighty (80) clock hours of didactic content in: (3-26-08)~~
 - ~~i. The role of the medication assistant certified, to include, but not be limited to, medication administration as a delegated nursing function under the supervision of a licensed nurse in a setting or facility where the performance of the delegated function is not otherwise prohibited by law. (3-26-08)~~
 - ~~ii. Fundamentals of medication administration, to include, but not be limited to, medication orders, medication storage, measurement, forms of medications, preparation of medications, role of the medication assistant certified, and role of the delegating nurse. (3-26-08)~~
 - ~~iii. Safety factors in administering medications, to include, but not be limited to, rights of medication administration, prevention of medication errors, and reporting medication errors. (3-26-08)~~
 - ~~iv. Communication and documentation, to include, but not be limited to, communication process, boundaries, reporting symptoms and side effects, reporting deviations from normal, and documenting medication administration. (3-26-08)~~
 - ~~v. Medication administration, to include, but not be limited to, routes of administration, factors affecting how the body responds to medications, and classes of medications. (3-26-08)~~
 - ~~vi. Ethical and legal issues, to include, but not be limited to, responsibility of the medication assistant certified, patient rights, patient self-administration of medications, and ethical and legal violations. (3-26-08)~~
 - ~~b. At least forty (40) clock hours of correlated supervised practicum in medication administration. (3-26-08)~~
- ~~02. **Board Approval.** Programs preparing medication assistant certified must be approved by the Board. (3-26-08)~~
- ~~a. Institutions applying for initial approval must make application to the Board on forms supplied by the Board. The following information must be included: (3-26-08)~~
 - ~~i. Accreditation status, relationship of educational program to parent institution. (3-26-08)~~
 - ~~ii. Curriculum to be used. (3-26-08)~~
 - ~~iii. Clinical sites to be used. (3-26-08)~~
 - ~~iv. Provision for qualified faculty. (3-26-08)~~
 - ~~b. Provisional approval for one (1) year will be granted to programs on initial application that provide evidence that Board approved training standards will be met. (3-26-08)~~
 - ~~c. Programs with provisional approval must apply for full approval on forms supplied by the Board and submit such application to the Board office one (1) month prior to the expiration of provisional approval. (3-26-08)~~
 - ~~d. A representative of the Board shall visit the program one (1) year following initial provisional approval and submit a written report to the Board. (3-26-08)~~
 - ~~i. Following the Board's review of the visit report, the institution shall be notified of the Board's decision within thirty (30) days of the review. (3-26-08)~~

- ~~ii. Following its review, the Board may grant full approval, if all conditions have been met; or conditional approval, if all conditions have not been met; or denial of approval if, conditions have not been met and the institution can provide no indication that they will be met within a reasonable timeframe. (3-26-08)~~
- ~~e. A letter of continuing approval will be granted annually to programs that substantially meet the Board's requirements, as evidenced by: (3-26-08)~~
- ~~i. Information included in annual reports to the Board; and (3-26-08)~~
- ~~ii. Information obtained by Board representative during on site visits. (3-26-08)~~
- ~~03. Administration of Program. The educational program shall be administered by an educational institution accredited by an organization recognized by the U.S. Department of Education. (3-26-08)~~
- ~~04. Medication Assistant – Certified Program Requirements. An educational program preparing medication assistant – certified shall:~~
- ~~a. Provide evidence of financial support and resources adequate to achieve the purpose of the program, to include, but not limited to, classrooms, laboratories, equipment, supplies, and qualified administrative, instructional, and support personnel and services. (3-26-08)~~
- ~~b. Maintain current and final records for each student enrolled in the program in accordance with policies of the parent institution. (3-26-08)~~
- ~~c. Provide sufficient numbers of qualified faculty to implement the curriculum. (3-26-08)~~
- ~~d. Provide sufficient numbers of faculty in the clinical setting to assure patient safety and meet student learning needs. (3-26-08)~~
- ~~e. Use a curriculum approved by the Board that includes didactic content and supervised clinical as defined in Subsection 493.01 of these rules. (3-26-08)~~
- ~~05. Program Administrator. Medication assistant – certified program administrator shall meet institutional requirements for the position. (3-26-08)~~
- ~~06. Program Instructors. Medication assistant – certified instructors shall:~~
- ~~a. Hold a current, unencumbered license to practice as a registered nurse in Idaho. (3-26-08)~~
- ~~b. Have a minimum of two (2) years practice experience in a health care facility. (3-26-08)~~
- ~~c. Have at least one (1) year clinical experience relevant to areas of teaching responsibility. (3-26-08)~~
- ~~d. Provide documented evidence of preparation for teaching adults. (3-26-08)~~
- ~~07. Instructor Responsibilities. Medication assistant – certified instructor responsibilities are the same as those identified in Subsection 644.01 of these rules. (3-26-08)~~
- ~~08. Program Changes. Board approval is required to make substantive changes in an approved medication assistant – certified training program. The program provider shall submit a description of the proposed change in curriculum or other substantive change to the Board for review at least sixty (60) days before the program provider plans to implement the changes. The Board will notify the provider in writing of its decision. (3-26-08)~~
- ~~09. Periodic Training Program Evaluation. To insure compliance with the requirements for medication assistant – certified programs: (3-26-08)~~

~~a. Each program shall submit a report annually regarding the program's operation and compliance with the Board rules. (3-26-08)~~

~~b. Each program shall be on-site surveyed by representatives of the Board and evaluated for ongoing approval every four (4) years or as requested by the Board. (3-26-08)~~

~~c. A copy of the survey visit report will be made available to the education and training program. (3-26-08)~~

~~10. **Withdrawal of Approval.** (3-26-08)~~

~~a. The Board shall withdraw approval of medication assistant certified education and training programs when the Board determines that there is not sufficient evidence that the program is meeting requirements. (3-26-08)~~

~~b. The Board shall provide due process rights and adhere to the procedures of the Idaho Administrative Procedures Act, providing notice, opportunity for hearing, and correction of deficiencies. (3-26-08)~~

~~c. The Board may consider reinstatement or approval of an educational program upon submission of satisfactory evidence that the program meets the requirements. (3-26-08)~~

~~11. **Closing of Education Programs.** When a person or entity plans to discontinue offering an education program, it shall comply with the requirements set forth at Section 604 of these rules. (3-26-08)~~

~~494. **APPLICATION FOR CERTIFICATION FOR MEDICATION ASSISTANT CERTIFIED.**~~

~~01. **Application Submission.** An applicant for medication assistant certified shall submit to the Board:~~

~~a. A completed, notarized application form provided by the Board; (3-26-08)~~

~~b. A notarized affidavit of graduation from an approved medication assistant certified education and training program; (3-26-08)~~

~~c. Evidence of successful completion of a medication assistant certified competency evaluation, approved by the Board; (3-26-08)~~

~~d. Payment of application fees as established in Section 497 of these rules; and (3-26-08)~~

~~e. Applicant's current fingerprint-based criminal history check as set forth in Section 54-1406A(5), Idaho Code. (3-26-08)~~

~~02. **Temporary Certification.** (3-26-08)~~

~~a. At the Board's discretion, and pending completion of the competency evaluation and receipt of the criminal background report, a temporary certification may be issued to an applicant who meets all other requirements. (3-29-12)~~

~~b. Temporary certification is valid for six (6) months from the date of issuance or until a permanent certification is issued or denied, whichever occurs first. (3-26-08)~~

~~c. The applicant must pay the temporary certification fee established in Section 498 of these rules. (3-26-08)~~

~~03. **Denial of Certification.** Certification as a medication assistant certified may be denied for any of the following grounds: (3-26-08)~~

- ~~a. Failure to meet any requirement established by statute or these rules; or (3-26-08)~~
- ~~b. False representation of facts on an application for certification; or (3-26-08)~~
- ~~c. Failure to pass any certification examination required by the Board; or (3-29-12)~~
- ~~d. Having another person appear in his place for any certification examination required by the Board; or (3-29-12)~~
- ~~e. Engaging in any conduct which would be grounds for discipline under Section 54-1406A, Idaho Code, or these rules; or (3-26-08)~~
- ~~f. Revocation, suspension, limitation, reprimand, voluntary surrender, or any other disciplinary action or proceeding including investigation against a certificate to practice by another state or jurisdiction. (3-26-08)~~
- ~~04. **Notification.** If certification is denied, the Board will notify the applicant in writing of the reason for denial and inform him of his procedural rights under the Idaho Administrative Procedures Act. (3-26-08)~~
- ~~495. **CERTIFICATION RENEWAL FOR MEDICATION ASSISTANT—CERTIFIED.**~~
- ~~01. **Renewal Time.** Certifications of medication assistants certified must be renewed every two (2) years. (3-26-08)~~
- ~~02. **Renewal Application.** A renewal application will be provided by the Board to persons certified under these rules. The application will be either mailed to the applicant's address on record with the Board no later than one (1) month before expiration of the certification, or be available to applicants on the Board's website. (3-26-08)~~
- ~~03. **Final Date to Renew.** The original signed renewal application and renewal fees, as establish in Section 497 of these rules, must be submitted to the Board by personal delivery or postmarked no later than August 31 of every even-numbered year. (3-26-08)~~
- ~~04. **Attestation of Good Standing.** Along with the renewal application and applicable fees, the applicant must submit evidence that he is currently listed in good standing on the state's certified nurse aide registry and has been employed as a medication assistant certified within the preceding twenty-four (24) month period. (3-26-08)~~
- ~~05. **Date Certification Lapsed.** Certifications not renewed prior to September 1 of the appropriate year will automatically lapse and be invalid. (3-26-08)~~
- ~~496. **REINSTATEMENT OF CERTIFICATION.**~~
- ~~01. **Within One Year.** A person whose certificate has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement within one (1) year by:~~
- ~~a. Filing a completed renewal application; and (3-26-08)~~
- ~~b. Payment of the verification of records fee and the reinstatement fee as prescribed in Section 498 of these rules. (3-26-08)~~
- ~~02. **After One Year.** After one (1) year, but less than three (3) years, a person whose certificate has lapsed for failure to pay the renewal fee by the specified date may apply for reinstatement by:~~
- ~~a. Filing a completed reinstatement application; (3-26-08)~~
- ~~b. Payment of the fees prescribed in Section 497 of these rules; (3-26-08)~~

~~e. Providing evidence satisfactory to the Board of the applicant's ability to practice safely and competently; and (3-26-08)~~

~~d. A current fingerprint-based criminal history check as set forth in Section 54-1406A(5), Idaho Code. (3-26-08)~~

~~03. **After Three Years.** After three (3) years, a person whose certificate has lapsed for failure to timely pay the renewal fee may apply for reinstatement by: (3-26-08)~~

~~a. Filing a completed reinstatement application; (3-26-08)~~

~~b. Payment of the fees prescribed in Section 497 of these rules; (3-26-08)~~

~~e. Payment of the temporary certification fee prescribed in Section 497 of these rules, if required; (3-26-08)~~

~~d. Providing evidence, satisfactory to the Board, of the applicant's ability to practice safely and competently; and (3-26-08)~~

~~e. A current fingerprint-based criminal history check as set forth in Section 54-1406A(5), Idaho Code. (3-26-08)~~

~~04. **After Discipline.** A person whose certificate has been subject to disciplinary action by the Board may apply for reinstatement of the certificate to active and unrestricted status by: (3-26-08)~~

~~a. Submitting a completed application for reinstatement; (3-26-08)~~

~~b. Payment of the fees prescribed in Section 497 of these rules; (3-26-08)~~

~~e. Documenting compliance with any term and restrictions set forth in any order as a condition of reinstatement; (3-26-08)~~

~~d. Providing evidence, satisfactory to the Board, of the applicant's ability to practice safely and competently; and (3-26-08)~~

~~e. A current fingerprint-based criminal history check as set forth in Section 54-1406A(5), Idaho Code. (3-26-08)~~

~~f. A person whose certificate has been revoked may not apply for reinstatement until two (2) years following the order of revocation. (3-26-08)~~

~~**497. FEES APPLICABLE TO MEDICATION ASSISTANT CERTIFIED AND THE CERTIFICATION PROCESS.**~~

~~The applicable fees are as follows: (3-26-08)~~

~~01. **Initial Fee By Examination.** The initial application fee for medication assistant certified, by examination: thirty-five dollars (\$35). (3-26-08)~~

~~02. **Initial Fee By Endorsement.** The initial application fee for medication assistant certified, by endorsement: forty dollars (\$40). (3-26-08)~~

~~03. **Temporary.** Temporary certification fee: twenty-five dollars (\$25). (3-26-08)~~

~~04. **Renewal.** Renewal of certification fee: sixty-five dollars (\$65). (3-26-08)~~

~~05. **Reinstatement.** Reinstatement of certification fee: fifty dollars (\$50). (3-26-08)~~

- ~~06. **Records.** Verification of records fee: thirty five dollars (\$35). (3-26-08)~~
- ~~07. **Verification.** Fee for verification of certification to another state or jurisdiction: thirty dollars (\$30). (3-26-08)~~
- ~~08. **Evaluation of Education Programs.** A fee not to exceed one hundred dollars (\$100) per day will be assessed for survey and evaluation of medication assistant certified education programs, which will be due at the time the evaluation is requested. (3-26-08)~~
- ~~498. **CHANGES IN NAME AND ADDRESS FOR NOTIFICATION PURPOSES.**~~
- ~~01. **Change of Name.** Whenever a change of certificate holder name occurs, the Board must be immediately notified of the change. Documentation confirming the change of name must be provided to the Board on request. (3-26-08)~~
- ~~02. **Change of Address.** Whenever a change of certificate holder mailing address occurs, the Board must be immediately notified of the change. (3-26-08)~~
- ~~03. **Address for Notification Purposes.** The most recent mailing address on record with the Board will be utilized for purposes of all written communication with the certificate holder including, but not limited to, notification of renewal and notices related to disciplinary actions. (3-26-08)~~

~~499. -- 599. (RESERVED)~~

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1901 (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, 67-4223, 67-4249, and 67-7115 through 67-7118, Idaho Code.

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

PUBLIC HEARING

Wednesday, October 9, 2019 – 4:30 p.m. - 5:30 p.m. (MDT)

**5657 Warm Springs Avenue
Boise, ID 83712**

Interested public may also join a teleconference for the public hearing by calling 208.514.2259 port 7412. 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:

IDPR seeks approval for rule changes to go into effect November 1, 2020. The proposed rule change updates definitions and standards, updates fee caps on facilities, creates new fees for pets and cleaning, consolidates rules governing the winter recreational parking permit program, and incorporates edits for clarity and brevity consistent with the Red Tape Reduction Act. The proposed rule also reduces the number and complexity of campsite types and sets fee caps for the new campsite types.

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

The Park and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, Idaho Code. The proposed rule accomplishes the following:

1. Removes fees for: primitive campsite; standard campsite; serviced campsite/W; serviced campsite/E; serviced campsite/W, E; serviced campsite/W, E, SWR; amenity fee for central water; and amenity for flush-toilets/showers.
2. Adds fees and fee caps for: basic campsite; electric campsite; full hook-up campsite; hike-in/bike-in campsite; pets; cleaning; and extra vehicle.
3. Raises fee caps for: fee collection surcharge; daily MVEF; commercial motor vehicle entrance; admission; overnight use of parking areas; camping cabins and yurts; each additional person above the base occupancy of the group overnight facility; and vessel launching.

The Park and Recreation Board is also authorized to further define and make specific the provisions regarding the winter recreational parking permit program as set forth in Sections 67-7115 through 67-7118, Idaho Code. The proposed rule transfers the existing fees from IDAPA 26.01.36 to IDAPA 26.01.20.

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:

We expect a positive fiscal impact to our 0243 dedicated fund account due to the new fee structure and caps. Once the new fee structure and caps are in place, we will work with the Park and Recreation Board to establish new fees. The Board will consider the fee changes at a noticed public hearing.

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 July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 242](#).

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:
No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anna Canning, (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 October 23, 2019.

Dated this 21st day of August, 2019.

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. 26-0120-1901
(Only Those Sections With Amendments Are Shown.)

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-4223, Idaho Code, to adopt, amend, or rescind rules as may be necessary for the proper administration of Title 67, Chapter 42, Idaho Code, and the use and protection of lands and facilities subject to its jurisdiction. The board is also authorized to further define and make specific the provisions regarding the winter recreational parking permit program as set forth in Sections 67-7115 through 67-7118, Idaho Code. (1-1-94)()

001. TITLE AND SCOPE.

01. Title. The title of this chapter is cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.20, "Rules Governing the Administration of Park and Recreation Areas and Facilities." (1-1-94)()

02. Scope. This chapter establishes fees for and rules governing the use of lands and facilities administered by the Department; and the winter recreation parking permit; establishes procedures for obtaining individual and group use reservations; sets rules regarding visitor behavior and use of park lands and facilities, and authorizes employees to enforce these rules. (1-1-94)()

002. WRITTEN INTERPRETATIONS APPEALS.

This agency has written interpretations of these rules available for public inspection and copying in the central office of the agency. Any person who may be adversely affected by a final decision, ruling, or direction of the director may appeal the decision, ruling, or direction as outlined under IDAPA 04.11.01 "Idaho Rules of Administrative Procedure of the Attorney." (3-13-97)()

003. (RESERVED)

0043. INCORPORATION BY REFERENCE.

No documents have been incorporated by reference into these rules. (3-16-04)

~~**005. OFFICE OFFICE HOURS MAILING ADDRESS AND STREET ADDRESS.**~~

~~**01. Office Hours.** Central office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-30-06)~~

~~**02. Mailing Address.** The mailing address for the central office is Idaho Department of Parks and Recreation, PO Box 83720, Boise, ID 83720-0065. (3-16-04)~~

~~**03. Street Address.** The Central office of the Idaho Department of Parks and Recreation is located at 5657 Warm Springs Ave., Boise, ID 83716-8700. (3-16-04)~~

0064. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-16-04)

~~**0075. -- 009. (RESERVED)**~~

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. ADA-Campsites and Facilities. Americans with Disabilities Act (3-30-06)()

~~**a. ADA Designated Campsites.** Campsites that have been designated and built to meet ADA accessibility requirements. These campsites are not managed exclusively for ADA use. (3-27-13)~~

~~**b. ADA Accessible Facilities.** IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use. (3-30-06)~~

02. Annual Motor Vehicle Entrance Fee Sticker. A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)()

~~**a. The Annual Motor Vehicle Entrance Fee sticker expires December 31 of the year issued.** (3-27-13)~~

~~**b. The Annual Motor Vehicle Entrance Fee sticker may be purchased at any Idaho State Park, the Idaho Department of Parks and Recreation central or regional offices, or online.** (3-27-13)~~

~~**c. Automobiles, Trucks, Motorhomes.** The sticker must be permanently affixed on the lower corner of the driver's side windshield. (3-27-13)~~

~~**d. All Terrain Vehicles (ATVs), Utility Type Vehicles (UTVs), Specialty Off Highway Vehicles (SOHVs).** The sticker must be permanently affixed on the rear fender. (3-27-13)~~

~~**e. Motorbikes.** The sticker must be permanently affixed on the rider's right fork. (3-27-13)~~

~~**f. Snowmobiles.** The sticker must be permanently affixed to the right side of the cowling located just below the hood, to the right of the validation sticker. It must be visible and legible at all times. (4-11-15)~~

03. Annual Motor Vehicle Entrance Fee Sticker Replacement. Replacement due to a motor vehicle sale or damage to an existing annual motor vehicle entrance fee sticker. (3-27-13)()

~~**a. The applicant must apply at any Idaho State Park, at the Idaho Department of Parks and Recreation central or regional offices, or online for replacement sticker.** (3-27-13)~~

- ~~b.~~ *Proof of purchase must be established.* (3-27-13)
- ~~e.~~ *Display and placement of the replacement sticker will comply with Subsections 010.02.e. through 010.02.f. of this Chapter.* (3-27-13)
- 04. Board.** The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)
- 05. Camping Unit.** ~~A camping unit is~~ The combined equipment and people capacity that a **camp**site or facility will accommodate. (3-30-06)()
- ~~a.~~ *Campsites. Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles. No more than one (1) RV may occupy a site. Two (2) motorcycles are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF.* (3-29-17)
- ~~b.~~ *Facilities. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected.* (3-30-06)
- 06. Camping Day.** (3-30-06)
- a.** For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (3-30-06)
- b.** For individual and group camping facilities, the period between 3 p.m. of one (1) calendar day and 12 noon of the following calendar day. (3-30-06)
- c.** For group campsites, the period between 4 p.m. of one (1) calendar day and 12 noon of the following calendar day. ()
- 07. Campsite.** (3-30-06)
- a.** Individual. An area within ~~an IDPR~~ a Department managed campground designated for camping use by an individual camping unit or camping party. (3-30-06)()
- b.** Group. An area within ~~an IDPR~~ a Department managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use. (3-30-06)()
- ~~e.~~ *Facility, Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party.* (3-30-06)
- ~~d.~~ *Facility, Group. A camping structure within an IDPR managed campground or area designated for group use.* (3-30-06)
- 08. Commercial Motor Vehicle.** A vehicle that has seating capacity of more than fifteen (15) persons, including the driver, or that is maintained for the transportation of persons for hire, compensation or profit, such as a tour. ()
- ~~089.~~ **Day Use.** Use of any non-camping lands and/or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. (3-30-06)
- 109.** **Department.** The Idaho Department of Parks and Recreation. (1-1-94)

~~101.~~ **Designated Beach.** Waterfront areas designated by the park manager ~~or designee~~ for water-based recreation activities. The length and width of each designated beach ~~must~~ will be visibly identified with signs. (3-30-06)()

~~112.~~ **Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)

~~123.~~ **Director.** The director and chief administrator of the department, or the designee of the director. (1-1-94)

~~14.~~ **Division Administrator.** An employee, or designee, within the Department that has supervisory authority over park and program managers. ()

~~135.~~ **Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the Department. (3-13-97)

~~146.~~ **Encroachments.** Non-recreational uses of lands under the control of the Board including any utilization for personal, commercial, or governmental use by a non-Department entity. (4-4-13)

~~157.~~ **Extra Vehicle.** An additional motor vehicle without built in temporary living quarters or sleeping accommodations registered to a camp site. (3-27-13)()

~~168.~~ **Facilities.** (3-30-06)

a. Individual. A camping structure within ~~an IDPR~~ a Department managed campground or area designated for camping use by an individual camping party. (3-30-06)()

b. Group. A camping structure within ~~an IDPR~~ a Department managed campground or area designated for group use. (3-30-06)()

~~179.~~ **Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal Department rules or activities. (1-1-94)

~~1820.~~ **Idaho State Parks Passport.** A sticker, purchased from any county Department of Motor Vehicles' office in the state of Idaho, that matches a particular motor vehicle license number and expiration date, allowing that vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)

~~a. Idaho State Parks Passport sticker expires concurrent with the expiration of that vehicle's registration. (3-27-13)~~

~~b. Display and placement of the Idaho State Parks Passport will comply with Subsections 010.02.e. through 010.02.f. of this rule. (3-27-13)~~

~~219.~~ **Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (3-27-13)

~~a. The applicant must apply in person to their county Department of Motor Vehicles' office for this replacement sticker. (3-27-13)~~

~~b. Display and placement of the replacement sticker will comply with Subsections 010.02.e. through 010.02.f. of this rule. (3-27-13)~~

~~202.~~ **Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power, electric bikes, and motorized wheelchairs. (3-27-13)()

~~213.~~ **Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. Day use expires at 10 p.m. on date of purchase or as posted; overnight camping use expires

~~upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. (3-27-13)()~~

224. Overnight Use. Use of any non-camping lands for the parking of motor vehicles or trailers not associated with a campsite between the hours of 10 p.m. and 7 a.m. unless otherwise posted. (4-4-13)

235. Overnight Use Fee. A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. (4-4-13)

246. Park or Program Manager. The person, ~~designated by the Director~~ or the person's designee, responsible for administering and supervising particular lands, facilities, and ~~staff employees~~ that are under the jurisdiction of the Department. (3-7-03)()

257. Recreational Vehicle (RV). A ~~"recreational vehicle" means a~~ vehicular type unit primarily designed as temporary living quarters for recreational, camping, sleeping, or travel use that either has its own motive power or is mounted on or drawn by another vehicle. The entities are travel trailers, camping trailers, truck campers, fifth-wheel trailers, and motorhomes (all as defined in Section 39-4201, Idaho Code), including school buses or van type vehicles that are converted to recreation, camping, or sleeping use. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. ~~(Section 39, Idaho Code)~~ (3-27-13)()

~~26. **Standard Amenities.** Campsite with no serviced amenities. (3-30-06)~~

~~27. **Serviced Amenities.** Serviced campsite amenities includes water, electricity, or sewer. (3-30-06)~~

~~28. **Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)~~

298. Vessel. Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver's aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in Section 67-7003(22), Idaho Code. (3-7-03)

~~30. **Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore part of the outer hull at the bow to the aft part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)~~

011. PURCHASE, EXPIRATION, DISPLAY AND PLACEMENT OF MVEF AND PASSPORT STICKERS.

01. Daily MVEF. ()

a. The daily MVEF may be purchased at any Idaho State Park or online. ()

b. The daily MVEF expires at 10 p.m. on date of purchase or as posted; MVEF for overnight camping use expires upon checkout, which is 1 p.m. for a campsite and 12 p.m. (noon) for a facility. ()

c. The proof of purchase of the MVEF must be visible and properly displayed. ()

02. Annual MVEF. ()

a. The Annual MVEF may be purchased at any Idaho State Park, the Department's central or regional offices, or online. ()

b. The Annual MVEF expires December 31 of the year issued. ()

c. The Annual MVEF sticker must be visible, legible at all times, and permanently affixed to the vehicle as follows: ()

- i. Automobiles, trucks, motorhomes: the lower corner of the driver's side windshield. ()
- ii. All-terrain vehicles, utility type vehicles, specialty off-highway vehicles: the rear fender. ()
- iii. Motorbikes: permanently affixed on the rider's left fork. ()
- iv. Snowmobiles: left side of the cowling located just below the hood. ()
- 03. Annual MVEF Sticker Replacement.** ()
 - a. The applicant may apply at any Idaho State Park, at the Department's central or regional offices, or online for replacement sticker. ()
 - b. The applicant must establish proof of purchase of the original Annual MVEF. ()
 - c. Display and placement of the replacement sticker complies with Subsection 011.02.c. of this chapter. ()
- 04. Idaho State Parks Passport.** ()
 - a. The Idaho State Parks Passport may be purchased from any county department of motor vehicles office in the state of Idaho. ()
 - b. Idaho State Parks Passport expires concurrent with the expiration of that vehicle's registration. ()
 - c. Display and placement of the Idaho State Parks Passport sticker complies with Subsections 011.02.c of this chapter. ()
- 05. Idaho State Parks Passport Sticker Replacement.** ()
 - a. The applicant may apply in person to a county department of motor vehicles office for a replacement sticker. ()
 - b. Display and placement of the replacement sticker complies with Subsection 011.02.c. of this chapter. ()
- 0172. -- 074. (RESERVED)**
- 075. AUTHORITY CONFERRABLE ON EMPLOYEES - ENFORCEMENT.**
 - 01. Director Authority.** The Director may, pursuant to Section 67-4239, Idaho Code, authorize any employee of the Department to exercise any power granted to, or perform any duty imposed upon the Director. (3-7-03)
 - 02. Park or Program Manager Authority.** The park or program manager or designee may establish and enforce all rules, including interim rules. Interim rules apply to the public safety, use, and enjoyment or protection of natural, cultural, or other resources within lands administered by the Department. Those rules will be posted for public view and will be consistent with established state laws and these rules. Interim rules expire in one hundred twenty (120) days from the established effective date unless approved by the Board. (3-30-06)()
- 076. -- 099. (RESERVED)**
- 100. PENALTIES FOR VIOLATIONS.**
Failure of any person, persons, partnership, corporation, concessionaire, association, society, or any fraternal, social or other organized groups to comply with these rules constitutes an infraction. (3-30-06)

01. **Civil Claim.** The penalty established in ~~Section 100~~ of this chapter does not prevent the Department from filing a civil claim against a violator to collect damages incurred to lands, resources, or facilities administered by the Department. ~~(3-13-97)~~()

02. **Violators.** In addition to the penalty provided in ~~Section 100~~ of this chapter, or any other existing laws of the state of Idaho, any person failing to comply with any section of these rules or federal, state, or local laws, rules, or ordinances applicable under the circumstances, is a trespasser upon state land and subject to expulsion from any state park area for a period of time not less than forty-eight (48) hours. ~~(3-7-03)~~()

(BREAK IN CONTINUITY OF SECTIONS)

150. USE OF MOTOR VEHICLES.

Except where otherwise provided, motor vehicles may enter or be operated in park and recreation areas and facilities only upon payment of the motor vehicle entrance fee or display of a valid Idaho state Parks Passport or Annual Motor Vehicle Entrance Fee sticker. All motor vehicles must stay on authorized established Department roadways or parking areas except for trails and areas which are clearly identified by signs for off-road use. Drivers and motor vehicles operated within lands administered by the Department must be licensed or certified as required under state law. The operators of all motor vehicles must comply with the motor vehicle entrance fee requirements, speed and traffic rules of the Department, and all other federal, state, local laws, and ordinances governing traffic on public roads. (3-27-13)

01. **Use of Parking Spaces for Persons With a Disability.** Special zones and parking spaces within state parks are designated and signed for exclusive use by vehicles displaying a special license plate or card denoting legal handicap status as provided in Section 49-213, Idaho Code. (3-7-03)

02. **Overdriving Road Conditions and Speeding**~~Prohibited~~. No person may drive a vehicle at a speed greater than the posted speed or a reasonable and prudent speed under the conditions, whichever is less. Every person must drive at a safe and appropriate speed when traveling on park roads, in congested areas, when pedestrians or bicyclists are present, or by reason of weather or hazardous highway conditions as provided in Section 49-654, Idaho Code. ~~(3-7-03)~~()

03. ~~Motorcycle and ATV~~ **Safety Helmets.** Persons under eighteen (18) years of age must wear a protective safety helmet when riding upon a motorcycle, motorbike, utility type vehicle or an all-terrain vehicle as operator or passenger as provided in Section 49-666, Idaho Code. ~~(3-30-06)~~()

04. **Snowmobile Operation Limited.** No person may operate a snowmobile on any regularly plowed park road unless authorized by park manager ~~or designee~~. Access on non-plowed roads and trails are only permitted when authorized by the park manager. ~~(3-30-06)~~()

05. **Compliance With Posted Regulatory Signs**~~Required~~. Persons operating vehicles within state parks are required to obey posted regulatory signs as provided in Section 49-807, Idaho Code. ~~(3-7-03)~~()

06. **Obedience to Traffic Direction**~~Required~~. No person may willfully fail or refuse to comply with any lawful order or directions of any park employee invested with authority to direct, control, or regulate traffic within a state park. ~~(3-30-01)~~()

07. **Restrictions.** The operation of motor vehicles within a designated campground is restricted to ingress and egress to a campsite or other in-park destination by the most direct route. (3-27-13)

08. **Official Use.** This rule does not prohibit official use of motor vehicles by Department employees anywhere within lands administered by the Department. (3-27-13)

09. **Commercial Motor Vehicle.** Commercial motor vehicles may only enter or be operated in park and recreation areas and facilities upon payment of the appropriate daily fee. ()

151. PARKING VIOLATIONS.

01. **Land or Facilities Administered by the Department.** No person may 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 may 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 may 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 and Section 245 of this chapter. (4-11-19)()

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)

152. -- 174. (RESERVED)

175. PUBLIC BEHAVIOR.

01. **Resisting and Obstructing a Park Employee** ~~Prohibited~~. Persons may not willfully resist, delay, obstruct, or interfere with any park employee in his duties to protect the state's resources and facilities and to provide a safe place to recreate. (3-30-01)()

02. **Day Use.** Between the hours of 10 p.m. and 7 a.m., unless otherwise posted, all personal property must be removed from the day use area. (3-27-13)

03. **Quiet Hours.** Within lands administered by the Department, the hours between 10 p.m. and 7 a.m. are considered quiet hours unless otherwise posted. During that time, users are restricted from the production of noise that may be disturbing to other users. (1-1-94)

04. **Noise.** Amplified sound, poorly muffled vehicles, loud conduct, or loud equipment are prohibited within lands administered by the Department, except in designated areas or by authority of the park manager. (1-1-94)

05. **Alcohol.** State laws regulating alcoholic beverages and public drunkenness are enforced within lands administered by the Department. (3-30-01)

06. **Littering.** Littering is prohibited within lands administered by the Department. (1-1-94)

07. **Smoking.** ~~State Park facilities are designated as "smoke free" areas.~~ Persons may not smoke within park structures or facilities or at posted "no smoking" outdoor areas. (3-30-01)()

08. Trespass. It is unlawful to enter, use, or occupy land or facilities administered by the Department where such lands or facilities are posted against entry, use, or occupancy, except as authorized by the Department. ()

09. Park or Program Manager Authority. A park or program manager may deny entry to, or reservation of any Department campsite or facility to any individual or group whose prior documented behavior has

violated department rules, whose activities are incompatible with operations, or whose activities will violate Department rules. ()

176. -- 199. (RESERVED)

200. CAMPING.

01. Occupancy and Capacity. ()

a. Camping is permitted only in designated campsites, areas, or facilities. A campsite or facility will be determined occupied only after all required fees have been paid, registration information completed, and all permits properly displayed. Unique circumstances may arise, and specific sites or facilities by virtue of design may require exceptions to the capacity limits. ~~(3-27-13)~~()

b. Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles. No more than one (1) RV may occupy a site. Two (2) motorcycles are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF. In general, companion campsites have double the capacity listed above. ()

c. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected. ()

02. **Self Registration.** In those areas so posted, campers must register themselves for the use of campsites and facilities, paying all required fees as provided for herein and in accordance with all posted instructions. (3-27-13)

03. **Length of Stay.** Except as provided herein, no person, party or organization may be permitted to camp on any lands administered by the Department for more than fifteen (15) days in any thirty (30) consecutive day period. This applies to both reservation and "first come first served" customers. The ~~IDPR~~ Department operations division administrator ~~or designee~~ may authorize shorter or longer periods for any individual area. ~~(3-30-06)~~()

04. **Registration-Required.** All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying a campsite or facility. Saving or holding campsites or facilities for individuals not physically present at the time of registration for "first come first served" camping is prohibited. ~~(3-27-13)~~()

05. **Condition of Campsite.** Campers must keep their individual or group campsite or facility and other use areas clean. (3-30-06)

06. **Liquid Waste Disposal.** All gray water and sewage wastes must be held in self-contained units or collected in water-tight receptacles in compliance with state adopted standards and dumped in sanitary facilities provided for the disposal of such wastes. (3-30-01)

07. **Motorized Equipment.** No generators or other motorized equipment emitting sound and exhaust are permitted to be operated during quiet hours. (7-1-93)

08. **Campsite Parking.** All motor vehicles and trailers, must fit entirely within the campsite parking pad/area provided with the assigned individual or group campsite or facility. All equipment that does not fit entirely within the designated campsite parking area must be parked at another location within the campground, or outside the campground, as may be designated by the park manager ~~or designee~~. If no outside parking is available, the park manager ~~or designee~~ may require the party to register on a second campsite, if available. ~~(3-27-13)~~()

09. **Equipment.** All camping equipment and personal belongings of a camper must be maintained within the assigned individual or group campsite or facility perimeter. (3-30-06)

10. Check Out. (3-30-06)
- a. ~~Campsite~~ Campers are required to check out and leave a clean individual ~~or group~~ campsite by 1 p.m. of the day following the last paid night of camping. (3-30-06)()
- b. ~~Facility~~ Campers are required to check out and leave a clean individual or group camping facility by 12 p.m. (noon) of the day following the last paid night of camping. (3-30-06)()
- c. Campers are required to check out and leave a clean group campsite by 12 p.m. (noon) of the day following the last paid night of camping. ()
11. **Visitors.** Individuals visiting campers must park in designated areas, except with permission of the park manager ~~or designee~~. Visitors must conform to established day use hours and day use fee requirements. (3-30-06)()
12. **Responsible Party.** The individual ~~purchasing~~ reserving or registering to use an individual or group campsite or facility is responsible for ensuring compliance with the rules within this chapter. (3-30-06)()
13. **Camping-~~Prohibited~~.** Camping in individual or group facility sites is prohibited unless in areas specifically designated for camping or by authorization of the park manager ~~or designee~~. (3-30-06)()
14. ADA Designated Campsites. Although the Department offers campsites that are designated and built to meet ADA accessibility requirements, these campsites are not managed exclusively for ADA use. ()
15. ADA Accessible Facilities. Although the Department offers facilities that provide for ADA accessibility, these facilities are not managed exclusively for ADA use. ()

(BREAK IN CONTINUITY OF SECTIONS)

202. OVERNIGHT USE.

01. **Occupancy.** Overnight use is permitted only in designated areas. Overnight use is only allowed after all required fees have been paid, registration information completed, and all permits properly displayed. (4-4-13)
02. **Overnight Use Fees.** Motor vehicles or trailers not associated with campers between 10:00 p.m. and 7:00 a.m. at designated facilities must will be charged an overnight use fee. (4-4-13)()
03. **Self Registration.** In those areas so posted, overnight users must register themselves for the use of overnight use areas, paying the appropriate fees as provided for herein and in accordance with all posted instructions. (4-4-13)
04. **Length of Stay.** Except as provided herein, no person, party, or organization may be permitted to utilize overnight use areas on any lands administered by the Department for more than fifteen (15) days in any thirty (30) consecutive-day period. This applies to both reservation and "first come first served" customers. The ~~IDPR~~ director ~~or designee~~ may authorize shorter or longer periods for any individual area. (4-4-13)()
05. **Registration-~~Required~~.** All required fees must be paid, registration information completed, and all permits properly displayed prior to occupying an overnight use area. (4-4-13)()
06. **Check Out.** Overnight users are required to check out by 1 p.m. of the day following the last paid overnight of use. (4-4-13)
07. **Responsible Party.** The individual purchasing an overnight use permit or the registered owner of

the motor vehicle or trailer is responsible for ensuring compliance with the rules within this chapter. (4-4-13)

08. **Overnight Use** ~~Prohibited~~. Overnight use is prohibited except in areas specifically designated for overnight use or by authorization of the park manager ~~or designee~~. (4-4-13)()

203. WINTER RECREATION PROGRAMS.

The Department manages two (2) winter recreation programs: the winter access program, which provides for recreation within state parks; and the winter recreational parking pass program, which provides for recreation outside of state parks. ()

01. Winter Access Program. The purpose of the winter access program is to fund state park services such as maintaining parking areas, providing warming facilities and winter-accessible restroom facilities, regularly grooming trails, signing ski routes, and having ski patrol services available. Any person using winter access program facilities must purchase and properly display a daily or season pass. Winter access program areas are designated by board policy. ()

02. Winter Recreational Parking Permits. The purpose of the winter recreational parking permit program, known as "Park N Ski", is to designate winter recreational parking locations and use the funds from permit sales to maintain the designated parking areas. Winter recreational parking areas are designated by board policy. ()

a. Any person parking a vehicle in a designated winter recreation parking location must purchase and properly display a winter recreation parking permit, except, snowmobilers may park their transportation vehicles in a designated parking area without displaying a parking permit when a current snowmobile validation sticker is affixed to the snowmobile. ()

b. The purchaser of a permit will be allowed to designate on the appropriate form, a primary winter recreational parking use area. The full portion of fees not allocated to the vendor or the Department will be apportioned to the designated use area. Should a purchaser fail to designate a primary use area, those fees will be apportioned to a use area determined by the Department. ()

c. No person may park a vehicle in a designated winter recreational parking location in such a manner as to deprive other users of reasonable access to all or part of the remainder of that parking area. ()

d. An annual winter recreational parking permit must be permanently affixed on the front window of the vehicle nearest the driver's seat. A temporary three-day permit must be displayed on the vehicle's dashboard with the dated side displayed to the front of the vehicle in such a manner that it is completely visible and kept in legible condition. ()

e. No person may file or attempt to file for a duplicate annual winter recreational parking permit unless the original permit was stolen or destroyed. A temporary three (3) day winter recreational parking permit that is lost, stolen, or destroyed will not be reissued. ()

f. No person may transfer or attempt to transfer an annual winter recreational parking permit decal or a temporary three-day permit from the vehicle upon which it was legally permitted and placed. ()

g. The annual winter recreational parking permit is valid until the expiration date printed on the decal. The temporary winter recreational parking permit is valid for only the three (3) consecutive days written on the permit. ()

~~2034~~ -- 224. (RESERVED)

225. FEES AND SERVICES.

01. Authority. (3-13-97)

a. ~~The Board adopts fees for the use of lands, facilities, and equipment. Visitors must pay all required~~

~~fees~~ All fees in this chapter are maximum fees unless otherwise stated. The board has the authority to set actual fees by board policy. (3-27-13)()

b. Park and program managers ~~or designees may~~ have the authority to set fees for goods available for resale, equipment rentals, and services provided by staff employees to enhance the users experience unique to the individual park or program. ~~Fees for lands, facilities, and equipment unique to an individual park will be posted at that site.~~ (3-27-13)()

02. General Provisions ~~Payment.~~ All fees in this chapter are maximum fees unless otherwise stated. Actual fees charged are established by Board Policy Visitors must pay all required fees. (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 must 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~~ Group use fees for day use facilities, general use areas, and events may be negotiated by the park manager and will generally not fall below the cost of providing services. MVEF is required unless specifically waived by the park manager. (3-27-13)()

05. **Fees and Deposits.** Fees and deposits, including cleaning fees and damage/cleaning 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. Deposits are required to be paid prior to check-in and may be fully refunded if the facility is left in the same condition in which it was accepted. (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. (4-11-19)()

07. **Admission Fees.** An admission ~~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)

10. **Group Facility.** Group facility fees vary by facility and are set by board policy. Groups using overnight facilities are charged fees for each individual above the authorized base occupancy rate for the specific site or structure. ()

11. **Sales Tax.** Applicable sales tax may be added to all sales. ()

12. Returned Checks. The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. ()

226. -- 2494. (RESERVED)

245. FEE SCHEDULE: FEE COLLECTION SURCHARGE.

<u>Category</u>	<u>Fee</u>
<u>Fee Collection Surcharge</u>	<u>\$25/day/vehicle</u>

()

246. (RESERVED)

247. FEE SCHEDULE: ENTRANCE.

<u>Category</u>	<u>Fee</u>
<u>Daily MVEF</u>	<u>\$7/day/vehicle</u>
<u>Annual MVEF</u>	<u>\$40/year/vehicle</u>
<u>Annual MVEF Replacement</u>	<u>\$5/vehicle</u>
<u>Idaho State Parks Passport</u>	<u>\$10/year/vehicle</u>
<u>Idaho State Parks Passport Replacement</u>	<u>\$2/vehicle</u>
<u>Commercial Motor Vehicle Entrance</u>	<u>\$50/day/vehicle</u>
<u>Admission</u>	<u>\$20/person</u>

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248. -- 249. (RESERVED)

250. FEE SCHEDULE: INDIVIDUAL CAMPSITES OR FACILITY.

01. Campsites:

<u>CAMPSITE FEE TABLE</u> <u>Maximum Fee Allowed</u>	
<u>Primitive Campsite</u> <i>No amenities at site, camping area not defined</i>	<u>\$23/day</u>
<u>Standard Campsite</u> <i>Any defined campsite, either tent pad or RV pad/area (may include: table and/or grill)</i>	<u>\$26/day</u>
<u>Serviced Campsite/W</u> <i>Any defined campsite, either tent pad or RV pad/area, with water at site (may include: table and/or grill)</i>	<u>\$30/day</u>
<u>Serviced Campsite/E</u> <i>Any defined campsite, either tent pad or RV pad/area, with electricity at site (may include: table and/or grill)</i>	<u>\$30/day</u>

CAMPSITE FEE TABLE Maximum Fee Allowed	
Serviced Campsite/ W, E <i>Any defined campsite, either tent pad or RV pad/area, with water and electricity at site (may include table and/or grill)</i>	\$34/day
Serviced Campsite/ W, E, SWR <i>Any defined campsite, either tent pad or RV pad/area, with water, electricity, and sewer at site (may include table and/or grill)</i>	\$36/day
Companion Campsite <i>May be any campsite type, regardless of amenities, that has greater equipment/people capacity (may include table and/or grill) Fee determined by actual site type.</i>	Site type multiplied by two (2)
Amenity Fee for Central Water <i>Applies to "Standard" campsites in campgrounds with a central water supply. The Amenity Fee is charged in addition to the Standard Campsite fee.</i>	\$2/night
Amenity Fee for Flush Toilets/Showers <i>Applies to "Standard" campsites in campgrounds with Flush Toilets/Showers. The Amenity Fee is charged in addition to the Standard Campsite fee.</i>	\$2/night
Use of Campground Showers by Non-campers	\$3/person
Overnight Use Fee per motor vehicle or trailer per night <i>Applies to non-campers leaving a motor vehicle or trailer on park property overnight.</i>	\$10/night
Limited Income Discount – <i>Idaho residents showing proof of limited income (Medicaid card or other evidence approved by the Board) may receive a camping fee discount of:</i>	\$4/day
Resident Disabled Idaho Veterans – <i>Campsite fees are waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service-related disability</i>	
Senior Citizen Discount – <i>Pursuant to Section 67-4223, Idaho Code, and at the discretion of the Director, IDPR may provide, at selected under-utilized locations and times, a senior citizen discount.</i>	Maximum 50% of RV camping fee
Camping Cabins and Yurts	\$200/night
<i>Each additional person above the sleeping capacity of camping cabin or yurt</i>	\$12/night

Category	Fee
<u>Basic Campsite: site may have water</u>	<u>\$34/day</u>
<u>Electric Campsite: site has electricity and may have water</u>	<u>\$42/day</u>
<u>Full Hook-up Campsite: site has electricity, water, and sewer</u>	<u>\$46/day</u>
<u>Companion Campsite: site has electricity and may have water</u>	<u>\$84/day</u>
<u>Hike-in/Bike-in campsite</u>	<u>\$12/person/day</u>
<u>Extra Vehicle</u>	<u>\$8/day</u>
<u>Overnight Use of Parking Areas</u>	<u>\$20/night/vehicle or trailer</u>
<u>Use of Campground Showers by Non-campers</u>	<u>\$3/person/day</u>

<u>Category</u>	<u>Fee</u>
<u>Camping Cabins and Yurts</u>	<u>\$500/night</u>
<u>Each additional person above the base occupancy of camping cabin or yurt</u>	<u>\$12/person/night</u>
<u>Pets</u>	<u>\$15/pet/night</u>
<u>Cleaning</u>	<u>\$50</u>

(7-1-14)()

~~02. **Reservation Service Fees, Individual Campsite or Facility.** A non refundable non transferable (from one party to another) service charge of ten dollars (\$10) may be assessed for each individual campsite or facility reserved. This fee will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. A service charge of ten dollars (\$10) or the first night's fee, whichever is less, will be assessed for the cancellation or modification of each individual campsite or facility reserved that involves reducing the planned length of stay or to change the reservation dates where part of the new stay includes part of the original stay booked (rolling window) if notice is received more than twenty four (24) hours in advance of the scheduled arrival time. Cancellations or modifications made less than twenty four (24) hours in advance of the scheduled arrival time will result in assessment of a ten dollar (\$10) service charge and may require the forfeiture of the first night's camping fee. Modifications that change the original stay so that no part of the new stay includes part of the original stay are to be considered a cancellation and a re-book will be required.~~ (3-30-06)

~~251. (RESERVED)~~

~~252. FEE SCHEDULE: MOTOR VEHICLE ENTRANCE FEE.~~

MOTOR VEHICLE ENTRANCE FEE TABLE. Maximum Fee Allowed	
Annual Motor Vehicle Entrance Fee per motor vehicle	\$40
Daily charge per motorized vehicle	\$5
Annual Motor Vehicle Entrance Fee Replacement per motor vehicle	\$5
Daily charge per commercial motor coach (no annual pass available)	\$25
Disabled Idaho Resident Veterans – The motor vehicle entrance fee is waived for resident Idaho veterans showing proof of a one hundred percent (100%) permanent and total service related disability	
Idaho State Parks Passport per motor vehicle.	\$10
Idaho State Parks Passport Replacement per motor vehicle	\$2

(3-27-13)

~~251 -- 253. (RESERVED)~~

~~254. FEE SCHEDULE: GROUP **CAMPSITE OR FACILITY.**~~

~~Group Facility Fees. Reservation service fee, designated group campground or facility.~~ (3-30-06)

~~01. **Non-Refundable, Non-Transferable.** A non refundable, non transferable (from one (1) party to another) service charge of twenty five dollars (\$25) will be assessed per designated group area or facility reserved. This fee will be charged in addition to the usage fees for each group or campsite or facility.~~ (4-4-13)

~~02. **Individual Fees.** Groups using overnight facilities will be charged three dollars (\$3) per person per night camping fees for each individual above the authorized base occupancy rate for the specific site or facility. (4-4-13)~~

~~03. **Cleaning and Damage Deposits.** Cleaning/damage deposits may be required for certain facilities. Where cleaning/damage deposits are required, they must be paid prior to check-in. Cleaning/damage deposits will be fully refunded if the facility is left in the same condition in which it was accepted. (4-4-13)~~

~~04. **Day Use.** Group use fees for day use facilities may be negotiated by the park manager or designee and will generally not fall below the cost of providing services. (4-4-13)~~

<u>Category</u>	<u>Fee</u>
<u>Reservation Service Charge (non-transferable, non-refundable)</u>	<u>\$25</u>
<u>Group use of day use facility, overnight facility, or group camp (set by park or program manager)</u>	<u>Varies</u>
<u>Each additional person above the base occupancy of the overnight facility</u>	<u>\$12/person/night</u>

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255. (RESERVED)

256. **FEE SCHEDULE: BOATING FACILITIES.**

~~Boating Facilities:~~

<u>BOATING FACILITIES FEE TABLE</u> <u>Maximum Fee Allowed</u>	
Vessel launching—per vessel/per day Annual Motor Vehicle Entrance Fee, Idaho State Parks Passport, or motor vehicle entrance fee apply toward vessel launching fees	\$5/day
Overnight moorage—any length of vessel— (Applicable to persons who have paid for a park campsite and are not camping on the vessel)	\$9/night
Overnight moorage—persons camping on vessel	\$10/night
Any length vessel	\$9/night
Any length vessel moored at buoy	

<u>Category</u>	<u>Fee</u>
<u>Vessel Launching</u>	<u>MVEF or \$7/day/vessel</u>
<u>Overnight moorage at dock or buoy, person staying at campsite or facility and not staying on the vessel</u>	<u>\$9/night</u>
<u>Overnight moorage at dock, person staying on vessel</u>	<u>\$10/night</u>
<u>Overnight moorage at buoy, person staying on vessel</u>	<u>\$9/night</u>

(3-27-13)()

257 -- 258. (RESERVED)

258. **FEE SCHEDULE: SPECIAL FEES.**

- ~~01. **Modification of Fees.** Additional fees or deposits may be required for certain uses or for the reservation of certain facilities. The Department reserves the right to waive or reduce fees and charges for Department sponsored promotions. (7-1-93)~~
- ~~02. **Sales Tax.** Applicable sales tax may be added to all sales excluding the day use fee. (3-30-06)~~
- ~~03. **Special Charges.** The cost to the agency for returned checks will be passed on to the issuer of the insufficient funds check. (4-4-13)~~
- ~~04. **Length of Stay.** Fifteen (15) days in any consecutive thirty (30) day period. (3-30-06)~~

259. FEE SCHEDULE: WINTER ~~ACCESS~~ **RECREATION** PROGRAM ~~FEES~~.

WINTER ACCESS PROGRAM FEE TABLE Maximum Fee Allowed	
Winter Access Daily per Person Pass—per person per season	\$6
Winter Access Daily Family Pass—per family per season	\$100
Winter Access Individual Season Pass—per person per season	\$50
Winter Access Couples Season Pass—per couple per season	\$75

- ~~01. **Winter Access Program Fee—Daily Pass.** A fee of six dollars (\$6) per person per day and one hundred dollars (\$100) per family per season will be required at Board approved premium winter access locations. These programs may include: maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, trail mapping, and ski patrol services. (7-1-14)~~
- ~~02. **Winter Access Program Fee—Season Pass.** A fee of fifty dollars (\$50) per Individual Season Pass per person per winter access season and a fee of seventy five dollars (\$75) per Couples Season Pass per couple per winter access season will be required at Board approved premium winter access locations. These programs may include maintained parking areas, warming facilities, winter accessible restroom facilities, regularly groomed trails, extensive signing, train mapping, and ski patrol services. (7-1-14)~~

Category	Fee
Winter Access Daily Pass- individual	\$6/person/day
Winter Access Daily Pass - family	\$100/family/season
Winter Access Season Pass - individual	\$50/person/season
Winter Access Season Pass - couple	\$75/couple/season
Winter Recreation Parking - temporary three-day permit	\$10/three days
Winter Recreation Parking - annual permit	\$30/year

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260. -- 274. (RESERVED)

275. CRITERIA FOR ~~INDIVIDUAL CAMPSITE, CAMPING CABIN, AND YURT~~ RESERVATIONS.

- ~~01. **Responsible Party.** ()~~
- ~~a. The individual reserving an individual campsite or facility is responsible for ensuring compliance~~

with the rules within this chapter. ()

b. The person booking reservations for multiple individual campsites is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. The group leader may approve another person to register for a campsite as the primary occupant prior to check-in or at the park. Once the primary occupant registers for the campsite, the primary occupant becomes the responsible party. ()

c. The individual booking a group camp or facility is designated the group leader and is responsible for ensuring compliance with the rules within this chapter. ()

02. Reservation Service Charges. Individual or group campsite or facility. Reservations are non-transferable (from one party to another). Reservation fees are non-refundable. ()

a. A reservation service charge may be assessed for each individual or group campsite or facility reserved. ()

b. The service charge for an individual campsite or facility will be waived for campers with a current Idaho RV registration sticker and reimbursed to the Department by the RV Program. ()

03. Cleaning Fee. A cleaning fee or a damage/cleaning deposit may be required by the park manager as a condition of reservation. ()

~~04.~~ Confirmation Requirements. (3-30-06)

a. Confirmation of an Individual Campsite or Facility Reservation. Full payment of all required fees must be made before a reservation is confirmed. (3-27-13)

b. Confirmation of a Designated Group Campground, Group Campsite, or Group Facility Reservation. Before a reservation is confirmed, the group leader must: (3-30-06)()

i. ~~Payment of the first night or daily base rate fee for a group facility and all required fees must be made before a reservation is confirmed~~ Supply primary occupant (point of contact) name, address, and phone number for multiple bookings of individual campsites for a group. (3-27-13)()

ii. ~~Payment of all required fees applicable for each campsite or facility reserved within a group campground must be paid at the time of booking before a reservation is confirmed.~~ (3-27-13)()

~~02. Individual Campsite and Facility Reservations. Reservations for individual campsites, and facilities are managed in accordance with rules promulgated by the Idaho Park and Recreation Board.~~ (4-7-11)

035. Reservation Modifications. ~~Individual and group campsite(s) or facilities.~~ A reservation service fee will be assessed for any modification to a previously made reservation that involves reducing the planned length of stay, or to change the reservation dates wherein part of the new stay includes part of the original stay booked (rolling window). Modifications that change the original stay so that no part of the new stay includes part of the original stay will be considered a cancellation and a re-book will be mandatory. With the exception of the reservation service fees charge as defined in Subsection 250.02276, any overpaid fees will be reimbursed at the time the reservation is modified. (3-30-06)()

~~04.~~ Reservation Cancellations. (3-7-03)

a. Individual SCampsite or Facility. A reservation service fee will be assessed for the cancellation of a reservation. This service fee will be assessed for each campsite or facility involved. If the customer cancels after the scheduled arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The IDPR or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. (3-30-06)()

b. Park Board Designated Special Use Campsites and Facilities. A reservation service fee will be assessed for the cancellation of a reservation. If a cancellation for a group facility occurs twenty-one (21) or fewer calendar days prior to arrival, the customer forfeits the first night or daily facility usage fees (base rate). If a cancellation for a group facility occurs more than twenty-one (21) calendar days prior to arrival, a cancellation charge ~~of fifty dollars (\$50)~~ will be assessed. If the customer cancels after the arrival date the customer forfeits all usage fees for the time period already expired. Cancellations received after checkout time will result in the forfeiture of that day's usage fees for the campsite or facility. At no time will the customer be charged a cancellation fee that exceeds the amount originally paid. The ~~IDPR Department~~ or its reservation service provider may cancel a customer's reservation for insufficient payment of fees due. An individual site cancellation fee applies to each campsite in a group campground. With the exception of the reservation service fees, all fees paid will be reimbursed at the time the reservation is cancelled. (4-4-13)()

~~05. **Park Manager Authority.** The park manager or designee may deny entry to, or reservation of, any Department unit, campsite, or facility, to any individual whose prior documented behavior has violated Department rules or whose in-park activities are incompatible with the park's operation. (3-30-06)~~

~~07. **Insufficient Payment.** The Department may cancel a customer's reservation for insufficient payment of fees due. ()~~

276. FEE SCHEDULE: RESERVATIONS.

Category	Fee
<u>Reservation Service Charge - individual campsite or facility</u>	<u>Current RV sticker or \$10/campsite or facility</u>
<u>Reservation Service Charge - group reservation for campsite or facility</u>	<u>\$25</u>
<u>Modification</u>	<u>\$10/campsite or facility</u>
<u>Cancellation - individual campsite or facility, prior to check-in time</u>	<u>\$10/campsite or facility</u>
<u>Cancellation - individual campsite or facility, after check-in time</u>	<u>First night's fee</u>
<u>Cancellation - special use campsite or facility, more than 21 days in advance</u>	<u>\$50/ facility</u>
<u>Cancellation - special use campsite or facility, 21 days or less in advance</u>	<u>First night's or daily usage fee</u>

()

~~276.—299. (RESERVED)~~

~~300. **RESERVING GROUP USE FACILITIES.**~~

~~01. **General.** Unless otherwise provided, designated group use facilities and areas may be reserved through the reservation system up to nine (9) months in advance but at least two (2) days prior to the date of arrival. (3-30-06)~~

~~02. **Responsible Party.** A designated group leader is responsible for all facilities. A damage or cleaning deposit may be required by the park manager or designee as a condition of reservation. (3-7-03)~~

~~03. **Park Manager Authority.** The park manager or designee may deny entry to, or reservation of any Department unit, campsite, or facility, to any group whose prior documented behavior has violated Department rules, whose in-park activities are incompatible with the park's operation, or whose in-park activity will violate Department rules. (3-30-06)~~

~~04. **Additional Information.** Additional information concerning group use reservations and definitions can be found in Subsection 250.05 of this chapter. (3-30-06)~~

~~301277.~~ -- 399. (RESERVED)

400. PARK CAPACITIES.

Where applicable, park or program managers may limit or deny access to an area whenever it has reached its designated capacity. ~~Only if special arrangements for the public welfare have been made may the park manager allow that capacity to be exceeded.~~ (3-30-06)()

401. OPERATIONAL GUIDELINES FOR NON-TRADITIONAL RECREATIONAL ACTIVITIES.

Non-traditional recreational activities such as model airplane/glider operations, geo-caching, gold panning, drone operation and metal detecting may be authorized by the Park Manager ~~or his designee~~, if such activities do not interfere with traditional uses of the park and are consistent with preservation of park resources. (4-2-08)()

(BREAK IN CONTINUITY OF SECTIONS)

475. PETS.

Pets are allowed within lands administered by the Department only if confined or controlled on a leash not longer than six (6) feet in length. No person may allow their pet to create a disturbance which might be bothersome to other users. Excepting persons with disabilities who are assisted by guide service animals, no person may permit their pet animals to enter or remain on any swim area or beach. Pet owners are responsible to clean up after their animals. ~~Pets owners~~ may not ~~be left~~ leave pets unattended. Areas for exercising pets off leash may be designated by the park manager ~~or designee~~. Department employees may impound or remove any stray or unattended animals at the owner's expense. (3-7-03)()

476. -- 499. (RESERVED)

500. LIVESTOCK.

Grazing of livestock is not permitted within lands administered by the Department. Exceptions may be made by the board for grazing permits or otherwise permitting the use of lands administered by the Department for livestock. The use of saddle or other recreational livestock is prohibited on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park manager ~~or designee~~. (3-7-03)()

(BREAK IN CONTINUITY OF SECTIONS)

575. PROTECTION OF WILDLIFE.

All molesting, feeding, injuring, or killing of any wild creature is strictly prohibited, except as provided by action of the Board and as established in Board Policy. Persons in possession of wildlife, which may be legally taken within state park boundaries, must comply with Idaho Fish and Game rules. (3-7-03)()

576. PROTECTION OF HISTORICAL, CULTURAL AND NATURAL RESOURCES.

The digging, destruction or removal of historical, cultural or natural resources is prohibited. Collection for scientific and educational purposes ~~will be through written permission of the park manager or designee only~~ may be allowed through a permit. (3-30-06)()

~~01577.~~ **SPREADING OF HUMAN ASHES.**

Persons may spread ~~H~~uman ashes ~~may be spread~~ on lands owned by the Idaho Department of Parks and Recreation. The exact location must be pre-approved by the park manager ~~or designee~~. ~~Ashes~~ Persons may not ~~be~~ spread human ashes in the water within a state park. (4-2-08)

~~02.~~ Land Use Restrictions. ~~The spreading of human ashes will not restrict the use of Department land from future development.~~ The Department does not assign or convey any rights or restrictions by allowing the placement of ashes on the land, and there are no restrictions in the ability of the landowner to operate, develop, or otherwise use the land at their sole discretion without any obligation associated with the placement of ashes on the

land.

~~(4-2-08)~~()

~~5778~~. -- 599. (RESERVED)

(BREAK IN CONTINUITY OF SECTIONS)

625. ADVERTISEMENTS/PROMOTIONS/DEMONSTRATIONS.

01. Printed Material. Public notices, public announcements, advertisements, or other printed matter may only be posted or distributed in a special area approved by the park manager ~~or designee.~~ ~~(3-30-06)~~()

02. Political Advertising. Political advertising is strictly prohibited within any lands administered by the Department. (3-30-06)

03. Demonstrations. Public demonstrations are limited to areas approved by the park manager and subject to an approved permit issued after arrangements for sanitation, population density limitations, safety of persons and property, and regulation of traffic are made. (3-30-06)

~~626~~. -- 649. (RESERVED)

650. AUTHORIZED OPERATIONS.

No person, firm, or corporation may operate any concession, business, or enterprise within lands administered by the department without written permission or permit from the board. No person(s), partnership, corporation, association or other organized groups may: (1-1-94)

01. Beg or Solicit for Any Purpose: (7-1-93)

02. Game or Operate a Gaming Device of Any Nature: or ~~(7-1-93)~~()

03. ~~Abandon Any Property.~~ Leave Any Property On Department Lands. Leaving property ~~on Department lands~~ is prohibited unless registered in a campsite or permitted by the park manager ~~or designee.~~ Property left on Department lands for more than twenty-four (24) hours ~~will~~ may be removed at the owner's expense. ~~(3-7-03)~~()

~~**04. Discriminate.** Discriminate in any manner against any person or persons because of race, color, national origin, religion, gender, age or disability within lands administered by the Department. (1-1-94)~~

~~651~~. -- 674. (RESERVED)

675. DEPARTMENT RESPONSIBILITY.

The Department is not responsible for damage to, or theft of personal property within lands administered by the Department. All visitors use facilities and areas at their own risk. (1-1-94)

676. NONDISCRIMINATION.

No person may discriminate in any manner against any person or persons because of race, color, national origin, religion, gender, age, or disability within lands administered by the Department. Facilities constructed or maintained with, and programs supported by the cross-country skiing recreation account must be available for public use without discrimination and must comply with requirements as set out in the Americans with Disabilities Act. ()

~~6767~~. -- 999. (RESERVED)

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.36 – RULES GOVERNING THE WINTER RECREATIONAL PARKING PERMIT PROGRAM

DOCKET NO. 26-0136-1901 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 67-7115 through 67-7118, Idaho Code.

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

PUBLIC HEARING

Wednesday, October 9, 2019 – 4:30 p.m. - 5:30 p.m. (MDT)

**5657 Warm Springs Ave.
Boise, ID 83712**

Interested public may also join a teleconference for the public hearing by calling 208.514.2259 port 7412. 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: IDPR seeks approval for rule changes to go into effect November 1, 2020. The proposed rule consolidates fees and regulations regarding the winter recreational parking permit program into IDAPA 26.01.20.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: The board is authorized to define and make specific the provisions regarding the winter recreational parking permit program as set forth in Sections 67-7115 through 67-7118, Idaho Code. For the administration of Title 67, Chapter 71, the proposed rule transfers the existing fees from IDAPA 26.01.36 to IDAPA 26.01.20.

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: We expect 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 July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 243](#).

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: No materials are incorporated by reference.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Anna Canning, (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 October 23, 2019.

Dated this 18th day of August, 2019.

Anna Canning, Management Services Administrator
Idaho Department of Parks and Recreation
(208) 514-2252

P.O. Box 83720
5657 Warm Springs Avenue
Boise, ID 83720-0065

IDAPA 26.01.36 IS BEING REPEALED IN ITS ENTIRETY

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-1901
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

These changes were non-substantive and will be included in the Omnibus Notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Leah Parsons at (208) 334-7531.

Dated this 2nd day of October, 2019.

Leah Parsons
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7690
Leah.Parsons@tax.idaho.gov

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-1902
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

These changes were non-substantive and will be included in the Omnibus Notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Leah Parsons at (208) 334-7531.

Dated this 2nd day of October, 2019.

Leah Parsons
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7690
Leah.Parsons@tax.idaho.gov

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-1904
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

These changes were non-substantive and will be included in the Omnibus Notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Leah Parsons at (208) 334-7531.

Dated this 2nd day of October, 2019.

Leah Parsons
Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7690
Leah.Parsons@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1902
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 67-5221(1) and 63-105A, 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 October 16, 2019.

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:

Rule 130 - This rule is to be amended to itemize the property categories assigned to agricultural land primary categories for equalization purposes.

Rule 131 - This rule is to be amended to provide for standards for agricultural assessments and the processes to study compliance with statutory requirements to achieve market value for assessment purposes.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 89](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, (208) 334-7742.

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 October 23, 2019.

Dated this 2nd day of October, 2019.

Alan Dornfest
Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-1902
(Only Those Sections With Amendments Are Shown.)

130. DESCRIPTION OF PRIMARY CATEGORIES USED TO TEST FOR EQUALIZATION (RULE 130).

Sections 63-109 and 63-315, Idaho Code. The State Tax Commission establishes the primary categories listed herein for the purpose of testing values in each county and each school district for equalization by the *State* Tax Commission under Section 63-109, Idaho Code. (3-30-07)()

01. Definitions. The following definitions apply for the purposes of testing for equalization under Section 63-109, Idaho Code, notification under Sections 63-301 and 63-308, Idaho Code, and reporting under Section 63-509, Idaho Code. (3-30-07)

a. Primary Category. Primary category means the *five six* categories established and described in Subsections 130.02 through 130.067 of this rule, except for the use of secondary categories described in Subsection 130.07 of this rule and Subsections 131.02b and 131.05b of Rule 131, and used by the *State* Tax Commission to test for equalization under Section 63-109, Idaho Code. (3-30-07)()

b. Secondary Category. Secondary category means the categories established and described in Rules 510, 511, and 512 of these rules and used by county assessors to list property values on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and report values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. (3-30-07)()

02. Vacant Residential Land Category. Vacant residential land is all vacant land used for residential purposes. The assessor listed this land in secondary categories 12, 15, 18, or 20, as described in Rule 510 of these rules, for the purposes of listing property values on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and reporting values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. (3-30-07)()

03. Improved Residential Property Category. Improved residential property is all improvements used for residential purposes and the land upon which these improvements are located. The assessor listed this property in secondary categories 10 and 31, 46, or 48, 12 and 34, 46, or 48, 15 and 37, 46, or 48, 18 and 40, 20 and 41, 46, or 48, 26, 46, 48, or 50 together with secondary category 47 as appropriate for inclusion when valuing this property, as described in Rules 510 and 511 of these rules, for the purposes of listing property on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and reporting values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. (3-30-07)()

04. Vacant Commercial or Industrial Land Category. Vacant commercial or industrial land is all vacant land used for commercial or industrial purposes. The assessor listed this property in secondary categories 11, 13, 14, 16, 17, 21, or 22, as described in Rule 510 of these rules, for the purposes of listing property values on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and reporting values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. (3-30-07)()

05. Improved Commercial or Industrial Property Category. Improved commercial or industrial property is all improvements used for commercial or industrial purposes and the land upon which these improvements are located. The assessor listed this property in secondary categories 11 and 33, 13 and 35, 14 and 36, 16 and 38, 17 and 39, 21 and 42, 22 and 43, 27, or 51, as described in Rules 510 and 511 of these rules, for the purposes of listing property values on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and reporting values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. (3-30-07)()

06. Manufactured Homes on Leased Land Category. Manufactured homes on leased land are all

manufactured homes on leased land that the assessor listed in secondary categories 49 or 65 together with secondary category 47 as appropriate for inclusion when valuing this property, as described in Rule 511 of these rules, for the purposes of listing property values on the valuation assessment notice under Sections 63-301 and 63-308, Idaho Code, and reporting values to the *State* Tax Commission under Section 63-509, Idaho Code, and Rule 509 of these rules. ~~(3-30-07)~~()

07. Agricultural Land Category. Agricultural land is all land that the assessor listed in secondary categories 1 through 5 as described in Rule 510 of these rules. For agricultural land, secondary, rather than primary, category values are to be tested if significant in any county as defined in Rule 131 of these rules. ()

078. Conversion Table: Secondary Categories to Primary Categories.

Conversion Table: Secondary Categories to Primary Categories	
Secondary Categories	Primary Categories
12, 15, 18, or 20	Vacant Residential Land
10, 12, 15, 18, 20, 26, 31, 34, 37, 40, 41, 46, 47, 48, or 50	Improved Residential Property
11, 13, 14, 16, 17, 21, or 22	Vacant Commercial or Industrial Land
11, 13, 14, 16, 17, 21, 22, 27, 33, 35, 36, 38, 39, 42, 43, or 51	Improved Commercial or Industrial Property
47, 49, or 65	Manufactured Housing on Leased Land
<u>1-5</u>	<u>Agricultural Land</u>

~~(3-30-07)~~()

089. **Cross Reference.** For clarification of responsibilities relating to listing values on the valuation assessment notices or reporting values on the abstracts, see Rules 114, 115, 509, 510, 511, and 512 of these rules. For descriptions of secondary categories used to list land values on the valuation assessment notices and report land values on the abstracts, see Rule 510 of these rules, used to list improvement values on the valuation assessment notices and report improvement values on the abstracts, see Rule 511 of these rules, and used to list values for all property other than land or improvements on the valuation assessment notices and report these values on the abstracts, see Rule 512 of these rules. (3-30-07)

131. USE OF RATIO STUDY OR OTHER METHOD TO TEST FOR EQUALIZATION IN COUNTIES (RULE 131).

Section 63-109, Idaho Code

01. Equalization Ratio Study - Primary Categories Other Than Agricultural Land. Each year the State Tax Commission *shall will* conduct a ratio study to assist in the equalization of assessments of property within and among the primary categories, other than agricultural land, established in Rule 130 of these rules. The ratio study *shall will* be conducted in accordance with the “Standard on Ratio Studies” and the “Standard on Verification and Adjustment of Sales” both referenced in Rule 006 of these rules. The annual ratio study *shall will* test assessments as of January 1 of each year. Except when sales or appraisals must be added or deleted to improve representativeness, sales used will be those occurring within each county between October 1 of the year preceding the year for which assessments are to be tested and September 30 of the year for which assessments are to be tested. Each sale price is to be adjusted for time and compared to market value for assessment purposes for the year for which assessments are to be tested, to compute ratios to be analyzed. The *State* Tax Commission may use sales from extended time periods and may add appraisals when data is lacking. Equalization ratio studies must consist of at least five (5) sales and/or appraisals. The *State* Tax Commission may delete sales when necessary to improve representativeness. Sales should be considered as potentially valid if a financial institution is the seller, provided that: ~~(4-4-13)~~()

- a. Such sales comprise more than twenty (20) percent of the sales in any primary category or other category tested for equalization; (4-4-13)
- b. Such sales are validated to account for changes in property characteristics; and (4-4-13)
- c. Any properties that have been vandalized are excluded. (4-4-13)
- d. The study ~~shall~~ will be completed in February following the end of the period studied. Timing and notification of county officials is described in the “Timing and Notification Table” as provided in Subsection 131.03 of this rule. For non-agricultural categories, the appropriate ratio study statistical measure of level shall be is the median. For agricultural land categories, level of assessment is to be determined as described in Paragraph 131.02.b. of this rule. (4-4-13)()

02. Equalization Study – Agricultural Land. Each year the Tax Commission will conduct a study to assist in the equalization of assessments of agricultural land. Any such study will analyze agricultural land values throughout each significant secondary agricultural land category using valuation methods found in Section 63-602K, Idaho Code and Rule 617 of these rules. ()

a. Notice of results and compliance will be provided to county officials according to the timing shown in Subsection 131.03 of this rule. ()

b. Agricultural land secondary categories considered significant, as defined in Paragraph 131.02.c. of this rule, in any county will be subject to preliminary and follow-up studies of assessment level. Both studies will be based on valuation methodology described in Rule 617 of these rules. The preliminary study will be in comparison to prior year’s assessed values. The follow-up studies will test current year’s assessed values and will only be required when preliminary studies indicate level of assessment less than ninety percent (90%) or greater than one hundred ten percent (110%) of market value for assessment purposes. Assessed values for any agricultural land secondary category with an indicated level determined to be within this range and those categories not considered significant in a county will be considered in compliance. Note: For the purpose of this analysis, “level” means the ratio of the median per acre assessed value and the median per acre value for the secondary category determined by the Tax Commission using the valuation methodology found in Rule 617 of these rules. ()

c. A secondary agricultural land category will be considered significant provided the category includes at least 10% of the acreage and at least 5% of the value of the primary agricultural land category. ()

d. Agricultural land categories may also be subject to follow-up studies if the Tax Commission has received information indicating that county boards of equalization have changed values in such a way as to produce likely non-compliance. Notice for such follow-up studies will comport, to the extent possible, with the procedures found in Subsection 131.06 of this rule. The time table for completing preliminary and follow-up studies and providing notice is shown in the “Timing and Notification Table” found in Subsection 131.03 of this rule. ()

03. Timing and Notification Table.

Date	Activity
April – 1st Monday	The Tax Commission will notify assessors of preliminary ratio and agricultural land study results.
April – 3rd Monday	The Tax Commission will notify the board of county commissioners (BOCC) of non-compliant primary ratio study categories and agricultural land secondary categories.
May – 1st Monday	On request by the county assessor, the Tax Commission will conduct additional studies for non-compliant categories using current year assessments.
May – 2nd Monday	The Tax Commission will notify county assessors and commissioners of results of additional studies.

Date	Activity
July – 3rd Monday	The Tax Commission will conduct final follow-up studies for originally non-complying categories using county equalized values. Additional studies may be conducted if there is indication that county boards of equalization have taken actions which may have resulted in non-compliance for previously complying primary or secondary categories. Assessors and county commissioners will be notified of results and compliance status by the 4th Monday in July, except that this deadline and the 3rd Monday in July deadline are to be extended if an extension has been granted to the county board of equalization. In that case, the final or additional studies will be finalized and notice provided within one week of the conclusion of the county board of equalization.

()

024. Tested for Equalization. Except as provided in Subsection 131.035 of this rule, categories other than agricultural land to be tested for equalization purposes are the primary categories, described in Subsections 130.02 through 130.06 of these rules, provided adequate samples can be obtained. Agricultural land is to be tested as provided in Subsection 131.02 of this rule. (4-7-11)()

035. Follow-Up Ratio Study. When indicated, based on criteria in Paragraph 131.035.a. and 131.035.b. of this rule, a follow-up ratio study shall will be conducted to test the assessments for January 1 of the year following the year tested by the preliminary agricultural study or annual ratio study and shall if a ratio study is to be done, it will be based on property sales occurring during the calendar year immediately preceding that date. A follow-up ratio study shall will be indicated whenever: (4-2-08)()

a. The annual ratio study, provided in Subsections 131.01 and 131.02 of this rule, discloses that assessments in any primary category as described in Subsections 130.02 through 130.06 of these rules are out of compliance with the equalization standards of this rule; or (4-2-08)

b. The State Tax Commission is informed after the county board of equalization adjourns and before the state board of equalization adjourns of the implementation of assessment changes likely to result in a finding that a category found in compliance with equalization standards following the agricultural land study or annual ratio study would be found out of compliance with these standards for the current year’s assessments. The follow-up agricultural land study or ratio study authorized under this option shall will be conducted for the primary category likely to be out of compliance with equalization standards and for any secondary categories comprising the primary category, provided adequate samples can be obtained. (4-7-11)()

046. Notice of Follow-Up Ratio Study. The State Tax Commission shall will notify the county assessor of the reason for and results of the follow-up ratio study. If the follow-up ratio study is conducted as provided in Paragraph 131.035.b. or 131.02.d. of this rule, the notice shall will be sent to the county commissioners or board of equalization and county assessor and shall will describe the assessment changes that resulted in the need for the follow-up ratio study. The notice shall will indicate whether any adjustments will be considered by the State Tax Commission at its next equalization meeting in August based on either the annual, or any follow-up ratio study, and the reason for the proposed adjustments. (4-2-08)()

057. Use of Ratio Study Results. The results of the annual ratio study or any follow-up ratio study shall will be one (1) source of information upon which the State Tax Commission may rely when testing assessments for equalization purposes under Section 63-109, Idaho Code. When the results of any ratio study on any primary, or, if applicable under the provisions of Subsection 131.02 or Paragraph 131.035.b. of this rule, secondary category, described in Subsections 130.02 through 130.079 of these rules, show, with reasonable statistical certainty as defined in Subsection 131.0911 of this rule, that the appropriate measure of level of the category studied is less than ninety percent (90%) or greater than one hundred ten percent (110%), the assessment of property within that category may be considered not equalized. When this occurs, the State Tax Commission may, at its annual meeting commencing on the second Monday in August, order the county auditor to adjust the value of all property in the category or any portion of the category included in the analysis conducted in an amount the State Tax Commission finds necessary to accomplish equalization of assessments of property. Within any primary category, except as provided in Subsections 131.02 or 131.068 of this rule, adjustment will not be considered for any secondary category, described in Rule 510,

511, or 512 of these rules, that does not have at least one (1) observation in the ratio study conducted for that primary category. (4-7-11)()

068. Exception from Requirement for at Least One (1) Observation for Use of Secondary Category in Adjusted Value Determination. Properties identified as secondary categories 10 and 31 rarely sell separately from farms and therefore do not appear in any ratio study. However, the level of assessment typically is similar to that of other rural residential property, including property in secondary categories 12, 15, 34, and 37. For any ratio study where there is an adjustment to be made to the assessed values in the residential designation, such adjustment *shall will* be applied to any assessed value in secondary category 10, provided there is at least one observation (sale) of property identified in either secondary category 12 or 15. Such adjustment *shall will* also be applied to any assessed value in secondary category 31, provided there is at least one (1) observation (sale) of property identified in either secondary category 34 or 37. (3-30-07)()

079. Use of Alternate Ratio Study. When the follow-up ratio study required by Subsection 131.035 of this rule does not measure the true assessment level, the *State* Tax Commission may consider adjustment based on the most recent annually conducted ratio study or other information relevant to equalization. If the *State* Tax Commission has reason to question the representativeness of the sample used in an annual or follow-up ratio study conducted on any primary category, the *State* Tax Commission may delay implementation of any order to adjust property values until two (2) successive years' ratio studies fail to produce an appropriate measure of level between ninety percent (90%) and one hundred ten percent (110%). (3-30-07)()

108. Submission of Additional Information. Any party may petition the *State* Tax Commission to consider any information or studies relevant to equalization. The petition *shall will* include a description of the information to be presented and the petitioner's conclusions drawn from the information. (4-5-95)()

091. Reasonable Statistical Certainty. For the purposes of Rule 131 and equalization pursuant to Section 63-109, Idaho Code, "reasonable statistical certainty" that any primary category is not equalized *shall will* mean that the appropriate measure of level determined by the ratio study for any category tested for equalization must be provably less than ninety percent (90%) or greater than one hundred ten percent (110%) of market value for assessment purposes. Such a determination *shall will* occur if: (4-7-11)()

a. The appropriate measure of level for the category(ies) being tested is less than ninety percent (90%) or greater than one hundred ten percent (110%) and a ninety percent (90%) two-tailed confidence interval around the appropriate measure of level fails to include ninety percent (90%) or one hundred ten percent (110%); or (4-7-11)

b. The appropriate measure of level for the category(ies) being tested has been less than ninety percent (90%) or greater than one hundred ten percent (110%) as determined by the most recent previous two (2) ratio studies on the category(ies) and an eighty percent (80%) two-tailed confidence interval around the appropriate measure of level fails to include ninety percent (90%) or one hundred ten percent (110%). No ratio study completed prior to August 31, 2007 will be considered as one of the most recent previous two (2) ratio studies. (4-7-11)

102. Cross References. The primary categories are described in Subsections 130.02 through 130.067 of these rules, and the secondary categories are described in Rules 510, 511, and 512 of these rules. (3-30-07)()

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1904
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 67-5221(1) and 63-105A, 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 October 16, 2019.

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:

Rules 317 - Amendments are needed to codify current practice regarding allocation of occupancy tax and part year property tax payments to urban renewal agencies and to eliminate guidance that is administratively infeasible.

Rule 804 - Amendments are needed to codify current practice regarding allocation of occupancy tax and part year property tax payments to urban renewal agencies and to eliminate guidance that is administratively infeasible.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 91](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, (208) 334-7742.

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 October 23, 2019.

Dated this 2nd day of October, 2019.

Alan Dornfest
Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-1904
(Only Those Sections With Amendments Are Shown.)

317. OCCUPANCY TAX ON NEWLY CONSTRUCTED IMPROVEMENTS ON REAL PROPERTY (RULE 317).

Section 63-317, Idaho Code

01. Property Subject to Occupancy Tax. Excluding additions to existing improvements, the occupancy tax shall apply to improvements upon real property, whether under the same or different ownership. The occupancy tax shall also apply to new manufactured housing, as defined in Section 63-317, Idaho Code, excluding additions to existing manufactured housing. (4-6-05)

02. Prorated Market Value. The market value for occupancy tax purposes shall be the full market value on January 1 and shall be prorated at least monthly from the occupancy date to the end of the year. (3-29-10)

03. Notice of Appraisal. When notifying each owner of the appraisal, the county assessor shall include at a minimum the full market value before any exemptions and before any prorating of the value, the length of time subject to the occupancy tax, and the prorated value. (5-3-03)

04. Examples for Calculation of Value Less Homestead Exemption (HO). The following examples show the procedure for the calculation of the taxable value subject to the occupancy tax less the homestead exemption (HO): (3-30-07)

a. Example for prorated market value exceeding maximum amount of the homestead exemption for improvements subject to the occupancy tax beginning July 1, 2016.

Full Market Value of Home - \$300,000
Prorated Market Value for 11 Month Occupancy - $\$300,000 \times 11/12 = \$275,000$
Taxable Value - $\$275,000 - \$100,000 \text{ (HO)} = \$175,000$

(3-29-17)

b. Example for prorated market value resulting in less than the maximum amount of the homestead exemption.

Full Market Value of Home - \$120,000
Prorated Market Value for 3 Month Occupancy - $\$120,000 \times 3/12 = \$30,000$
Taxable Value - $\$30,000 - \$15,000 \text{ (HO)} = \$15,000$

(3-30-07)

05. Market Value. The market value for occupancy tax purposes shall be entered on an occupancy tax valuation roll. Occupancy tax valuation shall not be included in the assessed value of any taxing district, but occupancy tax must be declared in the certified budget. (3-30-07)

06. Allocation to Urban Renewal Agencies. Occupancy tax revenue shall be distributed to urban renewal agencies in the same manner as property taxes, except as provided in Paragraphs 06.a. and 06.b. of this rule. (4-7-11)()

a. The portion of the occupancy tax raised for funds specified in Section 50-2908, Idaho Code, and Rule 804 of these rules must be distributed to the taxing districts levying property taxes for those funds and, therefore, must not be distributed to the urban renewal agency. (5-8-09)

b. ~~Except for occupancy tax raised for funds specified in Section 50-2908, Idaho Code, and Rule 804 of these rules, f~~For parcels within a newly formed revenue allocation area or within an area newly annexed to an existing revenue allocation area, occupancy tax for the tax year during which the formation or annexation took effect ~~must be~~ is not distributed to the urban renewal agency. (4-7-11)()

07. **Property Qualifying for the Homestead Exemption on Occupancy Value.** When property is subject to occupancy tax, only the improvements shall be eligible for the homestead exemption found in Section 63-602G, Idaho Code. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

804. TAX LEVY - CERTIFICATION - URBAN RENEWAL DISTRICTS (RULE 804).
Sections 50-2908, 50-2033, 50-1903, 50-2903A, 50-2905A, 50-2913, 63-803, and 63-811, Idaho Code

01. Definitions. (4-5-00)

a. “Urban renewal district.” An urban renewal district, as referred to in Section 63-215, Idaho Code, shall mean an urban renewal area formed pursuant to an urban renewal plan adopted in accordance with Section 50-2008, Idaho Code. Urban renewal districts are not taxing districts. (4-5-00)

b. “Revenue allocation area (RAA).” A revenue allocation area (RAA) as referred to in Section 50-2908, Idaho Code, shall be the area defined in Section 50-2903, Idaho Code, in which base and increment values are to be determined. A new urban renewal plan is required when an urban renewal agency establishes a new RAA. Revenue allocation areas (RAAs) are not taxing districts. (3-29-17)

c. “Current base value.” ~~The current base value of each parcel in a taxing district or unit shall be the value of that parcel on the current base assessment roll as defined under Section 50-2903, Idaho Code.~~ Current base value does not include value found on the occupancy roll. Current base value includes the previous year’s non-prorated value of current taxable property subject to assessment under Sections 63-602Y and 63-313, Idaho Code during the year the initial base value was established. (4-5-00)()

d. “Initial base value.” The initial base value for each parcel is the sum of the taxable value of each category of property in the parcel for the year the RAA is established. In the case of annexation to an RAA, initial base value of each annexed parcel shall be the value of that parcel as of January 1 of the year in which the annexation takes place. The initial base value includes any prorated value added for property subject to Sections 63-602Y and 63-313, Idaho Code. (4-11-15)()

e. “Increment value.” The increment value is the difference between the current equalized value of each parcel of taxable property in the RAA and that parcel’s current base value, provided such difference is a positive value. Newly constructed improvements with value listed on the occupancy roll within a newly formed RAA or within an area newly annexed to an existing RAA will be added as increment value in the year following the year of formation or annexation. (4-5-00)()

f. “Revenue allocation financing provision.” A revenue allocation area (RAA) shall be considered to be a revenue allocation financing provision. (3-29-17)

02. Establishing and Adjusting Base and Increment Values. (4-5-00)

a. Establishing initial base value. If a parcel’s legal description has changed prior to computing initial base year value, the value that best reflects the prior year’s taxable value of the parcel’s current legal description must be determined and will constitute the initial base year value for such parcel. The initial base value includes the taxable

value, as of the effective date of the ordinance adopting the urban renewal plan, of all otherwise taxable property, as defined in Section 50-2903, Idaho Code. Initial base value does not include value found on the occupancy roll. (4-5-00)

b. Adjustments to base value - general value changes. Adjustments to base values will be calculated on a parcel by parcel basis, each parcel being a unit and the total value of the unit being used in the calculation of any adjustment. Base values are to be adjusted downward when the current taxable value of any parcel in the RAA is less than the most recent base value for such parcel. In the case of parcels containing some categories of property which increase in value and some which decrease, the base value for the parcel will only decrease provided the sum of the changes in category values results in a decrease in total parcel value. Any adjustments shall be made by category and may result in increases or decreases to base values for given categories of property for any parcel. Adjustments to base values for any real, personal, or operating property shall establish new base values from which future adjustments may be made. In the following examples the parcel's initial base value is one hundred thousand dollars (\$100,000), including Category 21 value of twenty thousand dollars (\$20,000) and Category 42 value of eighty thousand dollars (\$80,000). (4-5-00)

i. Case 1: Offsetting decreases and increases in value. One (1) year later the parcel has a one thousand dollar (\$1,000) decrease in value in Category 21 and a one thousand dollar (\$1,000) increase in Category 42 value. There is no change in the base value for the parcel. (4-5-00)

ii. Case 2: Partially offsetting decreases and increases in value. One (1) year later the parcel has a three thousand dollars (\$3,000) decrease in value in Category 21 and a one thousand dollars (\$1,000) increase in Category 42 value. The base value decreases two thousand dollars (\$2,000) to ninety-eight thousand dollars (\$98,000). (4-5-00)

iii. Case 3: Future increase in value following decreases. One (1) year after the parcel in Case 2 has a base value reduced to ninety-eight thousand dollars (\$98,000), the value of the parcel increases by five thousand dollars (\$5,000) which is the net of category changes. The base value remains at ninety-eight thousand dollars (\$98,000). (4-5-00)

c. Adjustments to base value - splits and combinations. Before other adjustments can be made, the most recent base value must be adjusted to reflect changes in each parcel's legal description. This adjustment shall be calculated as described in the following subsections. (4-5-00)

i. When a parcel has been split, the most recent base year value is transferred to the new parcels, making sure that the new total equals the most recent base year value. Proportions used to determine the amount of base value assigned to each of the new parcels shall be based on the value of the new parcels had they existed in the year preceding the year for which the value of the new parcels is first established. (4-11-15)

ii. When a parcel has been combined with another parcel, the most recent base year values are added together. (4-5-00)

iii. When a parcel has been split and combined with another parcel in the same year, the value of the split shall be calculated as set forth in Subparagraph 804.02.c.i. and then the value of the combination will be calculated as set forth in Subparagraph 804.02.c.ii. (4-5-00)

d. Adjustments to base values when exempt parcels become taxable. Base values shall be adjusted as described in the following subsections. (4-5-00)

i. Fully exempt parcels at time of RAA establishment. When a parcel that was exempt at the time the RAA was established becomes taxable, the base value is to be adjusted upwards to reflect the estimated value of the formerly exempt parcel as it existed at the time the RAA was established. (3-26-19)

ii. Partially exempt parcels losing the speculative value exemption. When a partially exempt parcel with a speculative value exemption that applies to farmland within the RAA becomes fully taxable, the base value of the RAA shall be adjusted upwards by the difference between the taxable value of the parcel for the year in which the exemption is lost and the taxable value of the parcel included in the base value of the RAA. For example, assume a

parcel of farmland within an RAA had a taxable value of five hundred dollars (\$500) in the year the RAA base value was established. Assume also that this parcel had a speculative value exemption of two thousand dollars (\$2,000) at that time. Two (2) years later the parcel is reclassified as industrial land, loses the speculative value exemption, and has a current taxable value of fifty thousand dollars (\$50,000). The base value within the RAA would be adjusted upwards by forty-nine thousand five hundred dollars (\$49,500), the difference between fifty thousand dollars (\$50,000) and five hundred (\$500). The preceding example applies only in cases of loss of the speculative value exemption that applies to land actively devoted to agriculture and does not apply to timberland. Site improvements, such as roads and utilities, that become taxable after the loss of the speculative value exemption are not to be added to the base value. For example, if, in addition to the fifty thousand dollars (\$50,000) current taxable value of the undeveloped land, site improvements valued at twenty-five thousand dollars (\$25,000) are added, the amount reflected in the base value remains fifty thousand dollars (\$50,000), and the additional twenty-five thousand dollars (\$25,000) is added to the increment value. In addition, this example applies only to land that loses the speculative value exemption as a result of changes occurring in 2010 or later and first affecting taxable values in 2011 or later. Parcels that lost speculative value exemptions prior to 2010 had base value adjustments as described in Subparagraph 804.02.d.iii. of this rule. (3-29-12)

iii. Partially exempt parcels other than those losing the speculative value exemption. Except as provided in Subparagraph 804.02.d.vi. of this rule, when a partially exempt parcel, other than one subject to the speculative value exemption that applies to farmland, within the RAA becomes fully taxable, the base value of the RAA shall be adjusted upwards by the difference between the value that would have been assessed had the parcel been fully taxable in the year the RAA was established and the taxable value of the parcel included in the base value of the RAA. For example, assume a residential parcel within an RAA had a market value of one hundred thousand dollars (\$100,000), a homeowner's exemption of fifty thousand dollars (\$50,000), and a taxable value of fifty thousand dollars (\$50,000) in the year the RAA base value was established. After five (5) years, this parcel is no longer used for owner-occupied residential purposes and loses its partial exemption. At that time the parcel has a taxable value of one hundred eighty thousand dollars (\$180,000). The base value within the RAA would be adjusted upwards by fifty thousand dollars (\$50,000) to one hundred thousand (\$100,000) to reflect the loss of the homeowner's exemption, but not any other value increases. (3-26-19)

iv. Partially exempt properties for which the amount of the partial exemption changes. For partially exempt properties that do not lose an exemption, but for which the amount of the exemption changes, there shall be no adjustment to the base value, unless the current taxable value is less than the most recent base value for the property. For example, assume a home has a market value of two hundred thousand dollars (\$200,000) and a homeowner's exemption of one hundred thousand dollars (\$100,000), leaving a taxable value of one hundred thousand dollars (\$100,000), all of which is base value. The following year the homeowner's exemption limit changes to ninety thousand dollars (\$90,000), so the property's taxable value increases to one hundred ten thousand dollars (\$110,000). The base value remains at one hundred thousand dollars (\$100,000). Alternatively, assume the property in the preceding example increases in market value to two hundred twenty thousand dollars (\$220,000) and the homeowner's exemption drops to ninety thousand dollars (\$90,000) because of the change in the maximum amount of this exemption. The base value remains at one hundred thousand dollars (\$100,000). Finally, assume the property decreases in value to one hundred eighty-eight thousand dollars (\$188,000) at the same time the homeowner's exemption limit changes to ninety thousand dollars (\$90,000). The property now has a taxable value of ninety-eight thousand dollars (\$98,000), requiring an adjustment in the base value to match this amount, since it is lower than the original base value of one hundred thousand dollars (\$100,000). (3-29-12)

v. Change of exempt status. Except as provided in Subparagraph 804.02.d.vi. of this rule, when a parcel that is taxable and included in the base value at the time the RAA is established subsequently becomes exempt, the base value is reduced by the most current value of the parcel included in the base value. If this parcel subsequently becomes taxable, the base value is to be adjusted upward by the same amount that was originally subtracted. For example, assume a land parcel had a base value of twenty thousand dollars (\$20,000). One (1) year later the parcel has a value of nineteen thousand dollars (\$19,000), so the base value is reduced to nineteen thousand dollars (\$19,000). Three (3) years later, an improvement valued at one hundred thousand dollars (\$100,000) was added. The land at this later date had a value of thirty thousand dollars (\$30,000). Both land and improvements were purchased by an exempt entity. The base would be reduced by nineteen thousand dollars (\$19,000). Five (5) years later, the land and improvement becomes taxable. The base value is to be adjusted upwards by nineteen thousand dollars (\$19,000). (3-26-19)

vi. Special case for exemption provided in Section 63-602NN, Idaho Code. Upon loss of the exemption, any newly taxable value in excess of the taxable value of the property in the year immediately preceding the first year of the exemption is to be added to the increment value provided the property was within an RAA when the exemption was granted and remains within the RAA at the time the exemption expires. If the parcel was annexed to an RAA during the period of the exemption, the value that would have been added to the base value at the time of annexation had the property not received the exemption would be added to the base at the time the exemption expires, while any remaining taxable value would be added to the increment. If the exemption has been granted in part, the adjustments provided in this subparagraph shall only apply to the portion of the property granted the exemption.

(3-26-19)

e. Adjustments to base values when property is removed. Base values are to be adjusted downward for real, personal, and operating property removed from the RAA. Property shall be considered removed only under the conditions described in the following subsections.

(4-5-00)

i. For real property, all of the improvement is physically removed from the RAA, provided that there is no replacement of said improvement during the year the original improvement was removed. If said improvement is replaced during the year of removal, the reduction in base value will be calculated by subtracting the value of the new improvement from the current base value of the original improvement, provided that such reduction is not less than zero (0).

(4-5-00)

ii. For personal property, all of the personal property associated with one (1) parcel is physically removed from the RAA or any of the personal property associated with a parcel becomes exempt. In the case of exemption applying to personal property, the downward adjustment will first be applied to the increment value and then, if the remaining taxable value of the parcel is less than the most current base value, to the base value. Assume, for example that a parcel consists entirely of personal property with a base value of twenty thousand dollars (\$20,000) and an increment value of ninety thousand dollars (\$90,000). The next year the property receives a one hundred thousand (\$100,000) personal property exemption. The increment value is reduced to zero and the base value is reduced to ten thousand dollars (\$10,000).

(4-11-15)

iii. For operating property, any of the property under a given ownership is removed from the RAA.

(4-5-00)

f. Adjustments to base value for annexation. When property is annexed into an RAA, the base value in the RAA shall be adjusted upwards to reflect the value of the annexed property as of January 1 of the year in which the annexation takes effect. As an example, assume that parcels with current taxable value of one million dollars (\$1,000,000) are annexed into an RAA with an existing base value of two million dollars (\$2,000,000). The base value of the RAA is adjusted upwards to three million dollars (\$3,000,000).

(4-11-15)

g. Adjustments to increment values. In addition to the adjustment illustrated in Subparagraph 804.02.e.ii. of this rule, decreases in total parcel value below the initial base value decrease the base value for the parcel. This leads to greater increment value if the parcel increases in value in future years. For example, if a parcel with a initial base value of one hundred thousand dollars (\$100,000) decreases in value to ninety-five thousand dollars (\$95,000), but later increases to ninety-eight thousand dollars (\$98,000), an increment value of three thousand dollars (\$3,000) is generated. If the same parcel increases in value to one hundred two thousand dollars (\$102,000) after the decrease to ninety-five thousand dollars (\$95,000), the increment value would be seven thousand dollars (\$7,000).

(4-11-15)

h. Apportioning operating property values. For operating property, the original base value shall be apportioned to the RAA on the same basis as is used to apportion operating property to taxing districts and units. The operating property base value shall be adjusted as required under Section 50-2903, Idaho Code.

(4-5-00)

03. Levy Computation for Taxing Districts Encompassing RAAs Within Urban Renewal Districts. Beginning in 2008, levies shall be computed in one (1) of two (2) ways as follows:

(5-8-09)

a. For taxing district or taxing unit funds other than those meeting the criteria listed in Subsection 804.05 of this rule, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the

taxing district or unit, including the value of each parcel on the current base assessment roll (base value), but excluding the increment value. For example, if the taxable value of property within a taxing district or unit is one hundred million dollars (\$100,000,000) but fifteen million dollars (\$15,000,000) of that value is increment value, the levy of the taxing district must be computed by dividing the property tax portion of the district's or unit's budget by eighty-five million dollars (\$85,000,000). (5-8-09)

b. For taxing district or taxing unit funds meeting the criteria listed in Subsections 804.05 and 804.07 of this rule, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the taxing district or unit, including the increment value. Given the values in the example in Paragraph 804.03.a. of this rule, the levy would be computed by dividing the property tax portion of the fund by one hundred million dollars (\$100,000,000). (3-28-18)

04. Modification of an Urban Renewal Plan. Except when inapplicable as described in Paragraphs 804.04.a, b, or c, of this rule, when an authorized municipality passes an ordinance modifying an urban renewal plan containing a revenue allocation financing provision, for the tax year immediately following the year in which the modification occurs, the base value of property in the RAA shall be reset by being adjusted to reflect the current taxable value of the property. All modifications to boundaries of RAAs must comply with the provisions of Rule 225 of these rules. (3-29-17)

a. Modification by consolidation of RAAs. If such modification involves combination or consolidation of two (2) or more RAAs, the base value shall be determined by adding together independently determined current base values for each of the areas to be combined or consolidated. The current taxable value of property in an area not previously included in any RAA shall be added to determine the total current base value for the consolidated RAA. (4-5-00)

b. Modification by annexation. (5-8-09)

i. If an RAA is modified by annexation, the current taxable value of property in the area annexed shall be added to the most current base value determined for the RAA prior to the annexation. (5-8-09)

ii. For levies described in Paragraphs 804.05.b., c., or d. of this rule approved prior to December 31, 2007, and included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or the area subject to the levy by the taxing district or unit fund after December 31, 2007, the property tax levy shall be computed by dividing the dollar amount certified for the property tax portion of the budget of the fund by the market value for assessment purposes of all taxable property within the taxing district or unit, including the increment value. The example below shows the value to be used for setting levies for various funds within an urban renewal district "A" that annexes area "B" within a school district. Area (B) was annexed after December 31, 2007. Therefore, the Area (B) increment was added back to the base for all funds shown except the tort fund. The Area (A) increment value was added back to the base for the bond and override funds which were certified or passed after December 31, 2007.

2009 Value Table	School District (base only)	\$500 Million
	RAA (A) increment	\$40 Million
	RAA annexation (B) increment	\$10 Million

<p style="text-align: center;">School District Area \$500 M base</p> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> <p style="text-align: center;">2008 RAA Annexation (B) \$10 M Increment</p> </div> <div style="border: 1px solid black; padding: 5px; margin: 5px auto; width: 80%;"> <p style="text-align: center;">Pre 2008 RAA (A) Boundaries \$40 M Increment</p> </div>	2009 School Levies	
	Fund	Value for Setting Levies \$ Millions
	Tort	500
	2001 Plant	510
	2008 Bond (Passed and first levied in 2008)	550
2009 Supplemental	550	

(3-29-17)

iii. An annexation permitted pursuant to section 50-2033, Idaho Code, to an RAA in existence prior to July 1, 2016 shall not change the status of the urban renewal agency or the RAA and its related plan regarding inapplicability of the base reset or attestation provisions found in section 50-2903A, Idaho Code. (3-29-17)

c. Other modifications – attestation requirements. Modification resulting in adjustment of base value to reflect the current taxable value of the property within the RAA shall not be deemed to have occurred when the urban renewal agency attests to having made no modifications to a plan or is not required to attest to plan modifications. Certain urban renewal agencies are required to attest annually to having made or not made plan modifications. These include: (3-29-17)

i. Urban renewal agencies that establish new RAAs on or after July 1, 2016, provided however that such agencies are only required to attest to having made or not made modifications with regard to any new RAA. (3-29-17)

ii. Urban renewal agencies that enact new plans including an RAA on or after July 1, 2016. (3-29-17)

d. Modifications when there is outstanding indebtedness. When any urban renewal agency attests to having had a plan modification that is not an exception identified in Paragraphs 804.04.a. or b. or c. of this rule or fails to provide the required attestation, the base value will be determined without regard to the modification, provided that the agency certifies to the State Tax Commission by June 30 of the tax year that there is outstanding indebtedness as defined in Section 50-2903A(2), Idaho Code. In this case, the allocation of revenue to the urban renewal agency shall be limited to the amount certified as necessary to pay the indebtedness. Any additional revenue shall be distributed to each taxing district or unit in the same manner as property taxes. Such revenue shall be treated as property tax revenue for the purpose of the limitations in Section 63-802, Idaho Code. The county clerk will notify the Tax Commission of the amount so distributed for each year beginning July 1 of the prior year and ending June 30 of the current tax year. (3-28-18)

e. Failure to submit attestation regarding plan modification. For any urban renewal agency subject to the requirements of Section 50-2903A, Idaho Code, attestation of plan modification or attestation that there has been no plan modification is required to be made to the State Tax Commission by the first Monday of June each year. Except as provided in Paragraph 804.04.d. of this rule, if such agency fails to provide the required attestation, the State Tax Commission will proceed to reset the base value or limit allocation of property tax to the urban renewal agency as otherwise required in Section 50-2903A, Idaho Code. Provided there is no new plan, an urban renewal agency with a plan including one or more revenue allocation financing provisions (RAAs) in existence prior to July 1, 2016 shall only be required to provide this attestation or be subject to base resetting or other limitations for failure to submit this attestation with respect to new RAAs formed on or after July 1, 2016. If such an agency develops a new plan, on or after July 1, 2016, or provides for a new RAA under an existing plan, the agency shall be subject to the attestation requirements and other provisions of Section 50-2903A, Idaho Code, with respect to any RAAs formed July 1, 2016 or later. (3-28-18)

- f. Notice of actions related to base reset or revenue allocation limitations. (3-29-17)
- i. The *State* Tax Commission will notify any urban renewal agency within thirty (30) days of the time the *State* Tax Commission receives an attestation that an urban renewal plan has been modified, or by July 30 in any year in which an attestation is required but none is received, of the *State* Tax Commission's intent to initiate the process to reset the base value in the following tax year. Said notice will be provided to affected county commissioners and city officials. (~~3-29-17~~)()
- ii. In the case of base reset due to failure to attest to a modification or to having made no modification in an urban renewal plan, despite being required to provide this attestation, the agency and county and city officials will be so notified and will be given an opportunity to provide the necessary attestation. This further notice will provide that, if the *State* Tax Commission has not received the attestation by December 31 of the tax year, the base will be reset in the immediate following year. (~~3-29-17~~)()
- iii. In the case of a revenue allocation limitation pursuant to Section 50-2913, Idaho Code, notice will be provided to the agency, county, and city officials including the county assessor and county clerk, within thirty (30) days of the due date of the plan or plan update. (3-29-17)
- iv. In the case of a revenue allocation limitation due to a plan modification but outstanding indebtedness, notice will be provided to the agency and county and city officials, including the county assessor and county clerk, within thirty (30) days of receipt by the *State* Tax Commission of the certification of the amount needed to repay the indebtedness. (~~3-29-17~~)()
- v. Once decisions about base reset or revenue allocation limitations are final, additional notice will be sent to the agency and county and city officials, including the county assessor and county clerk, within thirty (30) days of any such final decision. Said notice will include an identification of the year in which the reset or revenue allocation limitation will take effect and the amount of any revenue allocation limitation. (3-29-17)
- 05. Criteria for Determining Whether Levies for Funds Are to Be Computed Using Base Value or Market Value for Assessment Purposes.** Beginning in 2008, levies to be certified for taxing district or unit funds meeting the following criteria or used for any of the following purposes will be computed as described in Paragraph 804.03.b. of this rule. (5-8-09)
- a. Refunds or credits pursuant to Section 63-1305, Idaho Code, and any school district judgment pursuant to Section 33-802(1), Idaho Code, provided the refunds, credits, or judgments were pursuant to actions taken no earlier than January 1, 2008; (5-8-09)
- b. Voter approved overrides of the limits provided in Section 63-802, Idaho Code, provided such overrides are for a period not to exceed two (2) years and were passed after December 31, 2007, or earlier as provided in the criteria found in Paragraph 804.05.e.; (5-8-09)
- c. Voter approved bonds and plant facilities reserve funds passed after December 31, 2007, or earlier as provided in the criteria found in Paragraph 804.05.e.; (5-8-09)
- d. Voter approved school or charter school district temporary supplemental maintenance and operation levies passed after December 31, 2007; or (3-29-10)
- e. Levies described in Paragraphs 804.05.b., c., or d. approved prior to December 31, 2007, and included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or the area subject to the levy by the taxing district or unit fund after December 31, 2007; (3-29-10)
- f. Levies authorized by Section 33-317A, Idaho Code, known as the cooperative service agency school plant facility levy. (3-29-10)
- g. Levies authorized by Section 33-909, Idaho Code, known as the state-authorized plant facility levy. (4-11-15)

- h.** Levies authorized by Section 33-805, Idaho Code, known as school emergency fund levy. (3-29-17)

06. Setting Levies When There is a De-annexation From an RAA. In any de-annexation from an RAA, levies will be set using the base value and, as indicated in Subsection 804.05 of this rule, the appropriate amount of increment value associated with the parcels and operating property remaining in the RAA after the de-annexation, provided that the de-annexation is in effect no later than September 1 of the current tax year and provided further that the de-annexation is approved by the *State* Tax Commission in accordance with Section 225 of these rules. ~~(3-29-17)~~ ()

07. Setting Levies When There is a Refinancing of Bonded Indebtedness. Refinancing of bonded indebtedness in existence as of December 31, 2007 does not create new bonded indebtedness for any taxing district with respect to the levy setting criteria in Subsection 804.05 of this rule. (3-28-18)

08. Cross Reference. The county auditor shall certify the full market value by taxing district as specified in Rule 995 of these rules. See also Rule 802 of these rules for calculation of new construction given de-annexation from an RAA and see Rule 805 of these rules for penalties for failure to submit plans. (3-29-17)

IDAPA 35 – STATE TAX COMMISSION
35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0103-1905
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 67-5221(1) and 63-105A, 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 October 16, 2019.

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:

Rules 613 and 614 – Current law requires the assessor to utilize an income approach to value when assessing agricultural land. The calculations can be difficult and require additional examples to ensure equitable application when county assessors administer existing statute. A citizen petitioner requested we amend these companion rules to ensure fair and equitable assessments for farmers. These two rules will be eliminated and a new Rule, 617, will combine the two.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, page 92](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Dornfest, (208) 334-7742.

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 October 23, 2019.

Dated this 2nd day of October, 2019.

Alan Dornfest
Property Tax Policy Bureau Chief
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7742
Fax: (208) 334-7844
Alan.Dornfest@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0103-1905
(Only Those Sections With Amendments Are Shown.)

~~613. PROPERTY EXEMPT FROM TAXATION — SPECULATIVE PORTION OF VALUE OF AGRICULTURAL LAND (RULE 613).~~

~~Section 63-602K, Idaho Code~~

~~01. Definitions. (4-5-00)~~

~~a. Taxable Value of Agricultural Land. The taxable value of agricultural land shall be the landlord's share of net income per acre, capitalized by the annual rate required by Section 63-602K, Idaho Code, plus a component for the local tax rate. The component for local taxes achieves the necessary allowance for the expense of property taxes. (4-5-00)~~

~~b. Speculative Portion. The speculative portion is the difference between the current market value and the taxable value of agricultural land. The market value of agricultural land is established from market sales of similar land. (4-5-00)~~

~~c. Economic Rent. Economic rent is the average gross income per acre received by a landlord from either a cash rent or crop share rental agreement. The rent attributable to exempt irrigation equipment is not included in economic rent. Only the rent solely attributable to the agricultural land is included in economic rent. (4-7-11)~~

~~d. Net Income. Net income is determined by deducting the landlord's share of current expenses from economic rent per acre. (4-5-00)~~

~~02. Calculation of Net Income from Cash Rent. Net income from cash rent is calculated in the following manner: (4-5-00)~~

~~a. Crops Grown. Determine the crops typically grown in the area. (4-5-00)~~

~~b. Economic Rent. Determine the average per acre gross income from individual crop rents typical to the area over the immediate past five (5) years. (4-5-00)~~

~~c. Landlord's Expenses. Determine the landlord's share of typical contracted expenses paid in the immediately preceding growing season. (4-5-00)~~

~~d. Landlord's Net Income. Subtract the landlord's share of typical contracted expenses from the average gross income per acre for the immediately preceding growing season to determine net income. (4-5-00)~~

~~03. Calculation of Net Income from Crop Share Rent. Net income from crop share rent is calculated in the following manner: (4-5-00)~~

~~a. Crops Grown. Determine the crops typically grown in the area. (4-5-00)~~

~~b. Average Crop Production. Determine average crop production per acre based on the most recent five (5) years. (4-5-00)~~

~~c. Average Commodity Prices. Determine average commodity prices based on the most recent five (5) years. (4-5-00)~~

~~d. Gross Income. Multiply average crop production per acre times the average commodity price to determine gross income per acre. (4-5-00)~~

~~e. Landlord's Share of Gross Income. Determine the landlord's share of gross income per acre from a crop rotation typical to the area. (4-5-00)~~

~~f. Expenses. Determine the landlord's share of water, fertilizer, chemical, seed and harvest cost per acre for the immediately preceding growing season. (4-5-00)~~

~~g. Net Income. Subtract the landlord's share of expenses from the landlord's share of gross income to determine net income. (4-5-00)~~

~~04. Determination of Five Year Average Crop Prices. The State Tax Commission shall determine five (5) year average crop prices to be used in determining net income by surveying publicly available data from various sources, including the annual crop summary published by the Idaho Agricultural Statistics Service. Average crop prices determined in this manner by the State Tax Commission should be considered guidelines subject to modification based on local market data. (4-6-05)~~

~~05. Farm Credit System Interest Rate. Annually, the State Tax Commission shall calculate the five (5) year rolling average Farm Credit System interest rate (FCSIR). Using the twenty (20) year fixed rate interest rates received bi-monthly from Northwest Farm Credit Services in Spokane, Washington, calculate the average Farm Credit System interest rate for the prior year applying the formula in Paragraph 613.05.a. of this rule. Calculate the five (5) year rolling average Farm Credit System interest rate applying the formula in Paragraph 613.05.b. of this rule. (3-30-07)~~

~~a. Formula for Calculating Average Farm Credit System Interest Rate for Prior Year. $FCSIR5 = (R1 + R2 + R3 + R4 + R5 + R6 + R7 + R8 + R9 + R10 + R11 + R12)/12.$~~

FCSIR5	is the average Farm Credit System interest rate for the prior year.
R1	is the interest rate received for January of the prior year.
R2	is the interest rate received for February of the prior year.
R3	is the interest rate received for March of the prior year.
R4	is the interest rate received for April of the prior year.
R5	is the interest rate received for May of the prior year.
R6	is the interest rate received for June of the prior year.
R7	is the interest rate received for July of the prior year.
R8	is the interest rate received for August of the prior year.
R9	is the interest rate received for September of the prior year.
R10	is the interest rate received for October of the prior year.

R11	is the interest rate received for November of the prior year.
R12	is the interest rate received for December of the prior year.

(3-30-07)

~~b. Formula for Calculating Five (5) Year Rolling Average Farm Credit System Interest Rate. $FCSIR = (FCSIR1 + FCSIR2 + FCSIR3 + FCSIR4 + FCSIR5)/5$.~~

FCSIR5	is the average Farm Credit System interest rate for the prior year.
FCSIR4	is the average Farm Credit System interest rate for two (2) years ago.
FCSIR3	is the average Farm Credit System interest rate for three (3) years ago.
FCSIR2	is the average Farm Credit System interest rate for four (4) years ago.
FCSIR1	is the average Farm Credit System interest rate for five (5) years ago.

(3-30-07)

~~06. Notification. In addition to providing notification of the Farm Credit System interest rate, the State Tax Commission will annually notify each county assessor of the most recent five (5) year average crop prices for the state.~~ (4-6-05)

~~07. Cross Reference. For agricultural land taxable value calculation examples, see Rule 614 of these rules. For eligibility criteria, see Rule 645 of these rules. For information relating to Christmas tree farms, other annual forest products, and yield tax, see Rule 968 of these rules.~~ (3-30-07)

~~614. SPECULATIVE PORTION OF VALUE OF AGRICULTURAL LAND—EXAMPLES (RULE 614). Sections 63-602K and 63-604, Idaho Code. The following examples show calculations for the taxable value of agricultural land. The example in Subsection 614.01 of this rule shows one (1) calculation of an average property tax rate, the example in Subsection 614.02 of this rule shows one (1) calculation of a capitalization rate (cap rate), the example in Subsection 614.03 of this rule shows calculations using cash rent agreements, and the example in Subsection 614.04 of this rule shows calculations using crop share agreements. The choice to use cash rent or crop share analysis in determining the taxable value of agricultural land should be predicated on the quantity and quality of data available and the analysis that produces the most reliable and supportable value conclusion.~~ (4-7-11)

~~01. Average Property Tax Rate Calculation Example.~~

	Tax Code Areas	Property Tax Rates
	8	1.1323951%
	9	1.1186222%

	Tax Code Areas	Property Tax Rates
	10	1.1226782%
	11	1.1714841%
	12	1.1674300%
	13	1.0692041%
	15	1.1603100%
	16	1.1323951%
	17	1.1323951%
Average Property Tax Rate		1.1341015%

(3-30-07)

02. Capitalization Rate Calculation Example.

Average Property Tax Rate	1.13%
5-Year Average Farm Credit Bank Interest Rate	8.22%
Total Capitalization Rate (Cap-Rate)	9.35%

(3-30-07)

03. Cash-Rent Agreement Calculation Example.

Crops	Contract Rents Per Acre (Land Only)	Rotation In-Percent	Weighted Income Per Acre
Barley	\$100.00	14.42%	\$14.42
Beans	\$100.00	22.46%	\$22.46
Beets	\$170.00	20.33%	\$34.56
Corn/Grain	\$100.00	0.00%	\$0.00
Corn/Silage	\$110.00	0.00%	\$0.00
Hay/Alfalfa	\$120.00	21.32%	\$25.58
Potatoes	\$200.00	0.00%	\$0.00
Wheat	\$100.00	21.48%	\$21.48
Peas	\$125.00	0.00%	\$0.00
Oats	\$110.00	0.00%	\$0.00
Total Income Per Acre			\$118.50

Value per acre equals net income per acre divided by Cap rate:

Total Income Per Acre	\$118.50
Less Water Costs	\$23.00
Less Management (@ 5%)	\$5.93

Net Income Per Acre	\$88.57
Cap Rate	9.35%
Value Per Acre	\$958

(4-7-11)

04. Crop Share Agreement Calculation Example:

Crop	Yield	Price	Gross Income	Landlord Share	Landlord Share Gross Income to Land	Rotation Percent	Per Acre Share of Gross Inc. to Land
Barley	100.00	\$2.83	\$283.00	33.33%	\$94.32	14.42%	\$13.60
Beans	20.00	\$21.20	\$424.00	33.33%	\$141.32	22.46%	\$31.74
Beets	23.00	\$39.74	\$914.02	25.00%	\$228.51	20.33%	\$46.46
G/Corn	0.00	\$3.22	\$0.00	33.33%	\$0.00	0.00%	\$0.00
S/Corn	0.00	\$24.40	\$0.00	33.33%	\$0.00	0.00%	\$0.00
Hay	5.50	\$84.10	\$462.55	50.00%	\$231.28	21.32%	\$49.31
Potatoes	0.00	\$4.74	\$0.00	25.00%	\$0.00	0.00%	\$0.00
Wheat	98.00	\$3.73	\$365.54	33.33%	\$121.83	21.48%	\$26.17
Peas	0.00	\$8.68	\$0.00	33.33%	\$0.00	0.00%	\$0.00
Oats	0.00	\$1.66	\$0.00	33.33%	\$0.00	0.00%	\$0.00
<i>Total Income Per Acre</i>						100.00%	\$167.28

Value per acre equals net income per acre divided by Cap rate:

Total Income Per Acre \$167.28		Expenses
	=	
Water	=	\$23.00
Fertilizer	=	\$14.77
Chemicals	=	\$9.04
Seed	=	\$2.05
Management	=	\$8.36
Harvest	=	\$14.67
Total Expense Per Acre	=	\$71.89
Net Income	=	\$95.39
Cap Rate	=	9.35%
Value Per Acre	=	\$1,020

(4-7-11)

05. Cross Reference. For definitions and general principles relating to the taxable value of land actively devoted to agriculture, see Rule 613 of these rules. For eligibility criteria, see Rule 645 of these rules. For information relating to Christmas tree farms, other annual forest products, and yield tax, see Rule 968 of these rules. (3-30-07)

(BREAK IN CONTINUITY OF SECTIONS)

616.—~~617.~~ (RESERVED)

617. AGRICULTURAL LAND VALUATION DEFINITIONS AND GUIDELINES.

Section 63-602K, Idaho Code

01. Definitions. ()

a. Actual Use Value of Agricultural Land. The actual use value of agricultural land will be the landlord's share of net income per acre, capitalized by the annual rate required by Section 63-602K, Idaho Code, plus a component for the local tax rate. The Actual Use Value will be considered market value for assessment purposes. ()

b. Economic Rent. Economic rent is the average gross income per acre received by a landlord from either a cash rent or crop share rental agreement. Only the rent solely attributable to the agricultural land is included in economic rent. ()

c. Net Income (Rent). Net income is determined by deducting the landlord's share of all typical current expenses from economic rent per acre. ()

d. Agricultural Area. An identifiable geographical area of similar agricultural land. ()

02. Determination of Average Crop Rental Rates. ()

a. Determine the average per acre gross income from individual crop cash rents, whole farm cash rents, or crop share typical to the Agricultural Area over the immediate past five (5) growing seasons as reported by local farmers. ()

b. If data from local farmers is insufficient, data typical to the Agricultural Area from third party providers such as the United States Department of Agriculture (USDA), University of Idaho Crop Enterprise Budgets, or similar sources may be used. ()

c. The choice to use cash rent or crop share analysis in determining the taxable value of agricultural land should be predicated on the quantity and quality of data available when developing a supportable value conclusion. ()

03. Determination of Farm Credit System Capitalization Rate. ()

a. The State Tax Commission will gather the interest rate data from the Spokane office of the farm credit system and average the rate over the immediate past five (5) years and distribute the rate annually to assessors by the second Monday in September. ()

b. The local tax rate component is the rate most applicable to the Agricultural Area. ()

c. The local tax rate will be added to the farm credit system capitalization rate to develop the overall capitalization rate. ()

04. Calculation of Net Income from a Cash Rent Analysis. Net Income from cash rent for land secondary categories 1 and 3 is calculated in the following manner: ()

a. Crops Grown. Determine the crops typically grown in the area. ()

b. Economic Rent. Determine the average per acre gross income from individual crop rents or whole

farm cash rents typical to the Agricultural Area over the immediate past five (5) years. ()

c. Landlord's Expenses. Determine the landlord's share of all typical expenses paid in the immediately preceding growing season. ()

d. Landlord's Net Income. Subtract the landlord's share of all typical expenses from the average gross income per acre for the immediately preceding year to determine net income. ()

05. Calculation of Net Income from a Crop Share Analysis. Net income from crop share rent for secondary land categories 1 and 3 is calculated in the following manner: ()

a. Crops Grown. Determine the crops typically grown in the Agricultural Area. ()

b. Average Crop Production. Determine the most recent five (5) year average production for typical crops grown in the Agricultural Area. ()

c. Average Commodity Prices. The Tax Commission will publish five (5) year average crop prices by surveying publicly available data from various sources, including the annual crop summary published by the Idaho Agricultural Statistics Service. Average crop prices determined in this manner by the Tax Commission should be considered guidelines when determining net income, subject to modification based on local market data. ()

d. Gross Income. Multiply average crop production per acre by the average commodity price to determine gross income per acre. ()

e. Landlord's Share of Gross Income. Determine the landlord's share of gross income per acre from a crop rotation typical to the Agricultural Area. ()

f. Landlord's Expenses. Determine the landlord's share of all typical expenses paid in the immediately preceding growing season. ()

g. Net Income. Subtract the landlord's share of all typical expenses from the landlord's share of gross income to determine net income. ()

06. Calculation of Grazing and Meadow Land Net Income. Net income from grazing and meadow rent for land secondary categories 2, 4, and 5 is calculated in the following manner: ()

a. Determine the income for a price per Animal Unit Month (AUM). An AUM consists of the feed per month for a one thousand (1,000) pound cow-calf pair or other animal equivalent. ()

b. Determine the gross yearly income of an AUM by multiplying the five (5) year average of locally reported rent per AUM or third-party provider equivalent by the average number of months of the grazing season. ()

c. Divide the total acres grazed by the total number of cow-calf pairs, or other animal equivalent, to determine the number of acres making up an AUM. ()

d. Divide the income per AUM by the number of acres per AUM to determine a gross annual income per acre. ()

e. Subtract landlord's typical expenses from the immediately preceding year to determine net income per acre. ()

07. Calculation of Value Estimate per Acre to be used for Categories 1-5. Divide the Net Operating Income by the overall capitalization rate to calculate a value estimate per acre. ()

08. Cross Reference. For eligibility criteria, see Rule 645; for compliance standards, see Rule 131. ()

IDAPA 35 – IDAHO STATE TAX COMMISSION
35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0105-1902
NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section 63-105, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for vacating this rulemaking:

These changes were non-substantive and will be included in the Omnibus Notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Don Williams at (208) 334-7855.

Dated this 2nd day of October, 2019.

Don Williams
Excise Tax Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7690
Don.Williams@tax.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.02.01 – TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105 and 63-3039, 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 October 16, 2019.

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:

Rule 310 – The changes to this rule add the interest rate for calendar year 2020 and the Revenue Ruling where the federal rate for the calculation can be found.

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 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Cynthia Adrian, (208) 334-7670.

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 October 23, 2019.

Dated this 2nd day of October, 2019.

Cynthia Adrian, Income Tax Policy Specialist
State Tax Commission
800 Park Blvd., Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7670
Fax: (208) 334-7690
cynthia.adrian@tax.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0201-1901
(Only Those Sections With Amendments Are Shown.)

310. INTEREST RATES (RULE 310).
 Sections 63-3045 and 63-3073, Idaho Code

01. In General. The annual rate of interest applicable to delinquent taxes accruing or unpaid during all or any part of a calendar year is determined in accordance with Section 63-3045, Idaho Code. The rates starting with the rate applicable at July 1, 1981, and the Internal Revenue Service Revenue Rulings, if applicable for the calculation of the rate, are listed in Subsection 310.02 of this rule. These interest rates also apply to the allowance of a credit or refund of tax erroneously or illegally assessed or collected as provided in Section 63-3073, Idaho Code. (4-6-05)

02. Idaho Interest Rates and Applicable Revenue Rulings.

PERIOD	RATE OF INTEREST	INTERNAL REVENUE SERVICE REVENUE RULING
July 1, 1981, through December 31, 1993	12% simple interest	Not Applicable
Calendar Year 1994	7% simple interest	Revenue Ruling 93-64
Calendar Year 1995	9% simple interest	Revenue Ruling 94-61
Calendar Year 1996	8% simple interest	Revenue Ruling 95-67
Calendar Year 1997	9% simple interest	Revenue Ruling 96-49
Calendar Year 1998	8% simple interest	Revenue Ruling 97-41
Calendar Year 1999	7% simple interest	Revenue Ruling 98-50
Calendar Year 2000	8% simple interest	Revenue Ruling 99-41
Calendar Year 2001	8% simple interest	Revenue Ruling 2000-45
Calendar Year 2002	7% simple interest	Revenue Ruling 2001-49
Calendar Year 2003	5% simple interest	Revenue Ruling 2002-61
Calendar Year 2004	6% simple interest	Revenue Ruling 2003-107
Calendar Year 2005	6% simple interest	Revenue Ruling 2004-69
Calendar Year 2006	6% simple interest	Revenue Ruling 2005-57
Calendar Year 2007	7% simple interest	Revenue Ruling 2006-44
Calendar Year 2008	7% simple interest	Revenue Ruling 2007-57
Calendar Year 2009	5% simple interest	Revenue Ruling 2008-46
Calendar Year 2010	5% simple interest	Revenue Ruling 2009-29
Calendar Year 2011	4% simple interest	Revenue Ruling 2010-20
Calendar Year 2012	4% simple interest	Revenue Ruling 2011-20
Calendar Year 2013	3% simple interest	Revenue Ruling 2012-24

PERIOD	RATE OF INTEREST	INTERNAL REVENUE SERVICE REVENUE RULING
Calendar Year 2014	4% simple interest	Revenue Ruling 2013-18
Calendar Year 2015	4% simple interest	Revenue Ruling 2014-22
Calendar Year 2016	4% simple interest	Revenue Ruling 2015-19
Calendar Year 2017	3% simple interest	Revenue Ruling 2016-20
Calendar Year 2018	4% simple interest	Revenue Ruling 2017-17
Calendar Year 2019	5% simple interest	Revenue Ruling 2018-23
<u>Calendar Year 2020</u>	<u>4% simple interest</u>	<u>Revenue Ruling 2019-20</u>

~~(4-11-19)~~ ()

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.03 – RULES GOVERNING VEHICLE DEALER’S PRINCIPAL PLACE OF BUSINESS

DOCKET NO. 39-0203-1901

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 22, 2019.

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 & 49-201, Idaho Code, and Sections 49-1608B & 49-1608F(9), 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 October 16, 2019.

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 change clarifies the appropriate procedures for the Idaho Consumer Asset Recovery (ICAR) Board and Department staff to follow when tasked with determining the outcome of claims brought forth for payout from the ICAR fund. It also defines “actual loss,” a previously undefined term that serves as the basis for determining payout amounts that are referenced in Section 49-1608E, Idaho Code, and describes appeal procedures and judicial review.

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

These rule changes are needed to address current outstanding actions as there are existing court claims that need immediate action. This rule change provides the direction and clarity needed for decisions to be made and citizens to be served.

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 formally via the publication of a “Notice of Intent to Promulgate Rules - Negotiated Rulemaking;” however, the Department did communicate with hundreds of Idaho dealers and also held an open, public meeting on July 16, 2019 from 4pm-6pm (MT), in which the Department received comments and input from stakeholders. Therefore, this rulemaking did include public involvement. Additionally, this rulemaking confers a benefit to Idaho consumers.

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, please contact Brendan Floyd, DMV Program Specialist, at (208) 334-8474.

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, October 23, 2019.

Dated this 30th day of August, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Project Manager
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**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 39-0203-1901
(Only Those Sections With Amendments Are Shown.)**

**39.02.03 – RULES GOVERNING VEHICLE DEALER'S PRINCIPAL PLACE OF BUSINESS AND
CLAIMS TO THE IDAHO CONSUMER ASSET RECOVERY FUND**

(BREAK IN CONTINUITY OF SECTIONS)

001. TITLE AND SCOPE.

01. Title. This rule ~~are~~ will be titled IDAPA 39.02.03, "Rules Governing Vehicle Dealer's Principal Place of Business and Claims to the Idaho Consumer Asset Recovery Fund." ~~(3-29-12)~~ (8-22-19)T

02. Scope. This rule clarifies terms used in the definition of "principal place of business" and provisions regarding these terms and payment of claims from the Idaho Consumer Asset Recovery Fund. ~~(3-29-12)~~ (8-22-19)T

(BREAK IN CONTINUITY OF SECTIONS)

100. GENERAL PROVISIONS.

01. Physical or Electronic Records System Inspection. A vehicle dealer shall make available all books, records and files maintained at the dealership location for immediate inspection for cause or complaint, or within three (3) business days if records are stored at an approved off-site location for random compliance review by a peace officer or authorized agent of the Department. (3-29-12)

02. Title Fee Disclosure. A dealer may reflect the payment of a state-required title fee as specified by Section 49-202(2)(b), Idaho Code, however: (7-2-92)

a. The fee must be clearly identified as a "TITLE FEE"; (7-2-92)

b. The fee must be shown as the exact amount required by law; (7-2-92)

c. Any documentation fees charged must be clearly listed separately from other fees and identified to the customer as dealer document preparation fees that are subject to sales tax as part of the purchase price of the vehicle. (7-2-92)

03. Surety Bond. A valid bond in the amount required by Section 49-1608D, Idaho Code, for three (3) years after initially licensed, unless otherwise provided by code; (4-11-15)

04. Idaho Consumer Asset Recovery (ICAR) Fund. (4-11-15)

a. All licensed dealers ~~shall~~ will pay the annual fee as set by the Idaho Consumer Asset Recovery (ICAR) Board as required by Section 49-1608C, Idaho Code, unless otherwise provided by code. ~~(4-11-15)~~(8-22-19)T

b. The ICAR fund fee ~~shall~~ will be set by the ICAR Board annually to be effective the following January 1. Such fee shall be posted on the Department web site and all applicable forms for dealer licensing. ~~(4-11-15)~~(8-22-19)T

05. Liability Insurance. A valid liability insurance policy as required by Section 49-1608A, Idaho Code. (4-11-15)

06. Declared Business Hours. All licensed dealers shall declare in writing to the Department the regular business hours that their dealerships are open and when they are available to be contacted by the Department or their customers. All wholesale dealers shall declare in writing to the department the regular hours that their dealerships are open and when they are available to be contacted by the department or their customers. (3-25-16)

07. Vehicle Dealer License Suspension. Any dealer not meeting the requirements of the Vehicle Dealer Act shall be subject to suspension of an existing dealer license or refusal by the Department to issue a new dealer license. (7-2-92)

a. The Department's agent will give written notice of deficiencies to the dealer or applicant. (12-26-90)

b. At its discretion the Department may give the licensed dealership a reasonable amount of time to comply. (12-26-90)

c. Upon compliance, the license ~~shall~~ will be reinstated or issued. ~~(12-26-90)~~(8-22-19)T

101. -- ~~2~~199. (RESERVED)

200. IDAHO CONSUMER ASSET RECOVERY FUND CONTROL BOARD ADMINISTRATION.

01. Quorum. A majority of the members of the Idaho Consumer Asset Recovery Control (ICAR) Board established pursuant to Section 49-1608C, Idaho Code, constitutes a quorum. A quorum is required for voting on any ICAR claims. The ICAR Board chairman presides over ICAR Board meetings. The ICAR Board operates in compliance with Idaho open meeting laws. (8-22-19)T

02. Voting. All members of the ICAR Board constituting the quorum are entitled to vote in consideration of any payment of a claim pursuant to Section 49-1608F, Idaho Code. (8-22-19)T

03. Actual Loss or Damages. As provided for in Section 49-1608E, Idaho Code, "actual loss or damages", means: The total cost to the purchaser, as set forth in a final judgement, of the loss directly resulting in a violation, by a dealer, of the provisions of Title 48, Chapter 5 or Title 49, Chapter 5 or Section 49-1418, Idaho Code; including such things as repairs, inspections and loss of resale value. The term includes the attorney fees and costs in bringing suit against the dealer, and includes pre-judgement, but not post-judgement interest. "Actual Loss or Damages" shall not include such things as treble damages, expectation damages nor consequential damages resulting from dealer fraud. (8-22-19)T

04. Complete and Complaint Claims. All ICAR claims will be initiated by filing the complete claim with the Idaho Transportation Department DMV Administrator. When a proper ICAR claim has been received, staff will review the claim for completeness and compliance with these rules and the provisions of Title 49, Chapter 16,

Idaho Code. If the claim is complete and in compliance with statute and these rules, the ICAR Board will send notification per Section 49-1608F(5), Idaho Code, to the subject vehicle dealer with a demand that the dealer satisfy the judgement within thirty (30) days. (8-22-19)T

a. Should the dealer fail to satisfy the judgment within thirty (30) days of notice from the ICAR Board, staff will provide the ICAR Board and the claimant a staff-recommended amount of the claim. If the claimant agrees with the staff-recommended payment amount, the ICAR Board will issue a final order either adopting or rejecting the staff recommended claim payment amount. (8-22-19)T

b. Should the claimant disagree with the proposed amount to be paid on the claim, the claimant may request an administrative hearing under the provisions of Title 67, Chapter 52, Idaho Code, within 10 business days of receipt of notification. The department will appoint a qualified hearing officer to hear the claim, take testimony and review evidence; and issue findings of fact, conclusions of law and provide a recommended order. (8-22-19)T

c. Upon receipt of the recommended order from the hearing officer, the ICAR Board will issue a final order either adopting or rejecting the hearing officer's recommendation of the claim payment amount. (8-22-19)T

d. Final orders of the ICAR Board may be subject to judicial review under the provision of Title 67, Chapter 52, Idaho Code. (8-22-19)T

201. -- 299. (RESERVED)

300. PENALTIES.

A dealer violating this rule ~~shall be~~ **is** subject to license suspension for a period not to exceed six (6) months.

~~(12-26-90)~~ (8-22-19)T

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.22 – RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

DOCKET NO. 39-0222-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code, and Sections 49-434 & 49-439, 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 October 16, 2019.

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 will clarify and update installment payment arrangements for commercial vehicle customers registering in Idaho. It also provides online methods for obtaining commercial vehicle registrations from the Department. This rulemaking effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule and confers benefits to customers.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 265-266](#).

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, please contact Lance Green, DMV Permits Program Specialist, at (208) 334-8427.

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 Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0222-1901
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01. Combination of Vehicles.** A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (11-20-91)
- 02. Customer.** The individual or entity that is registering/permitting the vehicle. The following terms; customer, individual, company or registrant are interchangeable in this rule. (3-19-07)
- 03. Insufficient Funds (ISF).** ISF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. (3-19-07)
- 04. Non-Reducible Load.** Defined in IDAPA 39.03.01, “Rules Governing Definitions,” ~~Subsection 010.31~~ Regarding Special Permits. (3-19-07)()
- 05. Probable Cause.** Information sufficient to create a reasonable belief that the registrant of a motor vehicle(s) has either not paid fees due or has under reported miles traveled or has underpaid fees due. (3-19-07)
- 06. Quarterly Report.** The form for registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. (3-19-07)
- 07. Revocation of Registration.** The termination of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (3-19-07)
- 08. Registrant.** A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. (3-19-07)
- 09. Road Use Fee.** The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. (3-19-07)
- 10. Suspension of Registration.** The temporary withdrawal of a registrant’s vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the department and Idaho Code. (3-19-07)
- 11. Third-Party Checks.** Checks payable to one entity, and endorsed over to another entity for payment. (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

101. QUARTERLY ROAD USE FEE REPORTING.

- 01. Quarterly Reporting Forms Issued.** The department will ~~issue~~ generate an online quarterly report form ~~to customers~~ for each valid annual overweight/oversize permit issued to them. Customers can choose to opt-in and receive a printed form via mail. (3-19-07)()

02. Use of Quarterly Reporting Form. The customer is required to report each quarter's information on the form provided online or on a Department printed copy that will be mailed on or before the due date specified on the quarterly report form, even when reporting zero (0) miles traveled. (3-25-16)()

a. If the customer does not receive a quarterly report form or report their information online, it is the customer's responsibility to notify the department allowing adequate time to submit the report before the due date. (3-19-07)()

b. Any report transmitted through the US Postal Service shall be considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation shall not be considered as a post office cancellation mark. (3-19-07)

c. If the quarterly report form due date falls on a Saturday, Sunday, or legal holiday, the due date will be extended to the next business day. (3-25-16)

d. Quarterly reports not submitted will result in the account being suspended. (3-25-16)

03. Information Required on the Quarterly Report Form. Customers must report the following: (3-19-07)

a. The number of laden miles traveled on Idaho highways when operating under an annual overweight/oversize permit with non-reducible vehicles and/or load that exceed eighty thousand (80,000) pounds and/or legal axle weights for the appropriate weight category for the quarter specified on the quarterly report form, rounded to the next full mile; and the road use fee due; and penalty, if the report is filed after the due date. (3-25-16)

b. Total amount due. (11-20-91)

c. Signature and title of company official, and date of report. All reports filed with the department must be signed by an authorized representative of the company/individual in order to be considered a valid report even if zero (0) miles are being reported. (3-25-16)

d. Address change, if different from quarterly report form. (11-20-91)

e. Customer telephone number (3-19-07)

102. -- 199. (RESERVED)

200. INSTALLMENT PAYMENTS FOR COMMERCIAL VEHICLE REGISTRATION.
The department offers a Payment Plan for registrants in compliance with Sections 49-434, Idaho Code. (3-19-07)

01. Requirements to Participate in Installment Payments. (3-19-07)

a. Participant must sign participation contract agreement. (3-19-07)

b. Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees shall not be included. (3-19-07)

c. Only full annual registration fees shall be included in payment plan. Registrations for less than one full year shall not be included. (3-19-07)

d. Vehicles not registered within thirty (30) days after the previous year registration has expired shall not be eligible for the installment payment option. Submitted applications for registration that have been invoiced, but not paid for, by the due date stated on the fee summary sheet last day of the registration effective month shall not be eligible for the installment payment option. (3-29-10)()

e. Installment contract requirements do not provide opportunity for registrant to opt out of any

remaining installment payments. The balance of the payment plan shall continue to be paid even if the truck is not being operated. (3-19-07)

f. If registrant meets the criteria in Section 300 of this rule, the prorated portion of the Idaho fee shall be credited toward the installment plan or refunded if the plan has been paid in full. (3-29-10)

g. Registrant shall not participate in installment payment plan if the registrant's account has previously been suspended as stated in Subsection 200.06 of this rule. (3-29-10)

h. The contract shall stipulate the payment periods and the installment ~~confirmation letter~~ **payment vouchers** shall stipulate the due dates of each subsequent payment. ~~(3-19-07)~~ ()

i. An installment payment plan fee of fifty dollars (\$50) shall be required and collected at the time of setup for each installment payment plan created. (3-29-10)

02. Billings, Payments and Due Dates of Installment Plan. (3-19-07)

a. The department shall upon acceptance of the contract by the registrant, receive one-quarter of the annual registration fee along with the installment payment plan fee, and then shall bill the registrant for three (3) equal installments based upon the previously set payment periods outlined in the contract, which are due by the end of the third, sixth, and ninth months after the effective date of the registration. (3-29-10)

b. ~~Courtesy billing notices for the next installment payment due will be mailed approximately one (1) month prior to the due date~~ **Installment payment vouchers will be provided with the initial invoice.** ~~(3-29-10)~~ ()

c. US Postal Service postmark shall be used to determine if payment is received on time. If the envelope is postmarked on or before the last day of the month, the payment shall be considered "on time." (3-19-07)

d. If the last day of the month falls on a Saturday, Sunday or legal holiday, the next business day shall be considered the due date. (3-19-07)

e. ~~Non receipt of the department's billing notice~~ **Failure to retain provided payment vouchers** does not relieve the burden of the registrant to pay the installment amount by the due date. ~~(3-19-07)~~ ()

03. Failure to Pay Installment Payment by Due Date. (3-19-07)

a. The department shall send out courtesy pre-suspension notices approximately five (5) days after the due date to registrants who have failed to remit payment by the due date printed on the quarterly billing. (3-29-10)

b. The pre-suspension letter shall contain a late penalty fee of ten percent (10%) of the amount due and an additional one percent (1%) for each month or portion of a month that the payment is past due. (3-19-07)

c. Registrant shall pay installment amount portion that is due, plus assessed penalties and interest. (3-19-07)

04. Suspension of Registrant's Account Due to Non-Payment of Payment Plan. Approximately two (2) weeks after pre-suspension notices are mailed to the registrant, the department shall suspend accounts of registrant's that have failed to remit installment payment and/or interest and penalty. (3-19-07)

05. Reinstatement Fee for Payment Plan Registration. (3-19-07)

a. A forty dollar (\$40) reinstatement fee shall be applied to all payment plan accounts that have been suspended. (3-19-07)

b. Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension shall be cleared from account. (3-19-07)

06. Repetitive Suspensions Result. (3-29-10)

- a.** After the registrant's account has been suspended for delinquent installment payments two (2) or more times, the registrant shall not be allowed to participate in future payment plan programs unless; (3-29-10)
 - i.** Customer has twelve (12) consecutive months of no suspensions related to the account starting from the month the account is cleared; and (3-29-10)
 - ii.** Customer requests in writing to the department to participate in future installment payment plans and will be allowed to do so. (3-29-10)

(BREAK IN CONTINUITY OF SECTIONS)

602. CREDIT CARD PAYMENTS.

The department will accept only Visa, Discover, American Express, or Mastercard for any fees due to or purchases from the department. (~~3-25-16~~)()

(BREAK IN CONTINUITY OF SECTIONS)

900. APPEAL PROCEDURE.

- 01. Filing of Appeal.** A registrant wishing to contest a penalty or suspension of a registration or an account may file an appeal within ten (10) days of receipt of the notice. (3-19-07)
- 02. Delivery of Appeal.** The appeal must be either hand delivered or mailed to Commercial Vehicle Services Compliance Manager, Idaho Transportation Department, P.O. Box 7129, Boise, Idaho 83707-1129. (~~3-19-07~~)()
- 03. Delivery of Decision.** A copy of the final decision in response to the request will be sent to the registrant. (3-19-07)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.42 – TEMPORARY VEHICLE REGISTRATION WHEN PROOF OF OWNERSHIP IS INSUFFICIENT

DOCKET NO. 39-0242-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 16, 2019.

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 removes a requirement to sign an affidavit in the presence of the county assessor/deputy assessor. The change allows a second type of title (conditional title) to be issued when an applicant cannot meet standard titling requirements. It also removes redundant and outdated sections/language. This rulemaking effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule and confers benefits to customers.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 259-260](#).

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, please contact Chris Fisher, DMV Program Specialist, at (208) 334-8167.

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 Wednesday, October 23, 2019.

Dated this 30th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0242-1901
(Only Those Sections With Amendments Are Shown.)

**39.02.42 – ~~TEMPORARY~~ TEMPORARY RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION
WHEN PROOF OF OWNERSHIP IS INSUFFICIENT**

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-501, 49-507 and 49-523, Idaho Code. (12-26-90)

001. TITLE AND SCOPE.

01. Title. This rule is ~~titled~~ cited as IDAPA 39.02.42, ~~“Temporary Rules Governing~~ Vehicle Registration When Proof of Ownership is Insufficient.” ()

02. Scope. ~~and provides for temporary~~ The purpose of this rule establishes conditional vehicle registration when the applicant does not have sufficient proof of ownership. This rule provides operating privileges for a specific time period and does not apply to Idaho licensed dealers, non-residents of Idaho; or owners and/or operators of non-Idaho based commercial vehicles operated in interstate commerce under the various proportional registration plans or agreements with other states of which Idaho is a participant. (12-26-90)()

002. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter are governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” ()

0023. -- 099. (RESERVED)

100. GENERAL PROVISIONS FOR INSUFFICIENT PROOF OF OWNERSHIP INCLUDES.

01. Vehicle Record. The vehicle for which record of ownership is unavailable; (12-26-90)

02. Title. The applicant does not have the title from the previous owner; (12-26-90)

03. Release of Interest. The previous owner of record has not released interest in the title; (12-26-90)

04. Bill of Sale. The possessor has the unreleased title but does not have a bill of sale to support transfer of ownership; (12-26-90)

05. Vehicle Identification Number. The title vehicle identification number (VIN) and the VIN on the vehicle do not match (except for obvious typographical errors); or (12-26-90)

06. Documentation for Component Part. Component parts of a homemade, reconstructed or specially constructed vehicle cannot be documented. (12-26-90)

101. -- 199. (RESERVED)

200. PROCEDURE.

01. Conditional Registration. “Registration Only” (conditional registration until titling requirements are met) may be processed for a one (1) year period without benefit of title. “Registration Only” will not be issued on vehicles with altered VINs, vehicles confirmed as stolen or vehicles where there is a recorded and unpaid lien. (12-26-90)()

~~02. **Altered VINs.** “Registration Only” shall not be issued on vehicles with altered VINs, vehicles confirmed as stolen or vehicles where there is a recorded and unpaid lien. (12-26-90)~~

032. Conditional Registration Procedure. “Registration Only” procedure is as follows: (12-26-90)

a. VIN Inspection: The vehicle must be inspected by an agent of the county assessor’s office or a city, county or state peace officer. The inspecting officer will verify the identification number and provide the applicant with a signed inspection form containing the vehicle description, other pertinent information and recommendations. If the VIN has been altered or is missing, the officer may ask for the assistance of a motor vehicle investigator before issuing the VIN inspection. (12-26-90)

b. Indemnifying Affidavit. The “Registration Only” applicant **must will** complete an indemnifying affidavit explaining how and where the vehicle came into ~~his/her~~ **the applicant’s** possession, and why proper documentation is not available. The indemnifying affidavit must be signed ~~in the presence of the county assessor or deputy assessor,~~ and **must** fully indemnify and save harmless the department. (12-26-90)()

c. Registration of the Vehicle: The vehicle ~~can may~~ be registered for one (1) year. The title block of the registration document will show “~~Registration~~ Only” in bold letters. The applicant must obtain adequate proof of ownership prior to the ~~end of the tenth (10th) month~~ **expiration** of the registration period ~~to allow adequate time for title processing.~~ The one (1) year “Registration Only” period **shall will** not be extended. (12-26-90)()

d. The county **shall will** hold the VIN inspection and the indemnifying affidavit in file until the applicant complies with requirements in Subsection 200.04. (12-26-90)()

043. Applicant Responsibility. By the ~~end of the tenth (10th) month~~ **expiration** of the “Registration Only” period, the applicant must present a properly executed title and bill of sale for the vehicle or apply for a bonded ~~or conditional~~ title. (12-26-90)()

054. Action by the County Assessor. When the applicant has complied with Subsection 200.043, the county assessor ~~shall remove~~ **will pull** the VIN inspection and indemnifying affidavit from ~~their~~ file; prepare an Application for Title; and submit the application form with the title, bill of sale, indemnifying affidavit and VIN inspection for title processing. (12-26-90)()

065. Proof of Ownership. If the applicant cannot prove ownership within the one (1) year “Registration Only” period, no further registration (permanent or temporary) will be issued until after the title requirement is met. (12-26-90)

~~07. **Abandoned Vehicles.** “Abandoned Vehicles” as provided for in Chapter 18, Title 49, Idaho Code, must be processed in accordance with abandoned vehicle statutes and are not affected by this rule. (12-26-90)~~

201. -- 999. (RESERVED)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.75 – RULES GOVERNING NAMES ON DRIVERS' LICENSES AND IDENTIFICATION CARDS

DOCKET NO. 39-0275-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. 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 October 16, 2019.

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 modifies language in order to simplify name structure in cases of marriage and divorce and also removes a requirement for the specific order of a hyphenated last name when issuing driver licenses and identification cards. This rulemaking effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule and confers benefits to customers.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 261-262](#).

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, please contact Brendan Floyd, DMV Program Specialist, at (208) 334-8474.

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 Wednesday, October 23, 2019.

Dated this 30th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0275-1901
(Only Those Sections With Amendments Are Shown.)

200. CRITERIA.

01. Legal Name. The name on the certified original birth certificate will be used unless a name changes due to: (3-29-12)

- a. Marriage; (5-13-91)
- b. Divorce; or (5-13-91)
- c. Court Order. (5-13-91)

02. Stepparents' Name. An applicant is not allowed to use a stepparent's last name, except by court order or other documents may be accepted to change a name, on approval by the Idaho Transportation Department. (7-1-96)

03. Driver's License and Identification Card Names. The name printed on the driver's license or identification card will be maintained in the Idaho Transportation Department records in the following order: (1) Last name, (2) First name, (3) Middle name, (4) Designator (if applicable (see Subsection 200.04)). An applicant may not have a driver's license and an identification card in different names. An applicant may add a middle name by providing a certified original copy of the applicant's: (3-29-12)

- a. Birth Certificate; (3-29-12)
- b. Court Order; or (3-29-12)
- c. Divorce Decree. (3-29-12)

04. Designations of Names. The designations of I, II, III, etc., will become first (1st), second (2nd), third (3rd), etc., and will appear after the middle name. The designators of JR and SR (no periods allowed) will be permitted and will appear after the middle name. The JR and SR designators will be permitted only if there is proof that the other individual exists, by way of an original certified copy of a birth certificate. (7-1-96)

05. Married Applicant's Name. (3-29-12)

a. A married applicant is permitted to use ~~the maiden name of the woman or surname of the man to use either their birth last name or the birth last name of their spouse~~ as the last name or as the middle name, or may hyphenate ~~the surname and maiden name~~ their current last name with their spouse's last name to form the last name. In no case under any of these stated options shall any applicant have more than one (1) hyphen in ~~his or her~~ their last name. (3-29-12)()

b. ~~When a~~ Married applicants may choose to use different hyphenated last names ~~or only one (1) applicant chooses to hyphenate his or her name, a woman will hyphenate her last name as "maiden married" and a man will hyphenate his last name as "surname-maiden"~~. (3-29-12)()

c. Married applicants who choose to have the same hyphenated last name may hyphenate their last names ~~as either "maiden married" or "surname-maiden"~~ in any order. (4-2-08)()

d. Married applicants who already have hyphenated last names may: (3-29-12)

i. Use the hyphenated name of ~~the man or the hyphenated name of the woman~~ their spouse or retain their own hyphenated name; or (3-29-12)()

ii. Combine part of ~~the~~ their own hyphenated name ~~of the man~~ and part of the hyphenated name of ~~the woman~~ their spouse. (3-29-12)()

e. An applicant who is established in department records with a hyphenated last name due to marriage and wants to drop the first part or the second part of the hyphenated name must provide, as required by the department, the following: (3-29-12)

i. A certified copy of a birth certificate; and/or (3-29-12)

ii. A certified copy of a marriage certificate; and/or (3-29-12)

iii. A certified copy of a divorce decree; and/or (3-29-12)

iv. A certified copy of a death certificate. (3-29-12)

06. Divorced Applicant's Name. A divorced applicant who wants to use ~~his or her~~ their original ~~surname or maiden~~ birth last name, or a surname from a previous marriage, but does not have a divorce decree indicating the new name, is allowed to submit the following documents to the County Sheriff or the Idaho Transportation Department: (3-29-12)()

a. Original certified copy of the birth certificate showing the original maiden or surname; or (3-29-12)

b. Original certified copies of the marriage certificate and the divorce decree, as evidence to change the name. (3-29-12)

07. Applicant's First Name. An applicant is not allowed to change ~~his or her~~ their first name except by court order. (5-13-91)()

08. Common Law Marriage. Common law marriages created prior to January 1, 1996 will, for the purposes of this rule, be treated as a valid marriage. An affidavit of agreement is required, which includes: (7-1-96)

a. The signatures of both the husband and the wife; (5-31-91)

b. The date they became married under common law; and (5-13-91)

c. Other documents verifying the marriage (subject to the approval of the Idaho Transportation Department). (5-13-91)

09. Change of Name on Record. Once a name is established in the Idaho Transportation Department records, a court order, marriage license, or divorce decree will be required to change the name and record. (3-29-12)

10. Titles or Nicknames. An applicant is not allowed to use titles or nicknames. (7-1-96)

201. -- 299. (RESERVED)

300. PROCEDURES.

01. Verification of Name. First-time applicants for a driver's license or identification card must provide the County Sheriff's issuing office with one (1) of the following in order to verify their name: (5-13-91)

a. Original certified copy of the birth certificate; (7-1-96)

b. Court order; (5-13-91)

- c. Original certified copy of the marriage license; ~~or~~ (7-1-96)()
- d. Divorce decree (if applicable); ~~or~~ (7-1-96)()
- e. Driver's license from another state or country that is current or if expired, has been expired for less than five (5) years; or. (7-1-96)()
- f. A valid, unexpired passport. ()

02. Surrendering Driver's License or Identification Card. Applicants for license or identification card renewals must surrender the previous driver's license or identification card. Name changes are allowed if the criteria in Section 200 are met. (7-1-96)

03. Surrendering Duplicate Driver's License or Identification Cards. Applicants for duplicate drivers' licenses or identification cards must surrender the previous driver's license or identification card (if applicable). Name changes are allowed if the criteria in Section 200 are met. (7-1-96)

04. Document Approval by the Department. Other documents may be accepted to change a name, on approval by the Idaho Transportation Department. (5-13-91)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.02.76 – RULES GOVERNING DRIVER'S LICENSE RENEWAL-BY-MAIL
AND ELECTRONIC RENEWAL PROCESS

DOCKET NO. 39-0276-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code, and Sections 49-318, 49-319, & 49-2444, 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 October 16, 2019.

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 modifies language to offer applicants the ability to apply for a renewal or replacement driver license or identification card electronically, making it easier to do business with the Department's DMV and as a result, reduces wait times and foot traffic in county driver license offices by providing a more convenient alternative. This rulemaking effort is in alignment with the Governor's Red Tape Reduction Act, because it removes unnecessary language within administrative rule and confers benefits to customers.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 263-264](#).

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, please contact Brendan Floyd, DMV Program Specialist, at (208) 334-8474.

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 Wednesday, October 23, 2019.

Dated this 30th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0276-1901
(Only Those Sections With Amendments Are Shown.)

**39.02.76 – RULES GOVERNING DRIVER'S LICENSE AND IDENTIFICATION CARD
RENEWAL-BY-MAIL AND ELECTRONIC RENEWAL AND REPLACEMENT PROCESSES**

000. LEGAL AUTHORITY.

In accordance with Sections 49-201, 49-318, 49-319(10), and 49-2444, Idaho Code, the Idaho Transportation Board adopts the following rule to establish a process that may allow Idaho residents to renew or replace their Class D drivers' licenses and identification cards by mail or electronically. (3-29-12)()

001. TITLE AND SCOPE.

01. Title. This rule is titled IDAPA 39.02.76, "Rules Governing Driver's License and Identification Card Renewal-by-Mail and Electronic Renewal and Replacement Processes". (3-29-12)()

02. Scope. The purpose of this rule is to establish standards by which Class D drivers' licenses and identification cards may be renewed or replaced by mail or electronically for those individuals who are licensed Idaho residents and whose licenses Idaho credentials are about to expire or requires replacement due to loss or mutilation. The driver's license renewal-by-mail and electronic systems are designed to reduce the length of driver's license renewal waiting lines at county driver's license offices. (3-29-12)()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. This rule merely implements the provisions of Section 49-319(10), Idaho Code, which states: "The department may use a mail renewal process for Class D licenses based on criteria established by rule and regulation." (3-29-12)()

(BREAK IN CONTINUITY OF SECTIONS)

010. DEFINITIONS.

01. CDL. Commercial Driver's License. (7-1-96)

02. Class D Driver's License. A license issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in Section 49-123, Idaho Code. (7-1-96)

03. Credential. Any physical driver license or identification card issued by the department. ()

034. Expiration Date. The date a driver's license credential expires. (7-1-96)()

05. Identification Card. A card issued in accordance with Section 49-2444, Idaho Code. ()

046. Photo License. A valid Idaho driver's license credential displaying a color photograph of the license holder. (7-1-96)()

011. ELIGIBILITY FOR RENEWAL AND REPLACEMENT.

01. Eligibility. The renewal by mail or electronic renewal may be granted on the expiration date of a person's Idaho Class D driver's license; An applicant may renew a Class D driver's license or identification card by

mail or electronically in lieu of ~~requiring the person to renew a driver's license~~ renewing or replacing these credentials in person. Licenses or identification cards renewed by mail or electronically shall only be renewed once in an eight (8) year period, and ~~shall~~ have a four-year validity period. (3-29-12)()

02. License Renewal. Drivers' licenses ~~shall~~ may not be renewed by mail or electronically for persons who: (3-29-12)()

a. Hold a driver's license with a "J" restriction (e.g. limited to a five (5) mile driving radius of residence, driving privileges limited to one (1) or two (2) counties, cannot drive without parent for a specified time period, etc.); (7-1-96)

b. Hold a CDL; ()

bc. Have changes in the information shown on their licenses, other than address changes; (7-1-96)

ed. Have any changes in physical, mental, and/or emotional condition, including vision, which may impair the ability to safely operate a motor vehicle; (7-1-96)

de. Have drivers' licenses or driving privileges which are suspended, revoked, canceled, denied, refused, or disqualified; (7-1-96)

ef. Are operating on department or court restricted driving permits; (7-1-96)

fg. Are required to provide documentation proving lawful presence in the United States; (3-29-12)

gh. Are not lawfully present in the United States; (3-29-12)

hi. Have a driving record which has been marked for special handling (e.g., verification of identity or date of birth, possible fraud, etc.); (7-1-96)

ij. Already have an existing extension; (7-1-96)

jk. Wish to add a motorcycle endorsement; (7-1-96)

kl. Are under twenty-one (21) years of age for purposes of renewal; ~~or~~ (7-1-96)()

lm. Are seventy (70) years of age or older for purposes of renewal; ~~or~~ (7-1-96)()

n. Have been expired more than one (1) year. ()

03. Identification Card Renewal. Identification cards may not be renewed by mail or electronically for persons who: ()

a. Have changes in the information shown on their identification cards, other than address changes; ()

b. Have not been expired more than one (1) year; ()

c. Are required to provide documentation proving lawful presence in the United States; ()

d. Are not lawfully present in the United States; or ()

e. Have a canceled or surrendered status. ()

04. License and Identification Card Replacement. Any driver's license, including a CDL, or identification card may be replaced by mail or electronically as long as the credential is not expired, and there are no information changes other than address changes and the status is otherwise valid. ()

012. RENEWAL **OR REPLACEMENT ELECTRONICALLY OR** BY MAIL PROCEDURES.

01. ~~Use of Fax or Phone Prohibited~~ **Application Submission.** *Driver's license* **Credential** renewal-by-mail or electronic renewal **or replacement** applications ~~shall not be processed by fax or telephone~~ **will be processed when received by mail or electronically.** Eligible persons ~~must~~ **may** mail or electronically submit their ~~driver's license~~ renewal **or replacement** application to the **department or the** driver's license office in their county of residence, or deliver their application in person together with the renewal fee for the same class of ~~license~~ **credential**, pursuant to Sections 49-306, ~~and 49-2444~~, Idaho Code. (3-29-12)()

02. **Updating Driving Individual Records.** The county driver's license office ~~shall~~ **or the department will** update ~~driving~~ **individual** records to reflect the new expiration year, ~~followed by the notation "RM," and issue a driver's license to eligible licensees if renewed, and the issue date of the new credential,~~ within three (3) business days after receipt of the completed application form. (3-29-12)()

~~03. **If The Driver's License Card Is Lost, Mutilated or Destroyed After Receipt.** If a driver's license is lost, mutilated, or destroyed after the applicant receives it, the applicant must apply in person at the county office for a duplicate driver's license.~~ (3-29-12)

043. **If Lost or Destroyed in Mail.** If an ~~drivers' license~~ **individual's credential** is lost or destroyed in the mail, a written statement detailing the loss or destruction ~~must~~ **may** be mailed or hand-delivered to the applicant's county of residence **or completed electronically.** Upon receipt of the letter, the county **or the department** can issue a no-charge replacement ~~driver's license~~ **credential** to the applicant. (3-29-12)()

054. **Temporarily Residing Out-of-State.** Individuals temporarily residing out-of-state may apply for a renewal by mail, electronic renewal, or an extension, but not both, in an eight (8) year period. (3-29-12)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
39.03.01 – RULES GOVERNING DEFINITIONS REGARDING SPECIAL PERMITS
DOCKET NO. 39-0301-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code and Section 49-1004, 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 October 16, 2019.

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 defines in definitions what a disabled vehicle is, what a snowplow is, and how overhang is measured. These new definitions will add clarity for Department stakeholders and customers.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 265-266](#).

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, please contact Lance Green, DMV Permits Program Specialist, at (208) 334-8427.

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 Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0301-1901
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

- 01. Accessories.** Additional parts of the single item load that have been removed to reduce width, length or height. (7-1-19)
- 02. Administrative Cost.** The government's cost of processing, issuing and enforcing a permit. (7-1-19)
- 03. Analysis.** A mathematical study of a vehicle or combination of vehicles and the stress they cause over bridges or specific sections of highways conducted by a professional engineer. (7-1-19)
- 04. Annual.** Twelve (12) consecutive months. (7-1-19)
- 05. Automobile Transporter.** See Section 49-102, Idaho Code. (7-1-19)
- 06. Base Width.** The measurement below the eaves of a manufactured home, modular building, or office trailer. (7-1-19)
- 07. Boat Transporter.** See Section 49-103, Idaho Code. (7-1-19)
- 08. Cargo Unit.** A full truck, a semi-trailer, a full trailer, or a semi-trailer converted to a full trailer by means of a dolly or a converter gear mounting a fifth wheel. A dromedary tractor equipped with conventional fifth wheel, not stinger steered, ~~shall be~~ **is** excluded from the definition of a cargo unit. (7-1-19) ()
- 09. Convoy.** A group of two (2) or more motor vehicles traveling together for protection or convenience. (7-1-19)
- 10. Department.** Idaho Transportation Department. (7-1-19)
- 11. Designated Agent.** An employee or relative of the farmer. (7-1-19)
- 12. Disabled Vehicle.** A vehicle unable to complete transportation under its own power. ()
- ~~123.~~ **Dromedary Tractor.** See Section 49-105, Idaho Code. (7-1-19)
- ~~134.~~ **Economic Hardship.** The loss of a substantial amount of money caused by economic changes. (7-1-19)
- ~~145.~~ **Emergency Movement.** A vehicle or vehicle combination hauling a load traveling to the site of an emergency for the purpose of aiding in eliminating the emergency. (7-1-19)
- ~~156.~~ **Escort Vehicle.** See Pilot Vehicle. (7-1-19)
- 167. Excess Weight.** Vehicle combinations hauling reducible loads operating on any highway with total gross loads exceeding eighty thousand (80,000) pounds but not to exceed twenty thousand (20,000) per single axle, thirty-four thousand (34,000) per tandem, not to exceed the weight limit for any group of two (2) or more consecutive axles established by Section 49-1001, Idaho Code, and for the front steer axle not to exceed the manufacturer's load rating per tire or the load rating of the axle or twenty thousand (20,000) pounds per axle; whichever is less. The maximum allowable load for all other vehicle tires shall not exceed six hundred (600) pounds per inch width of tire

for vehicles manufactured after July 1, 1987, or not to exceed eight hundred (800) pounds per inch width of tire for vehicles manufactured prior to that date as established by Section 49-1002, Idaho Code. (7-1-19)

~~178.~~ **Extra-Length.** Any vehicle combination in excess of the legal limits, but not more than one hundred fifteen (115') feet as established in Section 49-1010, Idaho Code, that normally haul reducible loads. (7-1-19)

~~189.~~ **Extra-Ordinary Hazard.** Any situation where the traveling public's safety or the capacity of the highway system is endangered. (7-1-19)

~~1920.~~ **Farm Tractor.** See Section 49-107, Idaho Code. (7-1-19)

~~201.~~ **Gross Vehicle Weight.** See Section 49-108, Idaho Code. (7-1-19)

~~212.~~ **Heavily Loaded.** Exceeding legal weight or hauling a load that obstructs the driver's view. (7-1-19)

~~223.~~ **Heavy Duty Wrecker Truck.** A motor vehicle designed and used primarily for towing disabled vehicles. (7-1-19)

~~234.~~ **Height.** The total vertical dimension of a vehicle above the ground surface including any load and load-holding device thereon. (7-1-19)

~~245.~~ **Implement of Husbandry.** See Section 49-110, Idaho Code. (7-1-19)

~~256.~~ **Incidentally Operated.** See Section 49-110, Idaho Code. (7-1-19)

~~267.~~ **Legal.** In compliance with the Idaho Code on size and weight. (7-1-19)

~~278.~~ **Length.** The total longitudinal dimension of a single vehicle, a trailer, or a semi-trailer. Length of a trailer or semi-trailer is measured from the front of the cargo-carrying unit to its rear, exclusive of all overhang and any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements." (7-1-19)

~~289.~~ **Light Truck.** See Section 49-121, Idaho Code. (7-1-19)

~~2930.~~ **Longer Combination Vehicle (LCV).** Any combination of a truck-tractor and two (2) or more trailers or semi-trailers that operate on the National System of Interstate and Defense Highways with a gross vehicle weight (GVW) greater than thirty-six thousand two hundred eighty-eight (36,288) kilograms (eighty thousand (80,000) pounds). (7-1-19)

~~301.~~ **Manufactured Home.** A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, that, in the traveling mode, is eight (8') body feet or more in width or is forty (40') body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term *shall* includes any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401 et seq. Similarly constructed vehicles used permanently or temporarily for offices, advertising, sales, display or promotion of merchandise or services are included in this definition. (~~7-1-19~~) ()

~~312.~~ **Mobile Home.** A structure similar to a manufactured home, but built to a state mobile home code that existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code) dated June 15, 1975. (7-1-19)

~~323.~~ **Modular Buildings.** A facility designed as a building or building section that is constructed to

standards contained in the Uniform Building Code (UBC), adopted by Section 39-4109, Idaho Code. (7-1-19)

~~334.~~ **Non-Reducible.** Any load or vehicle exceeding applicable length or weight limits that, if separated into smaller loads or vehicles, would: (7-1-19)

a. Compromise the intended use of the vehicle, i.e., make it unable to perform the function for which it was intended; (7-1-19)

b. Destroy the value of the load or vehicle, i.e., make it unusable for its intended purpose; or (7-1-19)

c. Require more than eight (8) work hours to dismantle using appropriate equipment. The applicant for a nondivisible load permit has the burden of proof of establishing the number of work hours required to dismantle the load. (7-1-19)

~~345.~~ **Off-Tracking.** The difference in the path of the first inside front wheel and of the last inside rear wheel as a vehicle negotiates a curve. (7-1-19)

~~356.~~ **Office Trailer.** See definition of Manufactured Homes. (7-1-19)

~~367.~~ **Overall Combination Length.** The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s). (7-1-19)

~~378.~~ **Overall Length.** The total length of a combination of vehicles, i.e. truck tractor-semitrailer-trailer combination, measured from front bumper of the motor vehicle to the back bumper or rear extremity of the last trailer including the connecting tongue(s) plus any load overhang. (7-1-19)

~~389.~~ **Overdimensional.** Any vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

~~40.~~ **Overhang.** The distance from the end of the vehicle to the end of its load. ()

~~391.~~ **Overheight.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

~~402.~~ **Overlength.** Any load non-reducible in length being hauled or towed that is in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

~~413.~~ **Oversize.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

~~424.~~ **Overweight.** A single vehicle or a vehicle combination hauling or towing a non-reducible load whose weight is in excess of eighty thousand (80,000) pounds and/or legal axle weights. (7-1-19)

~~435.~~ **Overwidth.** A vehicle or load in excess of the limits established in Section 49-1010, Idaho Code. (7-1-19)

~~446.~~ **Pilot Vehicle.** Passenger cars or trucks equipped as specified in IDAPA 39.03.05, "Rules Governing Special Permits – Oversize Non-Reducible." (7-1-19)

~~457.~~ **Reducible Load.** A single item or multiple items for transport that could reasonably be repositioned so that the load conforms to legal size and weight dimensions. The determination of ability to reduce the load primarily depends on the intended disposition of the contents of the load upon delivery to its destination (i.e. made into smaller pieces). (7-1-19)

~~468.~~ **Single Axle.** An assembly of two (2) or more wheels whose centers are in one (1) transverse vertical plane or may be included between two (2) parallel transverse planes forty (40") inches apart extending across

the full width of the vehicle. (7-1-19)

~~49.~~ **Snowplow.** A device intended for the use of removing snow or ice from road surfaces. ()

~~47~~**50.** **Special Permit.** A permit issued by the Idaho Transportation Department that authorizes the movement of vehicles or loads on the state highway system in excess of the sizes and weights allowed by Sections 49-1001, 49-1002, or 49-1010, Idaho Code. (7-1-19)

~~48~~**51.** **Steering Axle.** The axle or axles on the front of a motor vehicle that are activated by the operator to directly accomplish guidance or steering of the motor vehicle and/or combination of vehicles. (7-1-19)

~~49~~**52.** **Stinger-Steered.** A truck-tractor semi-trailer combination where the kingpin is located five (5) feet or more to the rear of the centroid of the rear axle(s). (7-1-19)

~~50~~**3.** **Tandem Axle.** Any two (2) axles whose centers are more than forty (40") inches but not more than ninety-six (96") inches apart and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (7-1-19)

~~51~~**4.** **Tridem Axle.** Any three (3) consecutive axles whose extreme centers are not more than one hundred forty-four (144") inches apart, and are individually attached to and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between axles. (7-1-19)

~~52~~**5.** **Variable Load Suspension Axle.** See Section 49-123, Idaho Code. (7-1-19)

~~53~~**6.** **Vocational Vehicle.** A vehicle specifically designed to enable the operator to perform specific tasks none of which are primarily for the purpose of transporting loads. Cranes, loaders, scrapers, motor graders, and drill rigs are examples of vocational vehicles. (7-1-19)

~~54~~**7.** **Width.** The total outside transverse dimension of a vehicle including any load or load-holding devices thereon, but excluding any appurtenances listed in IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements." (7-1-19)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.05 – RULES GOVERNING SPECIAL PERMITS – OVERSIZE NON-REDUCIBLE

DOCKET NO. 39-0305-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 40-312 & 49-201, Idaho Code, and Section 49-1004, 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 October 16, 2019.

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 clarifies load allowances for standard 53 foot trailers and longer trailers for oversize non-reducible loads for drivers and carriers. Without the addition of the word “multiple” to Subsection 070.03, the law could be read to mean that a load cannot be moved on any trailer bigger than 53’ long. In practicality, that does not work, because generators, transformers, surge tanks, etc. are moved on 70’ to 100’ long trailers due the securement needs of the load.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7 pages 265-266](#).

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, please contact Lance Green, DMV Permits Program Specialist, at (208) 334-8427.

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 Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

Ramón Hobdey-Sánchez
Governmental Affairs Project Manager
Idaho Transportation Department
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ramon.hobdey-sanchez@itd.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0305-1901
(Only Those Sections With Amendments Are Shown.)

070. GENERAL OVERSIZE LIMITATIONS.

01. **Maximum Dimensions Allowed.** The maximum dimensions of oversize vehicles or oversize loads ~~shall~~ depends on the character of the route to be traveled: width of roadway, alignment and sight distance, vertical or horizontal clearance, and traffic volume. (7-1-19)()

02. **Practical Minimum Dimension of Load.** Oversize loads shall be reduced to a practical minimum dimension. Except where noted below, permits will not be issued to exceed legal size if the load is more than one (1) unit in width, height, or length that results in them exceeding legal overhang. Additionally, permits shall not be utilized for multiple unit loads that may be re-positioned to meet legal dimensions established in Section 49-1010, Idaho Code. (7-1-19)

03. **Multiple Overwidth Loads on Single or Double Trailers.** Multiple ~~Non~~non-reducible loads may be transported on double trailer combinations not exceeding seventy-five (75') feet combination length and single trailers not exceeding fifty-three (53') feet exclusive of load overhang. (7-1-19)()

04. **Overwidth Overhang.** Overwidth loads shall distribute overhang to the sides of the trailer as evenly as possible. (7-1-19)

05. **Oversize.** Special permits may be issued for continuous operation to haul or transport nonreducible loads having specified maximum oversize dimensions provided such permits for multiple trips can maintain the same measure of protection to highway facilities and to the traveling public as is provided by single trip permits. (7-1-19)

a. Permits for continuous operation, oversize only. (7-1-19)

i. Permits for continuous operation shall be issued to one (1) specified power unit. The permittee may tow various units with the specified power unit, either as towaway vehicles or as trailers hauling oversize loads. Oversize loads shall be nonreducible in width, length, or height. In the case of specially constructed equipment, mounted on a towed vehicle, or if the towed vehicle is only hauling an oversize but not overweight load, the permit may be issued to the towed vehicle. (7-1-19)

ii. Maximum size of loads or vehicles transported under authority of an annual oversize for black and interstate routes shall be limited to a width of sixteen (16') feet, a height of fifteen feet six inches (15'6"), and to a combination length of one hundred ten (110') feet including load overhang. Annual oversize permits for red coded routes shall be limited to a width of twelve feet six inches (12'6"). A current Pilot/Escort Vehicle and Travel Time Requirements Map shall accompany such permits for extended operations and ~~shall be~~ is considered to be a part of the permit. (7-1-19)()

06. **Passing Lane Must Be Provided.** Except for short movements in urban areas, and on routes having very low Average Daily Traffic (ADT), permits will not be issued for a load of such dimension that continuous passage of opposing traffic and frequent passing of following traffic cannot be maintained. Ten (10') feet or more of travelway should be provided for passage of traffic unless there are frequent turnouts, intersections, etc., to provide relief of accumulated traffic to the rear. (7-1-19)

07. **Hazardous Travel Conditions Restrictions.** Refer to IDAPA 39.03.03, "Rules Governing Special Permits – General Conditions and Requirements," for limitations on travel during hazardous conditions. (7-1-19)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.03.06 – RULES GOVERNING SPECIAL PERMITS FOR EXTRA-LENGTH/EXCESS WEIGHT, UP TO 129,000 POUND VEHICLE COMBINATIONS

DOCKET NO. 39-0306-1902

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 40-312 & 49-201, Idaho Code, and Section 49-1004, 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 October 16, 2019.

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 eliminates specifically referenced colors and allows the Department to create maps that are easier to read. It also decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed. These changes will reduce confusion and make it easier for stakeholders and customers by enabling the streamlining of documents to a single source and will eliminate the need for multiple attachments for permit carriers. There was also language modified to bring clarity to the 129,000 pound route request process.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted under Docket Number 39-0300-1901OM. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the July 3, 2019, Idaho Administrative Bulletin, [Vol. 19-7, pages 265-266](#).

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, please contact Lance Green, DMV Permits Program Specialist, at (208) 334-8427.

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 Wednesday, October 23, 2019.

Dated this 29th day of August, 2019.

Ramón Hobdey-Sánchez
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 39-0306-1902
(Only Those Sections With Amendments Are Shown.)

051. – ~~099.~~ (RESERVED)

~~100. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS CARRYING UP TO ONE HUNDRED FIVE THOUSAND FIVE HUNDRED (105,500) POUNDS SHALL BE DESIGNATED IN FOUR CATEGORIES.~~

~~The “Extra Length Map” listing the designated routes for vehicles operating up to one hundred five thousand five hundred (105,500) pounds is available at the Idaho Transportation Department offices. This map is not the same as the “Designated Routes Up to 129,000 Pound Map” listed in Section 200 of these rules. (7-1-19)~~

~~01. **Blue-Coded Routes.** Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (blue-coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~02. **Red-Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (red-coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed. (7-1-19)~~

~~03. **Black-Coded Routes.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black-coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seventy five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seventy five (8.75) feet off-tracking. (7-1-19)~~

~~04. **Green-Coded Routes.** Selected state highway routes (green-coded routes) for operation of a vehicle combination whereby its maximum off-tracking will not exceed three (3) feet on a one hundred sixty five (165) foot radius when computed, and its overall length including load overhang does not exceed eighty five (85) feet. Route approval shall be subject to analysis of pavement condition, bridge capacity, safety considerations, pavement width, curvature, traffic volumes, and traffic operations. (7-1-19)~~

~~101.—199. (RESERVED)~~

200. DESIGNATED ROUTES FOR EXTRA LENGTH VEHICLE COMBINATIONS UP TO ONE HUNDRED TWENTY-NINE THOUSAND (129,000) POUNDS.

In addition to the requirements listed in Sections 300 and 400, vehicle combinations operating up to one hundred twenty-nine thousand (129,000) pounds, must meet the following requirements: ~~(7-1-19)~~()

01. Brakes. All axles shall be equipped with brakes that meet the Federal Motor Carrier Safety Regulations and shall be maintained to the Federal Motor Vehicle Safety Standards No. 121 in effect at the time the commercial motor vehicle was manufactured. (7-1-19)

02. Designated Routes for Vehicle Lengths. All designated state approved routes for vehicle combinations to operate at designated lengths are identified on the “Designated Extra Length Excess Weight up to 129,000 Pound Map” which is available at the Idaho Transportation Department. ()

023. Designated Routes for Vehicle Weight. All designated state approved routes for vehicle combinations to operate at weights above one hundred five thousand five hundred (105,500) pounds will be identified on the “Designated ~~Routes~~ Extra Length Excess Weight up to 129,000 Pound Map” which is available at the Idaho Transportation Department. (7-1-19)()

~~a. **Black Coded Routes.** Interstate system routes and specified interchanges providing access to approved breakdown areas located in close proximity to the Interstate system (black coded routes). A vehicle combination operating on routes in this category shall be designed and assembled in such a manner that its off-tracking may exceed six point five zero (6.50) feet but shall not exceed eight point seven five (8.75) feet when computed. Specified interchanges providing access to approved breakdown areas are required to be used by combinations that exceed six point five zero (6.50) feet off-tracking. The specified interchanges will be authorized for either combinations in excess of six point five zero (6.50) feet off-tracking, but not in excess of seven (7) feet off-tracking, or for combinations in excess of seven (7) feet off-tracking but not in excess of eight point seven five (8.75) feet off-tracking.~~ (7-1-19)

~~b. **Magenta Coded Routes.** Routes for combinations of vehicles not exceeding one hundred fifteen (115) feet in overall length including load overhang (magenta coded routes). A vehicle combination operating on routes designated for up to one hundred fifteen (115) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed six point five zero (6.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~c. **Brown Coded Routes.** Routes for combinations not exceeding ninety five (95) feet in overall length including load overhang (brown coded routes). A vehicle combination operating on routes designated for up to ninety five (95) feet shall be designed and assembled in a manner whereby its maximum off-tracking will not exceed five point five zero (5.50) feet on a one hundred sixty five (165) foot radius when computed.~~ (7-1-19)

~~d. **Routes for combinations operating on non-state maintained highways (orange coded routes).** Local jurisdictions adding, modifying or deleting non-state maintained routes for vehicle combinations operating up to one hundred twenty nine thousand (129,000) pounds shall provide the route information to the Department.~~ (7-1-19)

034. Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes. Routes not currently designated to operate at up to one hundred twenty-nine thousand (129,000) pounds may be added as follows: (7-1-19)

a. Request Form Submission. The request form (ITD form number 4886) will be completed and submitted to the Idaho Transportation Department Office of the Chief Engineer by the requestor. The requestor will forward the form to the adjacent local jurisdictions. (7-1-19)

b. Request Review/Analysis Process. (7-1-19)

i. Once submitted, the request will be reviewed for completeness and the department’s analysis will be completed for engineering and safety criteria. The criteria shall include assessment of pavement and bridges to allow legal tire, axle, and gross weight limits as per Section 49-1001 and 49-1002, Idaho Code, and route off-track requirements which includes road width and curvature. Additional consideration shall be given to traffic volumes and other safety factors. (7-1-19)

ii. Once the analysis is completed, the request will be submitted to the Chief Engineer, who will report to the Idaho Transportation Board Sub-committee. (7-1-19)

iii. The Idaho Transportation Board Sub-committee will make a recommendation (~~proceed to hearing~~ approve, reject, or request additional information) to the Idaho Transportation Board based upon the Department’s analysis. (7-1-19)()

iv. If the Idaho Transportation Board recommends ~~that the request proceed to hearing~~ approval or denial, it shall instruct the Chief Engineer to ~~schedule a hearing in the district(s) where the requested route is located~~

issue a letter of determination. An adverse person may contest the letter of determination and request a hearing. The hearing will be conducted pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

~~(7-1-19)~~()

v. The Chief Engineer or designee will conduct the hearing(s) and make a determination after the hearing(s) are held. Following the determination, the Chief Engineer will issue Findings and a Preliminary Order, hereafter referred to as Preliminary Order. (7-1-19)

vi. The Department will notify the requestor of the Chief Engineer's Preliminary Order and post to the Idaho Transportation Department Web site. (7-1-19)

vii. An appeal of the Preliminary Order may be made pursuant to the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. The appeal shall be made to the Director of the Idaho Transportation Department. (7-1-19)

c. Local Highways Approved for Travel Up to 129,000 Pounds. Local routes will be added or removed on the "Designated Routes Up to 129,000 Pound Map" when information and approval is provided to the Department by the local jurisdiction having authority over the local route. (7-1-19)

IDAPA 40 – COMMISSION ON THE ARTS
40.01.01 – RULES OF THE IDAHO COMMISSION ON THE ARTS
DOCKET NO. 40-0101-1901
NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 67-5605, 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 October 16, 2019.

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

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

The proposed rulemaking significantly shortens the rules of the Idaho Commission on the Arts, which govern the grantmaking function of the agency. The simplified rules still define the broad grantmaking function; but the logistics of each grant program are moved from rules to policies of the Commission, approved by the board of commissioners as always, and in the context of constituent input through agency strategic planning. By moving the details of the grantmaking functions of the agency to policies of the Commission, the implementation of responsive grant practices may be executed within a year of the citizen input.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 7, 2019 Idaho Administrative Bulletin, [Vol. 19-8, pages 132 through 133](#).

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 Michael Faison, Executive Director, at (208) 488-7504 or at michael.faison@arts.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 30th day of August, 2019.

Michael Faison, Executive Director
Idaho Commission on the Arts
2410 Old Penitentiary Road
P. O. Box 83720
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 40-0101-1901
(Only Those Sections With Amendments Are Shown.)

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for applicants under the Commission's programs as contested cases pursuant to the provisions of Title 67, Chapter 52, Idaho Code. The Commission provides for internal requests for reconsideration of applications ~~under Section 208 of~~ as described in these rules and program guidelines. (4-6-05)()

(BREAK IN CONTINUITY OF SECTIONS)

~~006. OPEN MEETINGS.~~

~~This agency operates pursuant to the Idaho Open Meetings Law, Sections 67-2340 through 67-2347, Idaho Code. (11-14-93)~~

007. PUBLIC RECORDS.

This agency operates pursuant to the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (11-14-93)

~~008~~7. -- 099. (RESERVED)

100. DEFINITIONS.

01. **Applicant.** An individual or organization meeting the criteria set forth in Section ~~23~~02 of these rules, which has submitted an application for a program offered by the Commission. (4-6-05)()

~~02. **Apprentice.** A student with knowledge of a traditional art who is studying or seeking to study the traditional art under a master and who affirms a commitment to continue practicing the traditional art after the apprenticeship has ended. (4-6-05)~~

~~03. **Artist.** An individual who practices the arts as a profession and derives a significant portion of the individual's livelihood from performing the arts or engages in frequent or regular exhibitions, performances, publications, or similar public art displays. (4-11-19)~~

~~04. **Art.** The product of an artist's work. Art includes, but is not limited to, live performances, manuscripts and writings, folk and traditional arts, recordings of audio or moving images, photographs, prints, paintings, sculptures, ceramics, drawings, and installations. (4-11-19)~~

~~05. **Arts.** The conscious production or arrangement of sounds, colors, forms, or other elements in a manner that affects the senses. The arts includes, but are not limited to, the disciplines of literature, performing arts, and visual arts. (4-6-05)~~

~~06. **Capital Expenditures.** Costs or expenses for the acquisition of or the modification or improvements to real property or fixtures to real property. (4-6-05)~~

07. **Commission.** The Idaho Commission on the Arts. (4-6-05)

~~08. **Matching Contributions.** (4-6-05)~~

~~**a.** In kind Contributions. Services and real or personal property, or the use thereof, donated by organizations or individuals to the applicant specifically to offset expenses associated with the application. (4-11-19)~~

- ~~b.~~ *Cash Contributions.* Funds raised by the applicant specifically for the subject of the application. (4-6-05)
- ~~09.~~ **Discipline.** A grouping of types of arts. The Commission uses the following discipline categories: (4-6-05)
- ~~a.~~ *Literature.* Arts disciplines resulting in written art. Literature artists include, but are not limited to, fiction, creative nonfiction, and poetry. (4-6-05)
- ~~b.~~ *Performing Arts.* Arts disciplines resulting in live or recorded performances. Performing arts include, but are not limited to, dance, music, theatre, and filmmaking, and their constituent disciplines such as choreography, composition, playwriting, and screenwriting. (4-11-19)
- ~~c.~~ *Visual Arts.* Arts disciplines resulting in works that are viewed by the public. Visual arts include, but are not limited to, painting, photography, printmaking, sculpture, video art, architecture, ceramics, glass art, fiber art, design, book art, installation art, and art using new media. (4-11-19)
- ~~d.~~ *Folk and Traditional Arts.* Arts disciplines practiced by an ethnic or cultural group for multiple generations and based upon the ethnic or cultural group's historical practices. Folk and traditional arts include, but are not limited to, music, song, storytelling, vernacular architecture, crafts, tools and trades, occupational practices, personal experience stories, jokes, rhymes, games, and foodways such as food preparation, preservation, and presentation. (4-11-19)
- ~~10.~~ **Fiscal Year.** The period between July 1 of one (1) calendar year and June 30 of the following calendar year. (4-6-05)
- ~~11.~~ **Master.** An individual who has learned traditional art skills informally and has received peer recognition for achieving the highest level of artistry according to community standards. (4-6-05)
- ~~1203.~~ **Program.** The categories for the award or grant of funds or recognition by the Commission described in Sections 300 through 503 of these rules the program guidelines. (5-8-09)()
- ~~1304.~~ **Program Guidelines.** The application ~~and~~, review, and use criteria for a program published approved by the Commission ~~for each grant or award period~~. (5-8-09)()
- ~~1405.~~ **Recipient.** An applicant receiving an award or grant under a Commission program. (4-6-05)

101. -- 199. (RESERVED)

200. PROGRAMS.

The Commission offers programs to stimulate and encourage the study and presentation of the arts. Provisions governing program applications, review, award, and use are set forth in these rules and in the program guidelines located on the Commission's website at <https://arts.idaho.gov/>. ()

201. -- 299. (RESERVED)

2300. GENERAL PROGRAM REQUIREMENTS.

The provisions of Sections 2301 through 2308, of these rules, apply to each program offered by the Commission. (4-6-05)()

2301. FUNDING LIMITATIONS.

The Commission will not provide funding for the activities, costs, or projects set forth in this Section. (4-6-05)

01. Excluded Applications. The ~~Commission will exclude applications for the~~ following are excluded from consideration for a grant or award: (4-6-05)()

- a. Establishment of or contributions to an endowment; (4-6-05)
- b. Fund-raising projects that do not raise funds for the arts; (4-6-05)
- c. Prizes, scholarships, or free tickets; (4-6-05)
- d. Projects or programs to generate or attract audiences; (4-6-05)
- e. The offsetting of personal or organizational debts; (4-6-05)
- f. Activities that are primarily promotional or created for mass distribution including, but not limited to, duplication of compact disks, creation of portfolios, private gallery announcements, self-published books, flyers, brochures, or Internet sites; (5-8-09)
- g. Student exhibitions, anthologies, publications, or performances, unless those activities document an arts education grant; (4-6-05)
- h. Costs associated with any degree or professional certification including, but not limited to, tuition, fees, or teaching materials; (5-8-09)
- i. Projects or activities already completed or documentation of previously completed projects; (5-8-09)
- j. Projects that are primarily recreational, *therapeutic*, vocational, *rehabilitative*, or religious; ~~(4-6-05)~~ ()
- k. Projects restricted to an organization's membership; (4-6-05)
- l. Costs for consecutive attendance at annual activities that are routinely within an arts organization's budget including, but not limited to, conferences of the National Assembly of State Arts Agencies, Americans for the Arts, American Folklore Society, or the Western Arts Alliance; (3-29-10)
- m. Pageants, festivals, or celebrations unrelated to arts, ethnic, or cultural activities; (4-6-05)
- n. Journalism; (4-6-05)
- o. Historical or academic documentary film that does not demonstrate significant artistic emphasis, consideration, and distinction; (5-8-09)
- p. Scholarly or academic works; (4-6-05)
- q. Lobbying expenses or political activities; (4-6-05)
- r. Hospitality expenses including, but not limited to, food and drink; (4-6-05)
- s. Capital expenditures for individuals; or (4-6-05)
- t. Writing intended for youth. (4-6-05)

2302. APPLICANTS.

01. Categories of Applicants. Applicants must fall within one (1) of the following categories: (4-6-05)

- a. An individual artist or arts administrator meeting the criteria set forth in Subsection ~~2302.02~~, of this rule, who is submitting an application based solely on the applicant's work. ~~(4-6-05)~~ ()

- b. An organization meeting the criteria set forth in Subsection ~~23~~02.03 of this rule. ~~(4-6-05)~~()
- c. A collaboration of individual artists represented by an individual. The application must identify the primary individual as the applicant and the applicant must sign the application, meet the criteria set forth in Subsection ~~23~~02.02 of this rule, and accept all legal and contractual obligations of the program. The Commission will consider the applicant as submitting the application and receiving the program award for the purposes of the exclusions related to the number of applications and program awards in this section. ~~(4-11-19)~~()
- 02. Requirements for Individuals.** If the applicant is an individual, the applicant must: (4-6-05)
- a. Be a citizen of the United States or a permanent legal resident or a refugee. (4-6-05)
- b. Be a resident of the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)
- c. Be over the age of eighteen (18) before the date of the application, unless the applicant is an apprentice. (5-8-09)
- 03. Requirements for Organizations.** If the applicant is an organization, the applicant must: (4-6-05)
- a. Have been operating in the state of Idaho for at least twelve (12) months before the date of the application. (4-6-05)
- b. Be a school, unit of local, county, tribal, or state government, or an organization determined to be tax exempt by the United States Internal Revenue Service whose primary purpose is the production, presentation, or support of the arts. (4-6-05)
- i. Unincorporated organizations may submit an application through another tax-exempt organization as its designated fiscal agent. Service as a fiscal agent does not exclude an organization from applying for programs on behalf of the organization serving as a fiscal agent. (3-29-10)
- ii. Tax-exempt organizations must have an independent board of directors empowered to formulate policies and be responsible for the governance and administration of the organization, its programs, and its finances. (4-6-05)
- c. Compensate artists and arts administrators at no less than the legal minimum wage or in accordance with a written agreement. (4-6-05)
- 04. Application and Funding Limits.** ~~An applicant shall submit no more than one (1) application per program each fiscal year. Applicants under the Quick Funds programs may submit one (1) Quick Funds application per application deadline and shall receive funds under no more than one (1) Quick Funds grant each fiscal year. The program guidelines may include a limit on the number of program applications, the amount of funding, or both for applicants and recipients of grants and awards.~~ ~~(4-11-19)~~()

~~23~~03. APPLICATIONS.

01. Application Forms and Contents. ~~Applications shall include a completed~~ The program guidelines will include the application ~~form in the~~ format, length, contents, work samples, and supporting materials provided required by the Commission for the applicable program. ~~Application forms may include questions requiring narrative answers and a proposed budget. Application forms shall not exceed the page limit for the program specified on the application form.~~ The Commission may ~~decline to consider pages in excess of the page limit~~ reject applications not satisfying the program guidelines. ~~(4-11-19)~~()

02. Submission. Applications shall be delivered to the Commission ~~or sent to the Commission~~ by the ~~United States mail or other courier or delivery service, or submitted via the Commission's online grant application system. The Commission will accept applications for a program for a period beginning one (1) month prior to the next application deadline for the program and concluding on the application deadline~~ method and due date specified

in the program guidelines.

~~(4-11-19)()~~

03. Ownership and Return of Applications. Upon submission, applications shall become the property of the Commission. The return of work samples ~~shall be~~ **is** at the risk and expense of the applicant. The Commission may require pre-payment of packing and shipping costs for the return of work samples. ~~(5-8-09)()~~

~~**04. Work Samples and Supporting Materials.** Each application shall include the work samples and supporting materials specified in these rules for the applicable program. (4-6-05)~~

~~**a.** Work samples shall be of work that is no more than five (5) years old (Traditional Arts apprenticeship and Folk and Traditional Arts fellowship applicants are exempt). (4-11-19)~~

~~**b.** Applicants shall not send original work samples or master copies of work samples. (4-6-05)~~

~~**c.** Requirements for work samples are defined in the program guidelines. (5-8-09)~~

~~**05. Resumes.** Resumes shall describe the applicant's professional development as an artist or arts administrator. Resumes may contain academic training, publications, honors and awards, locations of exhibitions or performances, or a short personal biography concerning training in a traditional art. (4-11-19)~~

~~**06. Artist Statements.** An artist statement should discuss the purpose of the work and provide the reader with a personal perspective of the artist concerning the work. (4-11-19)~~

~~**07. Matching Contributions.** At the request of the Commission, the applicant shall provide documentation of matching contributions for Commission review. Contributions of services must be uncompensated and, if the applicant is an organization, shall not include the services of the applicant's board members. In kind contributions must be valued at the reasonable rate for the services or property provided to the applicant in the applicant's community. If cash contributions are raised through fund-raising activities or donations from individuals, private foundations, or private companies, the applicant must identify the source of the cash contribution and maintain documentation substantiating the source of the cash contribution. (4-6-05)~~

2304. DISQUALIFICATION.

The Commission may disqualify an applicant for any one (1) of the following: (4-6-05)

01. Non-Compliance with Rules or Program Guidelines. Failure to satisfy the requirements of these rules or the requirements in the program guidelines. ~~(4-6-05)()~~

02. Application Information, Samples, and Supporting Materials. Failure to provide information requested on the application form, to submit work samples or other supporting materials required by these rules or program guidelines, or to sign the application. ~~(4-6-05)()~~

03. Prior Non-Compliance. Failure to comply with the terms and conditions of a prior grant or award to the applicant by the Commission. ~~(4-6-05)()~~

2305. PROGRAM GRANTS AND AWARD AMOUNTS.

Program grants and awards are subject to funds availability and may be awarded in any amount at the discretion of the Commission. The Commission may decline to accept applications or to issue an award or grant for any program due to a lack of funding. At the discretion of the Commission, a recipient may receive travel expense reimbursement. (4-6-05)

2306. FINAL REPORTS.

Recipients must submit a final report to the Commission ~~no later than thirty (30) days following completion of the project or the last day of the final fiscal year of the grant term, unless the recipient requests an extension in writing and the extension is approved by the Commission~~ as specified in the program guidelines. ~~(4-11-19)()~~

2307. DELEGATION.

The Commission may delegate its roles, responsibilities, or duties under these rules to Commission staff, artists, or

community volunteers including, but not limited to, the review of program applications. (4-6-05)

2308. RECONSIDERATION OF APPLICATIONS.

Applicants may request reconsideration of an application within thirty (30) days of a program grant or award notification issued by the Commission. Requests for reconsideration must be in writing and filed with the executive director of the Commission at the Commission's offices. The Commission considers requests for reconsideration where the applicant demonstrates a misinterpretation or misunderstanding of the application, work samples, or supporting materials. The Commission will not consider a request for reconsideration based upon incomplete or incorrect applications, work samples, or supporting materials. (4-6-05)

~~209.—299. (RESERVED)~~

~~300. PROGRAMS SUPPORTING INDIVIDUALS.~~

~~The Commission administers the programs for individuals or collaborations of individuals set forth in Sections 301 through 304 of these rules. (4-6-05)~~

~~301. QUICK FUNDS.~~

~~Quick Funds provides grants to support new or exemplary arts projects, activities, or professional development for individuals working in all disciplines and for the professional growth of arts administrators. Quick Funds grants are available to individuals for professional development and Quick Projects. (4-11-19)~~

~~01. Quick Funds—Professional Development. Quick Funds for professional development provides reimbursement to artists for gatherings where they will teach or learn from their peers and to arts administrators for attending a conference, seminar, workshop, or other form of career advancement training. The Commission will not accept Quick Funds for professional development applications. (4-11-19)~~

~~a. For the same event or opportunity from more than one (1) member or staff of a single organization with a budget over fifty thousand dollars (\$50,000). (4-6-05)~~

~~b. For the same event or opportunity from more than two (2) members or staff of a single organization with a budget under fifty thousand dollars (\$50,000). (4-6-05)~~

~~c. For attendance at the same event or opportunity that was the subject of award to the applicant in the prior fiscal year. (5-8-09)~~

~~d. From an applicant who has received a Quick Funds grant in the same fiscal year. (4-11-19)~~

~~02. Quick Funds—Quick Projects. Quick Projects provides support for activities that allow an applicant to develop significant and specific projects or new works that will be shared with the public. (4-11-19)~~

~~03. Quick Funds—Evaluation Criteria. Quick Funds grant applications for individuals are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the feasibility of the project or activity, and the opportunity for artistic growth from the activity or project. The Commission may give preference to applicants who have not previously received funds through a Commission program. (4-11-19)~~

~~04. Quick Funds—Matching Contributions. Applicants for a Quick Projects grants must provide cash contributions equaling one-third (1/3) of the requested funds. Applicants for professional development must provide cash contributions equaling the requested funds. (4-11-19)~~

~~05. Quick Funds—Application Requirements. Applicants for Quick Funds for individuals shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. Artist statements are not required for writers or arts administrators. (4-11-19)~~

~~06. Quick Funds—Application Deadlines. Quick Funds applications must be postmarked or delivered to the Commission on or before the second Monday of March, June, September, or December. (4-11-19)~~

302. FELLOWSHIPS.

~~Fellowships recognize the outstanding work and artistic excellence of Idaho artists. Fellowships are intended to reward dedication to a discipline, promote public awareness, and to advance an artist's career. (4-6-05)~~

~~01. Fellowships—Evaluation Criteria. Fellowship applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the applicant's artistic excellence, and the professional history of the applicant. (5-8-09)~~

~~02. Fellowships—Limitations on Award. Fellowship recipients must skip one (1) round in their discipline before reapplying. The Commission will not award more than three (3) fellowships to an artist. The Commission will not award a literature fellowship to applicants who have previously received a Writer in Residence award from the Commission. (4-11-19)~~

~~03. Fellowships—Coordination with the Writer in Residence Program. Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. (4-11-19)~~

~~04. Fellowships—Discipline Rotation. Fellowship awards are awarded to artists based upon discipline in a two (2) year rotation. Beginning with fiscal year 2021, the rotation cycle is as follows: (4-11-19)~~

~~a. Year one (1)—craft, design and visual arts; folk and traditional arts. (4-11-19)~~

~~b. Year two (2)—literature; media and performing arts. (4-11-19)~~

~~05. Fellowships—Application Requirements. The Commission reviews applications for fellowships anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for fellowships shall submit an application form, a resume, an artist statement, and work samples appropriate to the applicant. (4-6-05)~~

~~06. Fellowships—Application Deadline. Fellowship applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

303. WRITER IN RESIDENCE.

~~The Writer in Residence appointment is the highest recognition of achievements in literature and the largest financial award accorded an Idaho writer by the state of Idaho. (4-6-05)~~

~~01. Writer in Residence—Recipient Obligations. Recipients of a Writer in Residence appointment shall give eight (8) public readings, craft talks, or workshops throughout the state of Idaho during the appointment term. Six (6) public readings, craft talks, or workshops shall be in communities with populations of no more than fifty thousand (50,000) residents. The public readings, craft talks, or workshops shall be conducted at regular intervals, approved by the Commission, during the term of the appointment. In its discretion, the Commission may require the recipient to give up to two (2) additional readings at special public events. (4-11-19)~~

~~02. Writer in Residence—Limitations on Award. The Commission will not recommend applicants with two (2) prior Writer in Residence appointments for subsequent appointment to Writer in Residence. The Commission will not award a Literature Fellowship to applicants who have previously received a Writer in Residence appointment. (4-6-05)~~

~~03. Writer in Residence—Evaluation Criteria. Writer in Residence applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the literary excellence of the applicant, the applicant's past work and contributions to literature and an oral reading by the applicant. (5-8-09)~~

~~04. Writer in Residence—Coordination with Fellowships. Applicants may apply for both the Writer in Residence program and the Fellowship program on one (1) application. If selected for award under both programs, the applicant shall accept only one (1) program award. (4-6-05)~~

~~05. **Writer in Residence—Award and Term.** The Commission submits recommended appointments under the Writer in Residence program to the Governor. Appointments to Writer in Residence are made in the sole discretion of the Governor. The term of a Writer in Residence appointment is two (2) years beginning with the date of appointment specified in the announcement of award by the Commission. (4-11-19)~~

~~06. **Writer in Residence—Application Requirements.** The Commission reviews applications for the Writer in Residence program anonymously. Notwithstanding the requirements for work samples and supporting materials in these rules, applicants shall follow the directions contained in the application form for preserving the applicant's anonymity. Applicants for the Writer in Residence program shall submit an application form, a resume, manuscripts, and an audio recording of the applicant's oral reading. (4-11-19)~~

~~07. **Writer in Residence—Application Deadline.** Writer in Residence applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

~~304. **TRADITIONAL ARTS APPRENTICESHIPS.**~~

~~The Traditional Arts Apprenticeships program supports a learning partnership between a master and an apprentice. (4-6-05)~~

~~01. **Traditional Arts Apprenticeships—Funding Limitations and Requirements.** (4-6-05)~~

~~a. The traditional art practiced by the master should represent a shared cultural tradition of the apprentice. (4-11-19)~~

~~b. Applicants younger than eighteen (18) years of age are allowed to apply as apprentices when their artistic traditions are typically passed down to persons under eighteen (18). (5-8-09)~~

~~c. A master may train more than one (1) apprentice where the traditional art is traditionally practiced by a group or taught or passed down in a group. (4-6-05)~~

~~d. A master may reside outside of Idaho if the ethnic or cultural group represented by the traditional art extends beyond Idaho. (4-6-05)~~

~~02. **Traditional Arts Apprenticeships—Evaluation Criteria.** Traditional arts apprenticeship applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the community recognition accorded to the master, the benefit to the applicant and the public from the apprenticeship, and the feasibility of the applicant's proposal. The Commission may give preference to traditional art forms with few practicing artists. (5-8-09)~~

~~03. **Traditional Arts Apprenticeships—Length of Apprenticeships.** The length of an apprenticeship under the traditional arts apprenticeships program shall not exceed ten (10) months. The Commission, in its sole discretion, may grant an extension of the length of an apprenticeship upon receipt of a written request submitted prior to the expiration of the length of the originally awarded apprenticeship. (4-6-05)~~

~~04. **Traditional Arts Apprenticeships—Work Plan.** The master and the applicant shall cooperatively develop a work plan for the apprenticeship. The work plan shall include the meeting schedule, meeting locations, and the materials needed for the apprenticeship. The work plan should consider the availability of seasonal materials and the preparation of materials prior to use. (4-6-05)~~

~~05. **Traditional Arts Apprenticeships—Instructional Fees.** Traditional arts apprenticeships awards shall include payment of an hourly instructional fee at a rate determined by the Commission to the master for the number of instructional hours approved by the Commission. (4-6-05)~~

~~06. **Traditional Arts Apprenticeships—Application Requirements.** Applications for traditional arts apprenticeships award shall submit: an application form, a work plan; two (2) to three (3) letters of support from community members, which describe the applicant's artistic contributions to the community and how the applicant's traditional art relates to the master's and the applicant's shared artistic heritage; and work samples appropriate to~~

~~the applicant and the master. Applicants are also encouraged to submit the master's resume. (4-11-19)~~

~~07. **Traditional Arts Apprenticeships — Application Deadlines.** Traditional arts apprenticeship applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

~~305.—399. (RESERVED)~~

~~400. **PROGRAMS SUPPORTING ORGANIZATIONS.**~~

~~The Commission administers the programs for organizations set forth in Sections 401 through 405 of these rules. (4-6-05)~~

~~01. **Organizations — Significant Changes.** Applicants that experience significant changes in the applicant's staff, programming, or finances following submission of an application and prior to a program award must notify the Commission of the changes in writing. (4-6-05)~~

~~02. **Organizations — General Evaluation Criteria.** The Commission reviews application materials for support of public programs in the arts provided by organizations using the following general criteria. These general criteria are encompassed within the point totals and specific evaluation criteria of each program. Applicants should include substantiation for each of the criteria in the application. (5-8-09)~~

~~a. Community support through fund-raising or other community financial support. (4-6-05)~~

~~b. Accuracy of the budget submitted with the application materials. (5-8-09)~~

~~c. Involvement of Idaho artists and arts organizations. Use of out of state resources is permitted if the applicant demonstrates that the resources are not available with Idaho or if their use supplements the resources available locally. (4-6-05)~~

~~d. The applicant's commitment to make the arts accessible to all members of the public. Accessibility includes the ability of persons with special needs, ethnic groups, occupational groups, senior citizens, and young audiences to access the arts. Accessibility also includes consideration of the location and ease of use of facilities, content of the activities, and the planning process. Applicants must include documentation showing that the applicant invited pertinent cultural and community groups to participate in the applicant's planning process. (4-6-05)~~

~~e. The applicant's commitment to fairly compensating artists. (4-6-05)~~

~~f. The applicant's use of admission fees, where applicable, to provide financial support for the subject of the application. The Commission encourages the use of admission fees. (4-6-05)~~

~~03. **Acquisition or Commission of Works.** Applicants seeking funding for the acquisition of works of art or the commission of new works of art must meet the following criteria. The applicant must: (4-6-05)~~

~~a. Maintain a permanent exhibition facility that is open to the public. (4-6-05)~~

~~b. Demonstrate excellent management and security practices. (4-6-05)~~

~~c. Maintain an ongoing exhibition program or a permanent collection. (4-6-05)~~

~~04. **College and University Applicants.** The Commission will accept applications from college and university applicants if the applicant presents and markets its arts activities to the general public and the subject of the application is supplementary to the applicant's regular curriculum. College and university applicants are not eligible for Public Programs in the Arts grants or for Cultural Facilities and Public Art grants. The Commission will not classify organizations affiliated with a college or university, operating as a separate tax-exempt organization and applying as the separate tax-exempt organization, as a college or university applicant. (4-11-19)~~

~~401. **QUICK FUNDS FOR ORGANIZATIONS.**~~

~~Quick Funds grants provide timely assistance to arts organizations for professional advice or training, arts projects, and arts programs. (4-11-19)~~

~~**01. Quick Funds—Quick Projects.** Quick Projects provides funds for arts projects and programs of organizations that do not receive support through the Public Programs in the Arts or Entry Track Grant program. (4-11-19)~~

~~**02. Quick Funds—Technical Assistance.** Quick Funds for technical assistance awards provide funds for management consultancies and artistic consultancies. Management consultancies address aspects of the organization's operations such as fund-raising, technology, marketing, public relations, organizational development, audience development, long range planning, program development, accessibility planning, and board or financial management. Artistic consultancies address aspects of the organization's arts projects such as voice instruction, lighting design, exhibition design, or conservation studies. (4-11-19)~~

~~**03. Quick Funds—Evaluation Criteria.** Quick Funds grant applications from organizations are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the access and involvement of the community in the project or activity. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. The Commission may give preference to applicants whose annual operating budget is less than fifty thousand dollars (\$50,000) and to applicants who have not previously received funds from a Commission program. (4-11-19)~~

~~**04. Quick Funds—Matching Contributions.** The applicant must provide matching contributions equaling the requested funds. (4-11-19)~~

~~**05. Quick Funds—Application Requirements.** Applicants for Quick Funds for organizations shall submit an application form; the resumes of key consultants, artists, or personnel; for applicants other than schools, a list of the current board of directors of the organization; an Internal Revenue Service tax determination letter, if applicable; and work samples reflecting prior projects or as applicable to the project or activity that is the subject of the application. Applicants should also submit documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. (4-11-19)~~

~~**06. Quick Funds—Application Deadlines.** Quick Funds applications must be postmarked or delivered to the Commission on or before the second Monday of March, June, September, or December. (4-11-19)~~

~~**402. CULTURAL FACILITIES AND PUBLIC ART GRANTS.**~~

~~Cultural Facilities and Public Art Grants encourage local, public, and private support for feasibility studies, renovation or construction of performance, exhibition or artist spaces, purchases of equipment and fixtures for such spaces, and public arts projects. Cultural Facilities and Public Art Grants are awarded for single-phase projects that can be completed in one (1) year and multi-phase projects where all of the individual phases of the project can be completed over a period that does not exceed five (5) years. The award of funding by the Commission does not guarantee funding for more than one (1) phase of a multi-phase project. (5-8-09)~~

~~**01. Cultural Facilities and Public Art Grants—Funding Limitations and Requirements.** (5-8-09)~~

~~**a.** Applicants who have received Cultural Facilities and Public Art Grants for five (5) consecutive fiscal years are ineligible for Cultural Facilities and Public Art Grants for one (1) fiscal year. (5-8-09)~~

~~**b.** College and university applicants are ineligible for Cultural Facilities and Public Art Grants. (5-8-09)~~

~~**c.** The Commission will not award a Cultural Facilities and Public Art Grant for the purchase or maintenance of motorized or non-motorized vehicles. (5-8-09)~~

~~**d.** Construction and renovation using a Cultural Facilities and Public Art Grant must comply with all federal, state, and local laws including laws governing the access of persons with disabilities, facilities on the National Register of Historic Places, and building, zoning, and other codes. (5-8-09)~~

~~e. The Commission will not fund construction and renovation using a Cultural Facilities and Public Art Grant unless the primary purpose of the construction or renovation is for the presentation of the arts to the public. (5-8-09)~~

~~02. Cultural Facilities and Public Art Grants—Feasibility Studies. Applicants for renovation or construction of facilities must submit a feasibility study. The extent of the feasibility study must match the significance of the project. The feasibility study must contain an analysis of the vision and planning for the project. (5-8-09)~~

~~03. Cultural Facilities and Public Art Grants—Evaluation Criteria. Cultural Facilities and Public Art Grant applications from organizations are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the planning for the project and the applicant's management capacity. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. (5-8-09)~~

~~04. Cultural Facilities and Public Art Grants—Matching Contributions. The applicant must provide cash contributions equaling the requested funds. (5-8-09)~~

~~05. Cultural Facilities and Public Art Grants—Application Requirements. (5-8-09)~~

~~a. Single-phase Projects. Applicants for single-phase Cultural Facilities and Public Art Grants shall submit an application form; the resumes of key consultants, artists, or personnel; a list of the current board of directors of the organization; an Internal Revenue Service tax determination letter, if applicable; three (3) current competitive bids for the project; a feasibility study, if applicable; a timeline for the project; blueprints and design drawings, if applicable; an historic significance report, if applicable; evidence of property or facility ownership or lease of the property or facility if the project involves construction or the installation of equipment or fixtures; and proof of adequate liability and fire insurance for the project. Applicants should also submit documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants are also encouraged to submit a list of in-kind contributions to the project. (4-11-19)~~

~~b. Multi-phase Projects. Applicants for multi-phase Cultural Facilities and Public Art Grants shall submit the items required of applicants for single-phase Cultural Facilities and Public Art Grants. The feasibility study shall have been completed in the prior three (3) years. In addition, applicants for multi-phase Cultural Facilities and Public Art Grants shall submit a progress report based upon the original project plan containing an explanation of any delays or changes to the plan, and the original specifications for bids with a comparative summary sheet. Applicants for public art projects are not required to submit the original specifications for bids for the project. (5-8-09)~~

~~06. Cultural Facilities and Public Art Grants—Application Deadline. Cultural Facilities and Public Art Grant applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

~~403. PUBLIC PROGRAMS IN THE ARTS GRANTS:~~

~~Public Programs in the Arts Grants are designed to support public arts programs of Idaho's established arts organizations by assisting the organizations in program planning and business stabilization. Public Programs in the Arts Grants are awarded as multi-year grants. (5-8-09)~~

~~01. Public Programs in the Arts—Funding Limitations and Requirements. (5-8-09)~~

~~a. The primary mission of the applicant must be the production, presentation, or support of the arts. (4-6-05)~~

~~b. College and university applicants are ineligible for Public Programs in the Arts Grants. (5-8-09)~~

~~e. Applicants must have been operating as a tax exempt organization for thirty-six (36) months prior to the application deadline. (5-8-09)~~

- ~~d. The responsibility for the applicant's operation must rest with a paid staff person. (5-8-09)~~
- ~~e. Applicants must compensate artists according to the prevailing community standard for the artist's discipline. (5-8-09)~~
- ~~f. Applicants with a budget deficit should provide a deficit elimination plan approved by the applicant's governing body and acceptable to the Commission. (4-11-19)~~

~~02. **Public Programs in the Arts Grants—Evaluation Criteria.** Public Programs in the Arts Grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the community involvement and access to the proposed use of grant funds. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. (4-11-19)~~

~~03. **Public Programs in the Arts Grants—Matching Contributions.** Applicants must provide matching contributions equal to the grant funds. (5-8-09)~~

~~04. **Public Programs in the Arts Grants—Three (3) Year Rotation.** Multi-year Public Programs in the Arts Grants are awarded to applicants in a three (3) year rotation, beginning with 2005. (4-11-19)~~

~~05. **Public Programs in the Arts Grants—Application Requirements.** (5-8-09)~~

~~a. **Initial Application.** Applicants for Public Programs in the Arts Grants shall submit an application form. Upon receipt of the award notification and agreement, applicants shall submit an executed award agreement to accept the grant. (5-8-09)~~

~~b. **Interim Applications.** Recipients of multi-year Public Programs in the Arts Grants shall submit an interim application form on or before the last business day in January of the first and second years of the grant. (5-8-09)~~

~~06. **Public Programs in the Arts Grants—Application Deadlines.** Public Programs in the Arts Grant applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

~~404. **ENTRY TRACK GRANTS.**~~

~~Entry Track Grants are the entry point for Idaho arts organizations that are eligible for Public Programs in the Arts funding and are new to the Idaho Commission on the Arts programs. Entry Track Grants also support the public programs in the arts delivered by university-based arts organizations. (5-8-09)~~

~~01. **Entry Track Grants—Funding Limitations and Requirements.** Current applicants for or recipients of a Public Programs in the Arts Grant are ineligible for an Entry Track Grant. Current recipients of a Quick Funds Quick Projects Grant for Organizations are ineligible for an Entry Track Grant. (4-11-19)~~

~~02. **Entry Track Grants—Evaluation Criteria.** Entry Track Grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the applicant's management capacity, and the access and involvement of the community in the project. The Commission may include the general criteria set forth in Subsection 400.03 of these rules within the criteria published in the program guidelines. (5-8-09)~~

~~03. **Entry Track Grants—Grant Amounts and Matching Contributions.** Recipients of Entry Track Grants must provide cash contributions equaling the grant. (5-8-09)~~

~~04. **Entry Track Grants—Application Requirements.** Applicants for Entry Track Grants shall submit an application form; the resumes of key consultants and personnel; a list of the current board of directors of the organization; an Internal Revenue Service tax determination letter, if applicable; work samples reflecting prior and on-going projects; and a list of potential and confirmed programming events for the applicant's current programming~~

~~season. Applicants should also submit documents supporting the application such as brochures or letters from community partners. Applicants are encouraged to submit a list of in-kind contributions. (4-11-19)~~

~~**05. Entry Track Grants—Application Deadline.** Entry Track Grant applications must be postmarked or delivered to the Commission on or before the last business day of January. (4-11-19)~~

~~**405. TUMBLEWORDS.**~~

~~TumbleWords is a cooperative effort among twelve (12) western states to bring writers into communities where residents may be underexposed to creative writing because of geographical or economic circumstances. Under the TumbleWords program, writers of fiction, nonfiction, and poetry give readings and hold writing workshops. (4-6-05)~~

~~**01. TumbleWords—Eligibility and Funding Requirements.** Applicants for the TumbleWords program must satisfy the following: (4-6-05)~~

~~**a.** A unit of local, county, or tribal government, or an organization determined to be tax-exempt by the Internal Revenue Service must serve as the applicant by controlling the use of funding from the TumbleWords program, signing the application and accepting all legal and contractual obligations of the program. (4-6-05)~~

~~**b.** The application must demonstrate an interest within the community in increasing access to literature. Community interest shall include sufficient volunteers or staff to meet the requirements of the TumbleWords program in the community. (4-6-05)~~

~~**e.** The applicant must provide or secure a facility for readings, workshops, and other public activities that complies with all federal, state, and local laws and regulations. (4-6-05)~~

~~**02. TumbleWords—Funding and Community Match.** TumbleWords program awards are subject to funds availability including the availability of funding from the Western States Arts Federation. The applicant must provide matching contributions equaling requested funds. (4-6-05)~~

~~**03. TumbleWords—Application Requirements.** Applicants for the TumbleWords program shall submit an application form; the resumes of key writers or personnel; a list of the current board of directors of the organization; and an Internal Revenue Service tax determination letter, if applicable. (4-11-19)~~

~~**04. TumbleWords—Application Deadlines.** The Commission accepts TumbleWords program applications during its regular business hours. (4-6-05)~~

~~**406.—499. (RESERVED)**~~

~~**500. SUPPORT FOR ARTS EDUCATION.**~~

~~The Commission administers the programs supporting arts education set forth in Sections 501 through 503 of these rules. The following programs are available to individuals: Arts in Education Directory of Teaching Artists, Quick Funds for professional development for educators, and Quick Funds Teacher Incentive Grants. The following programs are available to organizations: Quick Projects for education, Arts Education Project Grants. The Commission will not issue a grant to organizations under a program for individuals or issue a grant to an individual under a program for organizations. (4-11-19)~~

~~**501. ARTS IN EDUCATION DIRECTORY OF TEACHING ARTISTS.**~~

~~The Arts in Education Directory of Teaching Artists is an online listing of artists who share their unique art forms in schools and communities. The Arts in Education Directory of Teaching Artists does not provide funding to recipients. Recipients may set fees, schedules, and activities in collaboration with schools. (5-8-09)~~

~~**01. Arts in Education Directory of Teaching Artists—Evaluation Criteria.** Applicants for the Arts in Education Directory of Teaching Artists are evaluated based upon the applicant's artistic skills, communication skills, and the applicant's proposals for arts in education. (5-8-09)~~

~~**02. Arts in Education Directory of Teaching Artists—Application Requirements.** Applicants for the Arts in Education Directory of Teaching Artists shall submit an application form, a resume, an artist statement, work~~

~~samples appropriate to the applicant's discipline, three (3) letters of recommendation from persons familiar with the applicant's artistic ability and communication skills, and support materials such as letters of acceptance, brochures, articles, workshop information, and resumes of master artists under which the applicant has studied. (5-8-09)~~

~~03. **Arts in Education Directory of Teaching Artists Application Deadlines.** Arts Education Directory of Teaching Artists applications must be postmarked or delivered to the Commission on or before the last business day of June in even numbered years. (4-11-19)~~

~~**502. QUICK FUNDS FOR ARTS EDUCATION.**~~

~~Quick Funds grants support professional development or short term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. Quick Funds grants are available for professional development for educators, teacher incentive grants, and Quick Projects for education. (4-11-19)~~

~~01. **Quick Funds Professional Development for Educators.** Quick Funds for professional development for educators provides support to teachers, educators, and artists in the Arts in Education Directory of Teaching Artists to attend conferences, seminars, workshops, or summer educational events that provide training in arts curricula, arts teaching, arts assessment, arts integration, or related topics. (4-11-19)~~

~~02. **Quick Funds Teacher Incentive Grants.** Teacher incentive grants provide support to teachers for activities that enliven or improve arts learning in the classroom. (4-11-19)~~

~~03. **Quick Funds Quick Projects for Education.** Quick Projects for education provides support for short term projects that enliven or improve arts learning as an integral part of the education of Idaho's youth. (4-11-19)~~

~~04. **Quick Funds Evaluation Criteria.** (4-11-19)~~

~~a. **Professional Development for Educators and Teacher Incentive Grants.** Quick Funds applications for professional development for education and teacher incentive grants are available to individuals who are educators or an artist in the Arts in Education Directory of Teaching Artists. Applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the feasibility of the project and the opportunity for artistic growth from the project. (4-11-19)~~

~~b. **Quick Projects for Education.** Quick Funds applications for Quick Projects for education are available to: arts organizations that do not receive Public Programs in the Arts Grants or Entry Track Grants in the same fiscal year; schools; units of local, county, or tribal government, and organizations determined to be tax exempt by the Internal Revenue Service, which provide arts services for the general public. Applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic quality of the applicant, the management capacity of the applicant, and community involvement and access to the project. The Commission may give preference to applicants who have not previously received funds through a Commission program. (4-11-19)~~

~~05. **Quick Funds Matching Contributions.** Applicants for a professional development for educators Quick Funds grant must provide matching contributions equaling the requested funds. Applicants for a teacher incentive Quick Funds grant must provide matching contributions equaling one-third (1/3) of the requested funds. Applicants for a Quick Projects for education grant must provide matching contributions equaling the requested funds. College and university applicants shall not use in-kind contributions as matching funds. (4-11-19)~~

~~06. **Quick Funds Application Requirements.** (4-11-19)~~

~~a. **Professional Development for Educators and Teacher Incentive Grants.** Applicants for professional development for educators or a teacher incentive Quick Funds grant shall submit an application form, a resume, work samples appropriate to the applicant, and supporting materials such as letters of acceptance, brochures, articles, or workshop information. (4-11-19)~~

~~b. **Quick Projects for Education.** Applicants for a Quick Projects for education grant shall submit an application form; resumes of key consultants, artists, or personnel; work samples reflecting prior projects or~~

~~activities as applicable to the project or activity that is the subject of the application; and, no more than five (5) documents supporting the application such as brochures, letters from community partners, or work samples of participating artists. Applicants eligible to use in-kind contributions must also submit a list of in-kind contributions used as matching contributions. All applicants are encouraged to submit a list of in-kind contributions to the project.~~
~~(4-6-05)~~

~~07. **Quick Funds — Application Deadlines.** Quick Funds applications for arts education must be postmarked or delivered to the Commission on or before the second Monday of March, June, September, or December.~~
~~(4-11-19)~~

503. ARTS EDUCATION PROJECT GRANTS.

~~Arts Education Project grants support teaching and learning opportunities for children and youth, Pre-K through grade twelve (12). Applicants may apply for support for a specific project or program designed to: increase access to arts education for students; foster professional development for artists and educators; increase participation of community members in education; or address specific needs of youth through the arts. In-school projects must support academic standards in the arts to enhance teacher practice and student learning in and through the arts, and strengthen long term community partnerships and collaborations to affect systemic change in schools. Arts Education Project Grants also support out-of-school arts education activities for young people. This support is characterized by collaborations between arts organizations and other community organizations, especially social service agencies that nurture the development and creativity of youth.~~
~~(4-11-19)~~

~~01. **Arts Education Project Grants — Evaluation Criteria.** Arts Education Project grant applications are evaluated on criteria published in the program guidelines. The review criteria may include, but are not limited to, the artistic and educational merit of the program or activity; project planning; the management capacity of the applicant; and community involvement and access to the project.~~
~~(5-8-09)~~

~~02. **Arts Education Project Grants — Matching Contributions.** Applicants must provide cash or in-kind matching contributions equaling the grant.~~
~~(5-8-09)~~

~~03. **Arts Education Project Grants — Application Requirements.** Applicants for Arts Education Project grants shall submit an application; resumes of key personnel; audio, visual, or published materials from the applicant or key partners; curriculum guides, or examples of past student work from the applicant or key partners that will help the Commission understand the artistic and professional quality of the program or activity; and work samples of artists, teaching artists, and the arts education programs of the central partners or contractors providing the services in the project. Work samples are not required for artists participating in the program who are in the Arts in Education Directory of Teaching Artists. If the applicant will use in-kind contributions, the applicant must also submit a list of in-kind contributions to the project.~~
~~(5-8-09)~~

~~04. **Arts Education Project Grants — Application Deadlines.** Arts Education Project grant applications must be postmarked or delivered to the Commission on or before the last business day in January.~~
~~(4-11-19)~~

~~504~~**309.** -- 999. (RESERVED)

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1902 (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 Section 54-2105, 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 October 16, 2019.

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 proposed rulemaking preserves a cash positive position in order to maintain the operational budget of the Board. The impetus for this rulemaking is the incremental increase of business expenses (legal fees, employee salaries/benefits, rent, risk insurance, etc.) These fee increases also go along with proposed statutory changes that allow for endorsement nationwide as well as less restrictive licensing requirements.

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

Pursuant to the authority provided in Section 54-2105, Idaho Code, the Board's proposed rulemaking provides for fee increases of \$65 for veterinary license renewals, \$33 for veterinary original licenses, and \$10 for veterinary technician certification renewals. It also eliminates veterinary license verification fees of \$20. These fee increases go along with proposed statutory changes that allow for endorsement nationwide as well as less restrictive licensing requirements, and rule changes that diminish the need for temporary license.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 5, 2019 Idaho Administrative Bulletin, [Vol. 19-6, pages 101 through 102](#).

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 Jeremy Brown, Executive Director, at (208) 332-8588 or at jeremy.brown@agri.idaho.gov.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 23, 2019.

Dated this 13th day of September, 2019.

Jeremy Brown, Executive Director
Board of Veterinary Medicine
2230 Old Penitentiary Road
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588 / Fax: (208) 332-8645
Email: jeremy.brown@agri.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 46-0101-1902
(Only Those Sections With Amendments Are Shown.)

014. FEES.

Fees for licensure and certification are established, as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board, as follows: ~~(7-1-97)~~()

01. ~~Veterinarian~~ License and Certification:

	<u>New</u>	<u>New and Temporary Permit</u>	<u>Active Renewal</u>	<u>Inactive Renewal</u>	<u>Late/ Reinstatement</u>	<u>Inactive to Active Fee</u>
<u>Veterinary License</u>	<u>\$350</u>	<u>\$500</u>	<u>\$240</u>	<u>\$50</u>	<u>\$200</u>	<u>\$150</u>
<u>Certified Veterinary Technician</u>	<u>\$125</u>	<u>\$217</u>	<u>\$85</u>	<u>\$25</u>	<u>\$50</u>	<u>\$50</u>
<u>Certified Euthanasia Agency</u>	<u>\$100</u>	<u>-</u>	<u>\$200</u>	<u>-</u>	<u>\$50</u>	<u>-</u>
<u>Certified Euthanasia Technician</u>	<u>\$100</u>	<u>-</u>	<u>\$100</u>	<u>-</u>	<u>\$50</u>	<u>-</u>

~~(3-18-99)~~()

- ~~a. Application and Original License Fee—Two hundred seventy-five dollars (\$275); (2-15-17)~~
- ~~b. Annual Renewal Fee; (2-15-17)~~
- ~~i. Active License—One hundred seventy-five dollars (\$175); (3-21-12)~~
- ~~ii. Inactive License—Fifty dollars (\$50); (3-18-99)~~
- ~~e. License Without Clinical Competency Test Fee; (2-15-17)~~
- ~~i. Application and Original License Fee—Two hundred seventy-five dollars (\$275); (3-21-12)~~
- ~~ii. Annual Renewal Fee; (3-30-01)~~
- ~~(1) Active License—One hundred seventy-five dollars (\$175); (3-21-12)~~
- ~~(2) Inactive License—Fifty dollars (\$50); (3-30-01)~~
- ~~d. Reinstatement/Late Fee—Two hundred dollars (\$200); (2-15-17)~~
- ~~e. Reactivation Fee (restore inactive license to active status)—One hundred fifty dollars (\$150); (3-21-12)~~
- ~~f. Temporary Permit Fee—One hundred fifty dollars (\$150); (2-15-17)~~
- ~~g. License Verifications—Twenty dollars (\$20); (2-15-17)~~
- ~~02. Veterinary Technician Certification Fee; (2-15-17)~~

- ~~a. Application and Original Certification Fee—One hundred twenty five dollars (\$125). (3-21-12)~~
- ~~b. Annual Renewal Fee. (2-15-17)~~
- ~~i. Active Certificate—Seventy five dollars (\$75); (2-15-17)~~
- ~~ii. Inactive Certificate—Twenty five dollars (\$25). (2-15-17)~~
- ~~c. Reinstatement/Late Fee—Fifty dollars (\$50). (3-21-12)~~
- ~~d. Reactivation Fee (restore inactive certificate to active status)—Fifty dollars (\$50). (2-15-17)~~
- ~~e. Temporary Permit Fee—Fifty dollars (\$50). (3-18-99)~~
- ~~03. Certified Euthanasia Agency Certification Fee. (2-15-17)~~
 - ~~a. Application and Original Certification Fee—One hundred dollars (\$100). (3-30-01)~~
 - ~~b. Annual Renewal Fee—Two hundred dollars (\$200). (3-21-12)~~
 - ~~c. Reinstatement/Late Fee—Fifty dollars (\$50). (3-21-12)~~
- ~~04. Certified Euthanasia Technician Certification Fee. (2-15-17)~~
 - ~~a. Training and Certification Fee—One hundred dollars (\$100). (3-30-01)~~
 - ~~b. Annual Renewal Fee—One hundred dollars (\$100). (3-21-12)~~
 - ~~c. Reinstatement/Late Fee—Fifty dollars (\$50). (3-21-12)~~

~~052. Duplicate License and Certificate Fee—Twenty Five Dollars (\$25). **Administrative Fees.** When a new license, wall certificate or certification is issued for the purpose of changing the license or certificate holder's name, the request for name change must be accompanied by a copy of the court order or marriage license authorizing the name change and the current license, certification or original wall certificate shall be returned to the Board office.~~

Duplicate Wall License/Certificate	\$25
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~~(3-30-01) ()~~

**IDAPA 47 – STATE BOARD OF EDUCATION
DIVISION OF VOCATIONAL REHABILITATION**

47.01.01 – RULES GOVERNING VOCATIONAL REHABILITATION SERVICES

DOCKET NO. 47-0101-1901 (NEW CHAPTER)

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is August 29, 2019.

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 Article IX, Section 2 of the Idaho Constitution, Section 33-2303, Idaho Code, and the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act.

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

This rule will establish the minimum federal requirements for distributing Federal Vocational Rehabilitation funds pursuant to the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act. Provision contained in the rule include formal and informal review processes, referral and application for services processes, and order of selection criteria.

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:

The Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act provides the framework for the distribution of federal vocational rehabilitation funds. Due to the expiration of the June 30, 2019 version of IDAPA 47.01.01 clarification of those provisions and how they are implemented in Idaho need to be re-established. The temporary rule includes only those minimum federal requirements for vocational rehabilitation requirements and is a placeholder while the Division of Vocational Rehabilitation goes through a comprehensive process of engaging stakeholders and gathering feedback prior to submitting a proposed rule in 2020.

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 Tracie Bent, Chief Planning and Policy Officer, at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 47-0101-1902
(New Chapter)

IDAPA 47
TITLE 01
CHAPTER 01

IDAPA 47 – STATE BOARD OF EDUCATION

47.01.01 – RULES GOVERNING VOCATIONAL REHABILITATION SERVICES

000. LEGAL AUTHORITY.

Article IX, Section 2 of the Idaho Constitution, Section 33-2303, Idaho Code, and the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act (WIOA). (8-29-19)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, “Rules Governing Vocational Rehabilitation Services.” (8-29-19)T

02. Scope. The provision of these rules is to establish the program requirements and to implement program changes necessitated by the Rehabilitation Act of 1973, as amended by WIOA. (8-29-19)T

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules may be available from the Idaho Division of Vocational Rehabilitation. Other agency guidance documents, as well as agency policy statements of interpretations not rising to legal effect of a rule, if any, are available for inspection at the agency during regular business hours. (8-29-19)T

003. ADMINISTRATIVE APPEALS.

Administrative appeals are governed by Section 100 of these rules in accordance with 34 CFR Part 361.57. (8-29-19)T

004. INCORPORATION BY REFERENCE.

01. Documents Incorporated by Reference. No Documents are incorporated by reference. (8-29-19)T

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

The principal place of business of the Idaho Division of Vocational Rehabilitation is in Boise, Idaho. The office is located at 650 W. State Street, Room 150, Boise, Idaho 83720. The hours of operation are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. The telephone number is, (208) 334-3390, the facsimile number is (208) 334-5305 and the internet website address is <http://www.vr.idaho.gov>. (8-29-19)T

006. PUBLIC RECORDS ACT COMPLIANCE AND CONFIDENTIALITY OF RECORDS.

This rule is subject to and in compliance with the Public Records Act, Title 74, Chapter 1, Idaho Code.

01. Confidential Records. All personal information concerning the Divisions customers is confidential. The information is used only for purposes directly connected to the administration of Vocational Rehabilitation services, and may not be released without the informed, written consent of the customer, except as

otherwise provided by law. (8-29-19)T

007. – 009. (RESERVED)

010. DEFINITIONS.

01. Authorization for Purchase. A purchase order issued on behalf of the Division. (8-29-19)T

02. Customer. Any individual who has applied for or is eligible for vocational rehabilitation services. (8-29-19)T

03. Division. The Idaho Division of Vocational Rehabilitation. (8-29-19)T

04. State Administrator. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (8-29-19)T

011. ABBREVIATIONS.

01. AFP. Authorization for Purchase. (8-29-19)T

02. CAP. Client Assistance Program. (8-29-19)T

03. CFR. Code of Federal Regulations. (8-29-19)T

04. IPE. Individualized Plan for Employment. (8-29-19)T

05. VRC. Vocational Rehabilitation Counselor. (8-29-19)T

06. WIOA. Workforce Innovation and Opportunity Act. (8-29-19)T

012. – 099. (RESERVED).

100. CUSTOMER APPEALS.

In accordance with 34 CFR Part 361.57, the customer appeals process is governed by Section 103 of these rules. (8-29-19)T

101. INFORMAL REVIEW PROCESS.

An informal review process is an option available to the customer as a method to resolve disagreements or dissatisfaction with the provision of services. An individual may request an informal review within twenty-one (21) calendar days of the agency notice regarding the provision or denial of services that are in question. The request must be in writing to the regional manager and describe the complaint. The regional manager will function as the administrative review officer in the informal review process. At the customer's request, another regional manager may be substituted. The reviewer will be responsible for: (8-29-19)T

01. Advising the Customer. Advising the customer of his right to have a representative present and encouraging the customer to use the services of Client Assistance Program (CAP). (8-29-19)T

02. Conducting the Review. Conducting the review within fifteen (15) calendar days following receipt of a written request for such a review, unless both parties agree upon an extension. (8-29-19)T

03. Documented Effort. Extending the time allowed for conducting an information review accordingly, when the customer makes a documented effort to utilize CAP or another advocate to resolve the dissatisfaction. (8-29-19)T

04. Review Location. Holding the review at a time and place convenient to the customer, generally at the local Division branch office. (8-29-19)T

05. Communication Method. Provide communication using appropriate methods for those customers who have a sensory impairment. Providing an interpreter for those customers who cannot communicate in English. (8-29-19)T

06. Transportation. Provide transportation to and from the review site, if needed. (8-29-19)T

07. Written Proposal. Resolve the matter to the satisfaction of the customer, developing a written proposal with the customer at the conclusion of the appeal process. Results of the written proposal are binding for the division unless the proposal is not permitted by law. The customer may reject the proposal and request a fair hearing within ten (10) calendar days of the informal review proposal or sixty (60) calendar days of the original agency decision, whichever comes later. (8-29-19)T

102. MEDIATION.

Mediation is an alternate dispute resolution method available to applicants and eligible customers who have initiated the formal appeals process. (8-29-19)T

01. Timeline. A customer may request mediation within twenty (20) calendar days of the original decision or ten (10) calendar days following the written proposal from the informal review. Mediation is available to a customer when an informal review has not resolved the dispute to the satisfaction of the customer. (8-29-19)T

02. Written Request. Requests for mediation must be made in writing to the field services chief and clearly state the reason for dissatisfaction with the decision or results of the informal review. The chief of field services will represent the Division or assign a member of the administrative or supervisory staff who has not participated in the agency action that created the customer's dissatisfaction. (8-29-19)T

03. Participation. Participation in the mediation process is voluntary on the part of the customer and on the part of the Division. Either party may reject mediation as an alternate dispute resolution method. Once mediation has been accepted as an alternate dispute resolution method, either party may terminate the mediation process. (8-29-19)T

04. Fair Hearing. Mediation may not be used to deny or delay the customer's right to pursue a fair hearing. Should the customer and/or designated representative select mediation in lieu of a fair hearing the option for a fair hearing will be extended to allow the results of the mediation to be established. Once the final results of the mediation are determined, the customer retains the right to request a fair hearing. (8-29-19)T

05. Mediator. All mediation is conducted by a qualified and impartial mediator who is selected randomly from a list of mediators maintained by the Division. (8-29-19)T

06. Confidentiality. Mediation discussions are confidential and may not be used as evidence in a fair hearing. Both parties at the beginning of the mediation process will sign a confidentiality agreement. (8-29-19)T

07. Mediation Agreement. The mediator will develop a written mediation agreement if an agreement between the parties is reached. The agreement must be signed by the customer, the mediator, and the Division designated representative. (8-29-19)T

08. Cost. Cost of mediation is paid by the Division. The Division does not pay for any cost related to the representation of a customer. (8-29-19)T

103. FAIR HEARING PROCESS.

The fair hearing process is an option available to any customer who is dissatisfied with any determination made by personnel of the Division that affects the provisions of vocational rehabilitation services. A customer may request a fair hearing immediately without having to go through any other appeal steps. A customer may request, or if appropriate may request through the customer's representative, a timely review of the determination. Such request may be made within sixty (60) days of the Division decision resulting in the initial disagreement or within ten (10) calendar days of the conclusion of the informal review or mediation process, whichever is later. The fair hearing process will include a fair hearing conducted by a fair hearing officer. (8-29-19)T

01. Procedure. A fair hearing is a procedure whereby a customer who is dissatisfied with any determination concerning the provision or denial of Division services or the findings of the informal review or mediation may seek a determination of agency action before a fair hearing officer. (8-29-19)T

02. Written Request. Requests for a fair hearing must be sent in writing to the chief of field services and clearly state the customer's dissatisfaction with the agency's decision. (8-29-19)T

03. Timeline. The hearing shall be conducted within sixty (60) calendar days of receipt of the individual's request for review, unless informal resolution is achieved prior to the 60th day, or both parties agree to a specific extension of time. (8-29-19)T

04. Fair Hearing Officers. The Administrator of the Division and the State Rehabilitation Council will identify a list of fair hearing officers jointly. The Administrator and the customer shall select the fair hearing officer from the list. (8-29-19)T

05. Written Report. The fair hearing officer will issue a written report of the findings and decision of the hearing within thirty (30) calendar days of the completion of the hearing. (8-29-19)T

06. Decision. The decision of the fair hearing officer will be considered final by the agency. (8-29-19)T

104. -- 199. (RESERVED)

200. PROVISION OF SERVICES ON A STATEWIDE BASIS.

Vocational Rehabilitation services are offered on a statewide basis to individuals with disabilities, subject to eligibility determination. (8-29-19)T

201. REFERRAL AND APPLICATION FOR SERVICES.

01. Referral. An agency, organization, individual (including self) or programs of the American Job Center network may refer an individual for services. The Division will make a minimum of three (3) attempts to respond to the individual before closing the referral (8-29-19)T

02. Application for Services. The application process includes the following; an individual must sign and date an application, or make a request for alternate application, provide necessary information to begin an assessment of eligibility, information gathered in the intake interview meets this criterion, and the customer is available and free of restrictions to complete the assessment process for determining eligibility for Division services. (8-29-19)T

03. Residency Requirement. There is no duration of residency to apply for Division services. Individuals must be living in the state of Idaho and legally able to work in the United States (i.e., non-U.S. citizens must show they are legally able to work within the United States). (8-29-19)T

04. Other Requirements. Customers must be available to participate in the eligibility determination process and will be informed of their rights and responsibilities as a customer of the program. (8-29-19)T

202. ELIGIBILITY REQUIREMENTS.

Eligibility for Division services is based upon the following criteria: (8-29-19)T

01. Physical or Mental Impairment. The customer has a physical or mental impairment documented by a qualified professional; (8-29-19)T

a. The customer's physical or mental impairment constitutes a substantial impediment to employment as determined by a qualified Vocational Rehabilitation Counselor (VRC); (8-29-19)T

02. Determination by Qualified VRC. A determination by a qualified VRC employed by the Division that the customer requires vocational rehabilitation services to prepare for, secure, retain, advance in, or regain

employment consistent with the applicant's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. A qualified VRC is an individual who meets existing licensure or certification requirements applicable to the profession and who meets the Division's Comprehensive System of Personnel Development policy. (8-29-19)T

203. PRESUMPTIVE ELIGIBILITY.

Individuals eligible for Social Security benefits under Title II or Title XVI of the Social Security Act, based upon their disability, are presumed to meet the eligibility requirements for vocational rehabilitation services, unless the VRC questions the individual's ability to benefit from vocational rehabilitation services because of the severity of the individual's disability. (8-29-19)T

204. TRIAL WORK EXPERIENCE.

In cases where a VRC questions a customer's ability to benefit from vocational rehabilitation services, due to the severity of their disability, the VRC must obtain clear and convincing evidence that the individual cannot benefit from services, prior to closing the individual's case. A trial work plan should only include those services which will assess an individual's ability to work in competitive integrated employment. (8-29-19)T

205. SEVERITY OF DISABILITY.

At the time a customer is determined eligible for vocational rehabilitation services, a determination of the significance of disability, as it relates to employment, will also be determined. A priority category assignment will be determined for all eligible individuals, in one of the following categories: (8-29-19)T

01. Priority Category 1 - Eligible Individuals with the Most Significant Disabilities (MSD).

(8-29-19)T

a. Meets criteria established for a customer with a significant disability; and

(8-29-19)T

b. Experiences a severe physical and/or mental impairment that seriously limits three or more functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and

(8-29-19)T

c. Requires multiple primary Individualized Plan for Employment (IPE) services for six (6) months or more.

(8-29-19)T

02. Priority Category 2 - Eligible Individuals with Significant Disabilities.

(8-29-19)T

a. Meets the criteria for a customer with no significant disability; and

(8-29-19)T

b. Experiences a severe physical and/or mental impairment that seriously limits two functional categories (such as mobility, work skills, self-care, interpersonal skills, communication, self-direction or work tolerance) in terms of an employment outcome; and

(8-29-19)T

c. Requires multiple primary IPE services for six (6) months or more.

(8-29-19)T

03. Priority Category 3 - All other Eligible Individuals with Disabilities.

(8-29-19)T

a. Has a physical or mental impairment; and

(8-29-19)T

b. Impairment constitutes or results in a substantial impediment to employment; and

(8-29-19)T

c. Requires vocational rehabilitation services to prepare for, secure, retain, regain or advance in employment consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(8-29-19)T

206. COMPREHENSIVE ASSESSMENT OF REHABILITATION NEEDS.

A comprehensive assessment of rehabilitation needs is a process utilized to identify the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice as it relates to identifying and

selecting a vocational goal. The assessment will be conducted in the most integrated setting possible, consistent with the informed choice of the customer. (8-29-19)T

207. INDIVIDUALIZED PLAN FOR EMPLOYMENT.

01. IPE Requirements. An eligible customer, or their representative, may develop all or part of their Individualized Plan for Employment, with or without assistance from the Division, however the IPE must be agreed to by a qualified Division staff member. The Division will not pay for IPE development services from other providers. The customer is given a copy of the signed IPE and any subsequent IPEs. There will be only one active IPE at any given time. The Division supports vocational goals in competitive integrated employment, including supported employment and self-employment. (8-29-19)T

02. IPE Content. The IPE will contain the following elements, per federal requirements, including: (8-29-19)T

- a. Identification of a specific employment outcome; (8-29-19)T
- b. Necessary rehabilitation services to achieve the employment outcome; (8-29-19)T
- c. Timelines for achieving the employment outcome and for the initiation of services; (8-29-19)T
- d. Identification of service providers; (8-29-19)T
- e. criteria used to evaluate progress; (8-29-19)T
- f. Terms and conditions including customer rights and responsibilities; (8-29-19)T
- g. Customer's financial participation, if appropriate; (8-29-19)T
- h. Identification of comparable benefits as appropriate; and (8-29-19)T
- i. The expected need for post-employment services. (8-29-19)T

03. Annual IPE Review. IPEs will be reviewed on an annual basis. (8-29-19)T

208. CASE CLOSURE.

The Division may close a customer's case at any time in the vocational rehabilitation process for various reasons, in compliance with federal regulations and reporting guidelines. General reasons for case closure may occur when the vocational rehabilitation counselor determines that a customer is either not eligible or no longer eligible for vocational rehabilitation services; is unavailable to participate in the vocational rehabilitation program; declines to participate in the program; or the customer achieves an employment outcome. Regardless of when in the process the record of service is closed, the vocational rehabilitation counselor must make reasonable attempts to contact the individual, or as appropriate their representative, prior to case closure to discuss the pending case closure. A closure letter or appropriate form of communication is also sent to all individuals whose case is being closed. (8-29-19)T

209. ORDER OF SELECTION.

01. Order of Selection. When the Division cannot provide the full range of vocational rehabilitation services to all eligible customers because of fiscal or personnel capacity constraints, the agency will enter an order of selection. The order of selection will be based on the following requirements: (8-29-19)T

a. Students with disabilities, as defined by 34 CFR 361.5(c)(51), who received pre-employment transition services prior to eligibility determination and assignment to a disability priority category will continue to receive such services. (8-29-19)T

b. All customers who have an Individualized Plan for Employment will continue to be served. (8-29-19)T

02. Priority Status. Priority will be given to eligible individuals with the most significant disabilities, followed by those eligible individuals with significant disabilities, and finally those eligible individuals with disabilities. All eligible customers will be assigned to one (1) of the priority categories as outlined in Section 205 above. (8-29-19)T

03. When Unable to Serve Eligible Individuals. If the Idaho Division of Vocational Rehabilitation cannot serve all eligible individuals within a given priority category, individuals will be released from the statewide waitlist based on disability priority category and date of application. (8-29-19)T

210. -- 299. (RESERVED)

300. FINANCIAL PARTICIPATION REQUIREMENTS.

The Idaho Division of Vocational Rehabilitation will consider the financial need of an eligible customer for the purposes of determining the extent of their participation in the costs of vocational rehabilitation services. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation but will be a consideration in allocating the cost of VR services, with some exceptions. (8-29-19)T

01. Financial Participation Assessment. Financial participation will be assessed after eligibility, during plan development, while exploring comparable benefits, prior to a plan amendment, and on an annual basis or if a customer's financial circumstances change significantly, whichever occurs sooner. (8-29-19)T

02. Services Exempt from Financial Participation. Services exempt from financial participation include: (8-29-19)T

a. Assessment for determining eligibility and vocational rehabilitation needs. (8-29-19)T

b. Vocational rehabilitation counseling and guidance and referral services. (8-29-19)T

c. Auxiliary aid or services needed (e.g., interpreter services or reader services) that an individual with a disability requires in order to participate in the vocational rehabilitation program. (8-29-19)T

d. Personal assistance services. (8-29-19)T

e. Job related services, including; job readiness training, job search assistance and placement assistance, SE job coaching, job supports – short term and youth extended services. (8-29-19)T

f. Pre-employment Transition Services. (8-29-19)T

03. Financial Participation Criteria. Several factors are considered in determining a customer's level of financial participation, including the household income, family size, estimated annual plan costs, exclusions such as disability impairment related work expenses, and available financial resources which exceed the Department of Health and Human Services (HHS) Federal Poverty Guidelines. Individuals who receive Social security benefits, because of their disability, are exempt for contributing towards plan costs, except for those costs exceeding Division limits. The Division has limits for services and uses a low bid, when possible. Exceptions to financial participation may be granted with appropriate approval when adherence to financial participation could seriously jeopardize the customer's opportunity to achieve the Individualized Plan for Employment objectives and employment outcome. (8-29-19)T

301. COMPARABLE BENEFITS.

Eligible customers will identify and use all comparable benefits that may be available during the development of the Individualized Plan for Employment, including, but not limited to, accommodations and auxiliary aids and services, which may meet, in whole or in part, the cost of vocational rehabilitation services. Comparable benefits and services must be utilized before agency funds are used. (8-29-19)T

01. Exempt Services. Services exempt from the requirement to utilize comparable services and benefits include; medical, psychological or other examinations to determine eligibility, vocational counseling and

guidance, information and referral, job related services to include job search, job supports, job placement and retention services, evaluation of vocational rehabilitation potential, and rehabilitation technology (not including personally prescribed devices). (8-29-19)T

02. Availability of Comparable Benefits. If comparable services or benefits are not available at the time needed to ensure progress toward achieving the employment outcome, The Division may provide such services until comparable services and benefits become available. (8-29-19)T

302. -- 399. (RESERVED).

400. PURCHASING REQUIREMENTS.

All services and purchases will follow federal, state, and Division purchasing guidelines. Purchases require written authorization prior to the initiation of the purchased service. Authorizations are issued on or before the beginning date of services. If services are provided without a Division approved authorization, the Division reserves the right to deny the vendor's invoice. The method of procurement is determined in partnership with the customer, however, the Division prefers that an authorization for purchase be used over other methods, with an invoice from the vendor documenting the service provision. The Division will pay for pre-employment transition services and other services that contribute to the determination of eligibility or that are necessary to achieve an employment outcome. (8-29-19)T

401. PURCHASING STANDARDS.

The Division pays usual, customary, and reasonable charges for services. The Division has established hierarchical levels of purchasing authority to balance process efficiency with the Division's internal controls. The majority of service negotiation is at the counselor level. When necessary, varying levels of exceptions to purchasing authority are available by appropriate management staff. Decisions on case expenditures are determined on an individualized basis. The customer may choose their preferred vendor, however, if the cost of a service exceeds a control threshold, the customer will be responsible for the excess amount, absent an exception. Services that will meet the customer's need at the least cost to the Division will be the service cost considered for planning purposes. Services available in the State of Idaho are preferred over more costly out-of-state options, where applicable. (8-29-19)T

402. PROVISION OF COMMUNITY REHABILITATION PROGRAM SERVICES.

The Idaho Division of Vocational Rehabilitation will purchase vocational services from CRPs that are accredited by either the Commission Accreditation Rehabilitation Facilities or the Rehabilitation Services Accreditation System. In conjunction with the customer, the qualified professional vocational rehabilitation counselor will determine which CRP services, if any, are required for the customer to achieve an employment outcome. The Division will determine the method for establishing CRP service rates. (8-29-19)T

403. -- 999. (RESERVED)

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE
50.01.01 - RULES OF THE COMMISSION OF PARDONS AND PAROLE
DOCKET NO. 50-0101-1900
NOTICE OF PUBLIC HEARING FOR OMNIBUS RULEMAKING

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5222, Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Section 20-223 Idaho Code.

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

PUBLIC HEARING
Friday, October 11, 2019 8:30 a.m. - 9:30 a.m. (MDT)
3056 Elder Street Boise, ID 83709

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 summary of this action is found in June 19, 2019 Idaho Administrative Bulletin (Special Edition), [Vol. 19-6SE, pages 6580-6609](#).

The Commission has identified processes, timelines and additional language covered by Idaho Statutes for removal from IDAPA rules.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Mary Schoeler, phone: (208) 345-2520, email: mschoele@idoc.idaho.gov.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this rulemaking during this comment period or a written comment may be submitted at the public hearing in lieu of giving an oral presentation. Any written comments submitted at a public hearing carry the same weight as oral testimony and will be considered as such.

All written comments must be directed to the undersigned and must be delivered on or before October 21, 2019

Dated this 30th day of August, 2019.

Ashley Dowell
Executive Director
3056 Elder Street
Boise, ID 83705
Phone: (208) 334-2520
Fax: (208) 334-3501

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION

55.01.03 – RULES OF CAREER TECHNICAL SCHOOLS

DOCKET NO. 55-0103-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Article IX, Section 2, Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-2202 through 33-2212, 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 October 16, 2019.

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 current process of using Average Daily Attendance to calculate funding for career technical schools does not align with the actual costs associated with delivering a program through a career technical school. Amendments to this section of rule would modernize career technical school funding, including strategies to reduce the reporting burden and data entry obligations. The proposed amendments would update the funding structure to an enrollment-based approach that includes funding based on capstone enrollment, number of technical skill assessments taken, and total credit hours enrolled in intermediate, capstone, and work-based learning courses. Additional amendments would further define work-based learning, clarify other required components of a career technical school and make technical corrections.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 3, 2019 Idaho Administrative Bulletin, [Vol. 19-7, page 282](#).

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 Tracie Bent at tracie.bent@osbe.idaho.gov or (208) 332-1582. 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 October 23, 2019.

Dated this 30th day of August, 2019.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 55-0103-1901
(Only Those Sections With Amendments Are Shown.)

005. DEFINITIONS.

01. Administrator. A designated school administrator, holding a career technical administrator certificate pursuant to IDAPA 08.02.02, "Rules Governing Uniformity," Section 015, and who oversees and monitors the career technical school programs and is responsible for ensuring the school meets all applicable federal, state, and local school district regulations, rules, and policies. (3-28-18)

~~**02. Attendance Zones.** For purposes of Section 33-1002G, Idaho Code, each high school is classified as an attendance zone. The attendance zone requirement can be met by having students from at least two (2) high school zones within a district or at least two (2) high school zones in different districts participate in the career technical school. A minimum of fifteen percent (15%) of the total student body must reside in attendance zones apart from the attendance zone of the majority of students. Cooperative Service Agencies must meet the fifteen percent (15%) attendance criteria on a program by program basis. (3-30-01)~~

~~**03. Capstone Course.** A culminating course that requires students to demonstrate the knowledge and skills learned throughout their program of study. (3-28-18)~~

~~**04. Career Technical Schools.** Schools meeting the requirements of Section 33-1002G, Idaho Code, designed to provide high-end, state-of-the-art technical programs that foster quality technical education through intermediate and capstone courses. Programs and services are directly related to the preparation of high school students for employment in current or emerging occupations that require other than a baccalaureate or advanced degree. These schools are closely linked to postsecondary education, thereby avoiding redundancy and maintaining rigor. They are also closely linked to current business and industry standards to ensure relevance and quality. (3-28-18) ()~~

~~**05. Concentrator Student.** A junior or senior enrolled in the capstone course. ()~~

~~**06. Credit Hours.** The total number of enrolled credit hours reported to the State Department of Education for qualifying intermediate, capstone, and work-based learning courses. ()~~

~~**07. EDUID.** Education Unique Identifier. ()~~

~~**08. Enrollment Units.** The total number of individual EDUIDs that are reported as enrolled during the previous academic year in a qualifying capstone course, as determined by the division. ()~~

~~**09. Field Experience.** Paid or unpaid work experience such as business/industry internship, clinical experience, supervised occupational experience, job placement, school-based enterprise, or similar work experience setting. The field experience must be of sufficient duration and depth to add to the technical competencies of the student. (3-30-01)~~

~~**10. Intermediate Course.** A course beyond the introductory level that adds to the technical competencies of pathway students, is intended to serve as a prerequisite for a capstone course, and is offered in grades 9 through 12. ()~~

~~**11. Participation Total.** The total number of technical skill assessments taken by enrolled concentrator students as part of each required capstone course during the previous academic year. ()~~

~~**12. Technical Skill Assessment.** An assessment given at the culmination of a pathway program during the capstone course and measures a student's understanding of the technical requirements of the occupational pathway. ()~~

12. Work-based Learning Course. A paid or unpaid, internship, clinical, or apprenticeship that is delivered as part of a Career Technical School program of study. This course must be delivered in conjunction with or after completion of a capstone course. Work-based learning courses must be tied to the program of study, and must be formalized through a written agreement between the school, industry partner, parent, and student. ()

006. -- 099. (RESERVED)

100. STATEMENT OF PURPOSE.

The purpose of this rule is to clearly define general implementation criteria, the criteria for approval for funding, the ~~added cost unit calculation, the procedure to follow in calculating average daily attendance (ADA)~~ enrollment-based funding calculation, the process to follow for fund distribution, and program accountability for Idaho Career Technical Schools. (3-30-01)()

~~**101. CAREER TECHNICAL SCHOOL GENERAL APPROVAL CRITERIA.**~~

~~For approval, applying career technical school's district must meet at least four (4) of the five (5) criteria listed in Section 33-1002G, Idaho Code. Approval criteria:~~ (3-28-18)

~~01. High School Attendance Zones. Two (2) or more high school attendance zones.~~ (3-30-01)

~~02. Dual Credit.~~ (3-30-01)

~~03. Field Experience.~~ (3-30-01)

~~04. Funded as a Separate School.~~ (3-30-01)

~~05. Separate Site or Cooperative Service Agency. Located at a separate site or approved by the State Board of Education as a cooperative service agency.~~ (3-30-01)

101. (RESERVED)

102. CAREER TECHNICAL COMPONENT CRITERIA.

01. Program Criteria. Career technical schools are intended to deliver high-end technical education programs that go beyond the scope of traditional career technical education. The lab should be appropriately designed for the type of program and the number of students enrolled. The program should have state-of-the-art equipment, current technology and strong links to business and industry. (3-30-01)

02. Career Technical School Program. Each program of a career technical school shall: (3-30-01)

a. Deliver a sequence of career technical education courses that culminate in a capstone course. (3-28-18)

b. Meet all of the required technical competency credit standards established by the state board of education. (3-28-18)

c. Develop and maintain business and industry partnerships in addition to the technical advisory committee. (3-28-18)

~~d. Implement instructional delivery methods that integrate advances in industry technologies~~
Integrate industry-specific, state-of-the-art equipment and technologies into classroom instruction and applied learning opportunities for students. (3-28-18)()

e. Employ instructors who hold career technical certification to teach the occupation and who also hold a related industry-based credential, or equivalent credential, as approved by the Division of Career Technical Education. (3-28-18)

f. Be delivered over a term of not less than five (5) semesters, or the equivalent instructional hours. Semester and trimester equivalencies will be approved by the Division of Career Technical Education. (3-28-18)

g. Enroll students from at least two (2) high schools. No single high school will comprise more than eighty-five percent (85%) of the total enrolled career technical school students. In the event a student enrolled in the career technical school is not enrolled in a high school, that student will be reported separately, based on the high school attendance zone where the student resides. (3-28-18)

h. Promote the development of leadership. (3-28-18)

103. APPLICATION PROCESS.

~~New and renewal~~ applications for career technical school funding must be received by the Division of Career Technical Education on or before the ~~first Friday in July~~ fifteenth of April for the following fiscal year. (3-30-01)()

104. CAREER TECHNICAL SCHOOL ADDED COST UNIT FUNDING AND ELIGIBILITY.

Section 33-1002G, Idaho Code, provides school districts an opportunity to establish career technical schools that qualify for funding appropriated for the specific purpose of supporting the added cost of career technical schools. The funds are appropriated to the State Board for Career Technical Education to be expended by the Division of Career Technical Education. Funding is based on the ~~average daily attendance (ADA) of students enrolled in the career technical school~~ number of students enrolled in a capstone course during the previous academic year, the aggregate total of the students who completed the technical skill assessment for the program the student was enrolled in, and the total credit hours reported by each school for intermediate, capstone, and work-based learning courses. If any approved program within a career technical school does not enroll students from more than one (1) high school during the ~~reporting period, the enrolled students may not be counted as part of the school's average daily attendance for that reporting period~~ previous academic year, the program will not be included in the current year funding calculation. If the overall enrollment ~~school~~ exceeds more than eighty-five percent (85%) of students from any single high school during ~~previous~~ the school year, the Division of Career Technical Education may withhold all or part of the career technical school's funding. (3-28-18)()

105. CAREER TECHNICAL SCHOOL ~~AVERAGE DAILY ATTENDANCE~~ FUNDING CALCULATION.

~~The Division of Career Technical Education shall use the enrollment and attendance submitted to the Division of Career Technical Education by the school district to calculate career technical school average daily attendance (ADA) in accordance with applicable laws and rules (Section 33-1002, Idaho Code). Students in attendance at a qualifying career technical school shall be reported as aggregate hours and/or aggregate attendance. The aggregate hours and aggregate attendance will be combined to calculate the ADA for the career technical school. The distribution of individual career technical school funding will be calculated as a portion of the annual appropriation based on the following criteria: 50 percent (50%) of the annual appropriation will be divided among the total enrollment units, 25 percent (25%) will be divided by the total participation, and 25 percent (25%) will be divided among the total cumulative credit hours. Qualifying pathway enrollment will be reported to the Department of Education. The Division of Career Technical Education will gather aggregate participation total data from the independent technical skill assessment providers annually.~~ (3-28-18)()

~~01- Aggregate Hours. The daily hours of all students enrolled in approved intermediate and capstone courses who attend less than two and one-half (2.5) hours per day shall be added together and reported as weekly aggregate hours.~~ (3-28-18)

~~02- Aggregate Attendance. Students enrolled in approved intermediate and capstone courses who attend more than two and one-half (2.5) hours per day are to be reported as aggregate attendance.~~ (3-28-18)

106. CAREER TECHNICAL SCHOOL ADDED COST UNIT CALCULATION.

~~The Division of Career Technical Education shall use the career technical school average daily attendance (ADA) as the basis for added cost unit funding.~~ (3-30-01)

~~01- State Support Unit Value. The added cost support unit value shall be based on state salary-based apportionment, state paid employee benefits (less state unemployment), base support, and safe environment distribution factors found in the Public School Support Program.~~ (3-30-01)

~~02. **Support Unit Divisor.** Added cost support units for career technical schools shall be calculated by using the secondary support unit attendance divisor of eighteen and one-half (18.5) as shown in Section 33-1002(6), Idaho Code. (3-30-01)~~

~~03. **Added Cost Support Factor.** The added cost support factor for career technical schools shall be calculated by multiplying point thirty three (.33) times the added cost support units generated in the career technical school. (3-30-01)~~

~~04. **Estimated Distribution.** The estimated distribution shall be calculated by multiplying the state support unit value by the added cost support factor. (3-28-18)~~

106. (RESERVED)

107. CAREER TECHNICAL SCHOOL ~~ADDED COST~~ UNIT FUND DISTRIBUTION.

Once the career technical appropriation is made, the per unit value will be determined by dividing the total units into the appropriation. The value of each unit may vary from year to year, depending on the total appropriation and the total number of units in each of the enrollment categories. (3-30-01)(____)

01. Payment Distribution. Added cost support unit funds shall be distributed by the Division of Career Technical Education in two (2) payments: (3-30-01)

a. Seventy percent (70%) of the total estimated appropriated funds for which career technical schools are eligible shall be distributed no later than September 30th each year following receipt of first period attendance data from the approved career technical schools. Funding will not be distributed until reports have been received and approved by the Division of Career Technical Education from each approved schools the previous year enrollment units and the Division of Career Technical Education has verified aggregate participation total data. (3-28-18)(____)

b. Based on actual support units generated during the year, the balance shall be distributed each year by July 15th The remaining funds shall be distributed no later than June 30th. (3-30-01)(____)

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
57.01.01 – RULES OF THE SEXUAL OFFENDER MANAGEMENT BOARD
DOCKET NO. 57-0101-1901 (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 Section 18-8314, Idaho Code.

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

PUBLIC HEARINGS	
Friday, October 11, 2019 9:00 a.m. (MDT)	Friday, November 8, 2019 9:00 a.m. (MST)
299 N. Orchard Street Suite 110, Boise, ID 83706	

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 Sexual Offender Management Board is responsible for developing, advancing and overseeing sound sexual offender management policies and practices statewide. This rulemaking addresses proposed modifications to the Board’s standards and procedures related to certification of providers who conduct psychosexual evaluations, sex offender treatment and post-conviction sex offender polygraph examinations on adults and juveniles who have been convicted of or adjudicated for sexual offenses; and technical changes to standards-related forms. Specifically, the Board intends to adopt the “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 04.11.01. Section 000 through 799 to govern contested cases brought before the Board. The Board is also removing references to compliance with IDAPA 06.01.01, “Rules of the Board of Correction,” when responding to public records requests. The Board will respond to all public record request in accordance with Title 74, Chapter 1, Idaho Code. This rulemaking removes the option of certification by conditional waiver as the Board believes there are sufficient paths available for practitioners to become certified without waiving any certification requirements. There is an option for certificate holders to seek a 60-day extension to submit proof of completing continuing education requirements upon renewal of certification. There will be a \$25 fee for this 60-day extension. Providers whose certification expires will be immediately removed from the SOMB’s official provider roster. This rulemaking will also change the renewal process by routing any required work product of the provider submitted with a renewal application to the quality assurance subcommittee rather than the certification subcommittee, allowing the renewal applications to be processed in a more timely manner. This process will not apply to those providers seeking initial certification, requests for changes in level of certification, reinstatement requests, or providers on monitoring status. Modifications are also being proposed regarding the quality assurance procedures for polygraph examiners. Also updates documents incorporated by reference.

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

There is an option for certificate holders to seek a 60-day extension to submit proof of completing continuing education requirements upon renewal of certification. There would be a \$25 fee for this 60-day extension. This fee is authorized pursuant to Section 18-8314, Idaho Code.

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

There will not be any impact on the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because it was not likely that a consensus would be reached on the proposed changes to the certification standards affecting providers of sexual offender services. However, the review of the standards by the SOMB was listed as an agenda item for the board meetings when the standards were discussed, and no interested parties attended those meetings. Recognizing the impact these proposed changes may have on providers, the SOMB intends to solicit comments at future board meetings following publication of this rulemaking as indicated above.

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:

The Sexual Offender Management Board is legislatively mandated to establish standards, qualification and certification procedures for post-conviction psychosexual evaluations/evaluators; sexual offender treatment and the providers who offer these services; and post-conviction sexual offender polygraph examiners. The practice standards and certification qualifications established by the agency pursuant to Section 18-8314, Idaho Code, are incorporated by reference. The following documents incorporate by reference the most recent revised editions:

“Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices,” as revised, December 2019; “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders” as revised, December 2019; “Required Format for Juvenile Psychosexual Evaluation Reports,” as revised, December 2019; and “Required Format for Adult Psychosexual Evaluation Reports,” as revised, December 2019. These documents can be found on the agency’s website: <http://somb.idaho.gov>.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nancy Volle at (208) 658-2002.

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 October 23, 2019.

Dated this 3rd day of September, 2019.

Nancy Volle, Program Manager
Sexual Offender Management Board
1299 N. Orchard St., Ste. 110
Boise, ID 83706
Phone: (208) 658-2002
Fax: (208) 287-3322
Email: somb@idoc.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 57-0101-1901
(Only Those Sections With Amendments Are Shown.)

003. ADMINISTRATIVE APPEALS.

Due to the size of this board, the frequency and nature of its proceedings, it is in the best interests of the Board and those it serves to decline to adopt the majority of the procedures regarding contested cases in, IDAPA 04.11.01, The “Idaho Rules of Administrative Procedure of the Attorney General,” IDAPA 01.11.01, Sections 000 through 799; however, to the extent there is no conflict between the rules of the Board and the rules of the Attorney General, certain provisions of the rules of the Attorney General are adopted or are modified herein to reflect administrative practice before apply to contested cases of the Board. (3-20-14)()

004. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference into these rules: (3-20-14)

01. “Bylaws and Constitution of the American Association of Police Polygraphists,” effective May, 2010, is herein incorporated by reference and is available from the American Association of Police Polygraphists, PO Box 657, Waynesville, Ohio 45068, website <http://www.policepolygraph.org/>. (3-20-14)

02. “Bylaws of the American Polygraph Association,” effective ~~September~~ March 2018, is herein incorporated by reference and is available from the American Polygraph Association, PO Box 8037, Chattanooga, Tennessee 37414, website <http://www.polygraph.org/>. (~~3-24-17~~)()

03. “Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices,” December 201~~7~~9 revision, is herein incorporated by reference and is available from the Board’s office and on the Board website, <http://somb.idaho.gov/>. (~~3-28-18~~)()

04. “Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders,” December 201~~7~~9 revision, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. (~~3-28-18~~)()

05. The Sexual Offender Management Board's “Required Format for Juvenile Psychosexual Evaluation Reports,” December 201~~6~~9 revision, is herein incorporated by reference and is available from the Board's office and on the Board's website, <http://somb.idaho.gov/>. (~~3-24-17~~)()

06. The Sexual Offender Management Board’s “Required Format for Adult Psychosexual Evaluation Reports,” December 201~~6~~9 revision, is herein incorporated by reference and is available from the Board’s office and on the Board’s website, <http://somb.idaho.gov/>. (~~3-24-17~~)()

(BREAK IN CONTINUITY OF SECTIONS)

006. PUBLIC RECORDS ACT COMPLIANCE.

01. Administrative Rules. The rules contained herein are promulgated pursuant to Title 67, Chapter 52, Idaho Code, and are public records. (3-20-14)

02. Public Records Requests. Requests for public information are processed in compliance with ~~IDAPA 06.01.01, “Rules of the Board of Correction”;~~ and the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (~~3-20-14~~)()

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The Sexual Offender Management Board described in Section 18-8312, Idaho Code. (3-20-14)

02. Central Roster. A roster of evaluators, treatment providers and polygraph examiners, who meet the qualifications and are certified by the Board to conduct psychosexual evaluations, provide sexual offender treatment or conduct post-conviction sexual offender polygraphs. (3-20-14)

03. Certificate Holder. A person who has been approved by the Board and certified as meeting qualifications to conduct or assist in the conduct of psychosexual evaluations, provide sexual offender treatment or conduct post conviction sexual offender polygraphs. (3-20-14)

04. Certified Evaluator. Either a psychiatrist licensed by this state pursuant to Title 54, Chapter 18, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to Title 54, Chapters 23, 32, or 34, Idaho Code. The evaluator shall have by education, experience, and training, expertise in the assessment and treatment of sexual offenders, *shall* meet the qualifications, and *shall* be approved by the Board to perform psychosexual evaluations in this state, as described in Section 18-8314, Idaho Code. A person meeting this definition may be certified by the Board as either a senior/approved certified evaluator or an associate/supervised certified evaluator. (3-20-14)()

05. Certified Post Conviction Sex Offender Polygraph Examiner. A polygraph examiner who has received specialized post conviction sexual offender testing training, and who is certified by the Board to conduct post conviction sexual offender polygraph examinations as ordered or required by the court, Idaho Department of Correction, or Idaho Commission for Pardons and Parole. A person meeting this definition may be certified by the Board as either a senior/approved post conviction sexual offender polygraph examiner or an associate/supervised post conviction sexual offender polygraph examiner. (3-24-17)

06. Certified Treatment Provider. A person who has been certified by the Board as meeting qualifications to provide sexual offender treatment as ordered by the court, Idaho Department of Correction, Idaho Commission for Pardons and Parole, or Idaho Department of Juvenile Corrections. Such person shall be licensed by this state or another state or jurisdiction as a psychiatrist, or a master's or doctoral level mental health professional, and who has by education, experience and training, expertise in the treatment of sexual offenders. A person meeting this definition may be certified by the Board as either a senior/approved sex offender treatment provider or an associate/supervised sex offender treatment provider. (3-20-14)

07. Client. An adult or juvenile receiving services from a person certified by the Board pursuant to Section 18-8314, Idaho Code. (4-11-15)

08. Established Standards. The "Idaho Sexual Offender Management Board Standards and Guidelines for Adult Sexual Offender Management Practices" and the "Idaho Sexual Offender Management Board Standards and Guidelines for Practitioners, Evaluations and Treatment of Juvenile Sexual Offenders" as referenced in Section 004 of these rules and established pursuant to Section 18-8314, Idaho Code. (4-11-15)

09. Provisional/Supervised Psychosexual Evaluator. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to assist with the conduct of psychosexual evaluations under the clinical supervision of a senior/approved psychosexual evaluator. A person with a provisional/supervised psychosexual evaluator certificate is not considered to be a certified evaluator as defined in Section 18-8303, Idaho Code or for the purposes of conducting a psychosexual evaluation in accordance with Section 18-8316, Idaho Code. Certification approval is specific to adult or juvenile clients. (3-24-17)

10. Provisional/Supervised Sex Offender Treatment Provider. A person with limited clinical experience and specialized training, who may be licensed or is working toward licensure as a psychiatrist or master's or doctoral level mental health professional, who is authorized by the Board to provide sexual offender treatment under the clinical supervision of a senior/approved sex offender treatment provider. Certification approval is specific to adult or juvenile clients. (3-24-17)

11. Psychosexual Evaluation. A comprehensive evaluation and assessment specifically addressing a person's sexual development, sexual deviancy, sexual history and risk of re-offense. A psychosexual evaluation for the purpose of these rules is conducted post conviction, as ordered by the court pursuant to Section 18-8316, Idaho Code, or Title 20, Chapter 5, Idaho Code, by a person who has been certified by the Board. (4-11-15)

12. Quality Assurance. Processes established by the Board to review psychosexual evaluations and sexual offender treatment procedures to assure minimum standards and certificate holder qualifications are met. All quality assurance reviews will be conducted under the direction of the Board. (3-20-14)

13. Sexual Offender. A person adjudicated or convicted of an offense as listed in Section 18-8304, Idaho Code, or a substantially equivalent offense under the laws of another state, territory, commonwealth, or other jurisdiction of the United States including tribal courts and military courts; or who has been adjudicated or convicted

of a sexual offense-related crime. (4-11-15)

14. Sexual Offender Classification Board. A board in effect from 1998 to 2011 that determined whether a sexual offender should be designated as a violent sexual predator; set certified evaluator qualifications and standards; and administered an evaluator certification process. (3-20-14)

15. Supervision. (3-20-14)

a. For purposes of clinical practice supervision for associate/supervised psychosexual evaluator or associate/supervised sex offender treatment provider certification, supervision is generally considered as face-to-face direct contact, documented teleconferencing, or interactive video conferencing with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every twenty (20) hours of direct service provided; or (3-20-14)

b. For purposes of clinical practice supervision for provisional/supervised psychosexual evaluator or provisional/supervised treatment provider certification, supervision is considered as continual face-to-face direct contact with a Board-approved supervisor for the first two hundred fifty (250) hours of direct service provided followed by face-to-face direct contact with a Board-approved supervisor using a ratio of one (1) hour of clinical supervision for every fifteen (15) hours of direct service provided; or (3-24-17)

c. For purposes of supervision for associate/supervised post conviction sexual offender polygraph examiners, supervision is generally considered as face-to-face direct contact with a Board-approved supervisor during conduct of the supervisee's first five (5) PCSOT polygraphs followed by review by a Board-approved supervisor of one (1) PCSOT polygraph for every five (5) PCSOT polygraphs conducted by the supervisee. Such review shall include chart and report review. (3-24-17)

16. Treatment. For purposes of certification eligibility the provision of face-to-face individual, group, or family therapy with a person who has been investigated by law enforcement or child protective services for commission of a sexual offense, or who has been adjudicated or convicted of a sexual offense or sexual offense-related crime. Treatment must be directly relevant to the client's sexually offending behavior. (3-20-14)

17. Violent Sexual Predator. A person who was designated as a violent sexual predator by the Sexual Offender Classification Board where such designation has not been removed by judicial action or otherwise. (3-20-14)

011. ABBREVIATIONS.

01. APA. The American Polygraph Association. (3-24-17)

~~**02. DSM.** The "Diagnostic and Statistical Manual of Mental Disorders," published by the American Psychiatric Association. (3-20-14)~~

~~**03. IDOC.** The Idaho Department of Correction. (3-20-14)~~

~~**04. IDJC.** The Idaho Department of Juvenile Corrections. (4-11-15)~~

~~**052. PCSOT.** "Post conviction sexual offender testing" is specialized instruction beyond the basic polygraph training for the purpose of specific polygraph testing of post convicted sexual offenders. (3-24-17)~~

~~**063. SOCB.** The Sexual Offender Classification Board. (3-20-14)~~

~~**074. SOMB.** The Sexual Offender Management Board. (3-20-14)~~

(BREAK IN CONTINUITY OF SECTIONS)

101. CONTINUING EDUCATION FOR PSYCHOSEXUAL EVALUATORS AND SEXUAL OFFENDER TREATMENT PROVIDERS.

To maintain certification as a psychosexual evaluator or sexual offender treatment provider, a certificate holder must receive continuing education in the field of sexual abuse. (3-20-14)

01. Senior/Approved and Associate/Supervised Certification Levels. A psychosexual evaluator or sexual offender treatment provider who is certified at a senior/approved or an associate/supervised level must receive a minimum of forty (40) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on-line training over the course of the two-year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements. (3-20-14)()

02. Provisional/Supervised Certification Level. A provisional/supervised psychosexual evaluator or sexual offender treatment provider must receive a minimum of twenty (20) hours of specialized continuing education in the form of formal conferences, symposia, seminars, workshops or on-line training annually as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements. (3-20-14)()

102. -- 14951. (RESERVED)

~~150. REQUEST FOR CONDITIONAL WAIVER.~~

~~**01. Conditional Waiver.** The Board may consider an applicant's request for a time limited conditional waiver for deficiencies in experience and specialized training qualifications as set forth in the established standards issued by the Board. (3-24-17)~~

~~**02. Duration.** A conditional waiver is limited to a period of two (2) years. Conditional waivers may not be extended or renewed after the third year. (3-20-14)~~

~~**03. Frequency.** A conditional waiver request shall only be considered one (1) time each for: (3-24-17)~~

~~**a.** An initial certification application for psychosexual evaluator and sexual offender treatment provider applicants at the senior/approved or associate/supervised level; (3-24-17)~~

~~**b.** A renewal certification application for psychosexual evaluator and sexual offender treatment provider applicants at the senior/approved or associate/supervised level; (3-24-17)~~

~~**e.** A renewal certification application for post conviction sexual offender polygraph examiner applicants at the senior/approved level; and (3-24-17)~~

~~**d.** A person certified as an associate/supervised post conviction sexual offender polygraph examiner who, after the two year (2) time limitation at this status has expired, does not meet qualifications for advancement to post conviction sexual offender polygraph examiner certification at the senior/approved level. (3-24-17)~~

~~151. (RESERVED)~~

(BREAK IN CONTINUITY OF SECTIONS)

155. APPLICATION FOR CHANGE IN CERTIFICATION LEVEL.

Application for change in certification level shall be on a form provided by the Board and ~~shall be~~ submitted with the required supporting documentation and applicable renewal application processing fee: (3-20-14)()

01. Advance to Senior/Approved Level of Certification Application Fee. A non-refundable renewal application fee payable to the Board in the amount of fifty dollars (\$50) provided that the application is submitted

three hundred sixty-five (365) days or more after the most recent effective certification date. The application fee shall be waived if submission is within three hundred sixty-five (365) days from the most recent effective certification date. (3-20-14)

02. Advance to Associate/Supervised Level of Certification Application Fee. A non-refundable renewal application fee payable to the Board in the amount of thirty dollars (\$30) provided that the application is submitted three hundred sixty-five (365) days or more after the most recent effective certification date. The application fee shall be waived if submission is within three hundred sixty-five (365) days from the most recent effective certification date. (3-20-14)

03. Change to a Less Independent Level of Certification Application Fee. A non-refundable renewal application fee payable to the Board in the amount of fifty dollars (\$50) provided that the application is submitted three hundred sixty-five (365) days or more after the most recent effective certification date. The application fee shall be waived if submission is within three hundred sixty-five (365) days from the most recent effective certification date. (3-20-14)

(BREAK IN CONTINUITY OF SECTIONS)

231. CONTINUING EDUCATION FOR POST CONVICTION SEXUAL OFFENDER POLYGRAPH EXAMINERS.

To maintain certification as a post conviction sexual offender polygraph examiner, a certificate holder must receive a minimum of thirty (30) hours of continuing education related to the field of polygraphy in the form of formal conferences, symposia, seminars, or workshops over the course of the two-year period prior to each renewal period as set forth in the established standards issued by the Board. A certificate holder not meeting the continuing education requirements may formally petition the SOMB for a sixty-day extension to submit proof of meeting continuing education requirements. (3-21-17)()

(BREAK IN CONTINUITY OF SECTIONS)

331. EXPIRATION AND RENEWAL OF CERTIFICATION.

No certification shall be renewed, except as follows: (3-20-14)

01. Renewal. At least thirty (30) days prior to the expiration of a certification, a certificate holder shall apply for renewal of the certification on forms provided by the Board for the applicant's area of practice and client population, if applicable, accompanied by documentation as outlined in the established standards issued by the Board and a renewal certification application fee made payable to the Board. (4-11-15)

02. Removal from the Roster. A certificate holder who has not renewed his certification shall be removed from the central roster ~~thirty (30) days after his certification has expired.~~ (3-20-14)()

03. Renewal After Certification Expiration. A certificate holder whose certification has expired may reapply at any time for certification as follows: (3-20-14)

a. A certificate holder whose certification has been expired for less than three hundred sixty-five (365) days may reapply following the certification renewal process as referenced in Subsection 331.01 of these rules. (3-20-14)

b. A certificate holder whose certification has been expired for three hundred sixty-five (365) days or longer may reapply for certification following the initial certification process as referenced in Section 330 of these rules. (3-20-14)

332. FEES.

The following non-refundable application processing fees are established by the Board: (3-20-14)

- 01. Initial Certification.** Application processing fees for initial certification ~~shall be~~ are: ~~(3-20-14)~~()
- a.** Senior/Approved Psychosexual Evaluator, Treatment Provider, or Post Conviction Sexual Offender Polygraph Examiner – Seventy-five dollars (\$75). (3-24-17)
- b.** Associate/Supervised Psychosexual Evaluator, Treatment Provide, or Post Conviction Sexual Offender Polygraph Examiner – Seventy-five dollars (\$75). (3-24-17)
- c.** Provisional/Supervised Psychosexual Evaluator or Treatment Provider – Fifty dollars (\$50). (3-20-14)
- 02. Renewal Certification.** Application processing fees for renewal certification ~~shall be~~ are: ~~(3-20-14)~~()
- a.** Senior/Approved Psychosexual Evaluator, Treatment Provider, or Post Conviction Sexual Offender Polygraph Examiner – Fifty dollars (\$50). (3-24-17)
- b.** Associate/Supervised Psychosexual Evaluator, Treatment Provider, or Post Conviction Sexual Offender Polygraph Examiner – Fifty dollars (\$50). (3-24-17)
- c.** Provisional/Supervised Psychosexual Evaluator or Treatment Provider – Thirty dollars (\$30). (3-20-14)
- 03. Change in Certification Level.** Application processing fees for a change in certification level ~~shall be~~ are as referenced in Section 155 of these rules. ~~(3-20-14)~~()
- 04. Continuing Education Extension.** Application processing fee for a request for an extension of time to complete continuing education requirements is twenty-five dollars (\$25). ()

333. CERTIFICATION PERIOD.

Provided that the certificate holder continues to meet the criteria for certification and such certification has not been suspended, revoked, otherwise restricted or placed on voluntary inactive status, the effective period for certification is as follows: (3-20-14)

- 01. Senior/Approved Psychosexual Evaluator or Treatment Provider.** Certification shall remain in effect for two (2) years. Certification renewal shall typically occur during the certificate holder's month of birth two (2) years following initial certification and every two (2) years thereafter, ~~unless extended by conditional waiver.~~ ~~(3-24-17)~~()
- 02. Associate/Supervised Psychosexual Evaluator or Treatment Provider.** Certification shall remain in effect for two (2) years. Certification renewal shall typically occur during the certificate holder's month of birth two (2) years following initial certification and every two (2) years thereafter, ~~unless extended by conditional waiver.~~ ~~(3-24-17)~~()
- 03. Provisional/Supervised Psychosexual Evaluator or Treatment Provider.** Certification shall remain in effect for one (1) year. Certification renewal shall typically occur during the certificate holder's month of birth one (1) year following initial certification and annually thereafter. Certification at the provisional/supervised level is limited to a period of three (3) years, at which time the certificate holder must meet minimum requirements for upgrade to the associate/supervised level to be eligible for certification renewal. (3-20-14)
- 04. Senior/Approved Post Conviction Sexual Offender Polygraph Examiner.** Certification shall remain in effect for two (2) years. Certification renewal shall typically occur during the certificate holder's month of birth two (2) years following initial certification and every two (2) years ~~thereafter unless extended by conditional waiver.~~ ~~(3-24-17)~~()
- 05. Associate/Supervised Post Conviction Sexual Offender Polygraph Examiner.** Certification

shall remain in effect for two (2) years from the certificate holder's month of birth following initial certification. Thereafter, the certificate holder must meet minimum requirements for upgrade to the senior/approved level to be eligible for certification renewal, ~~unless extended by conditional waiver.~~ (3-24-17)()

(BREAK IN CONTINUITY OF SECTIONS)

387. DISCIPLINARY PROCESS.

The disciplinary process may be initiated as a result of a complaint received by the Board or a quality assurance review, or be based upon a review of information submitted to the Board during the certification process, monitoring process or while under formal probation. ~~The Board must provide the applicant or certificate holder with notice of intent to deny, suspend, revoke, restrict or otherwise monitor certification, and the right to appeal.~~ (3-20-14)()

~~01. Notification. The Board shall notify the applicant or certificate holder of the Board's intended action in writing using certified mail.~~ (3-20-14)

~~02. Notice Contents. The notice shall:~~ (3-20-14)

~~a. State the basis for the intended action;~~ (3-20-14)

~~b. May suggest means by which the matter might be remedied; and~~ (3-20-14)

~~e. Provide the applicant or certificate holder notice of the right to a hearing in the matter.~~ (3-20-14)

388. RESPONSE TO NOTICE OF INTENDED ACTION.

~~The applicant or certificate holder shall have not more than thirty (30) days from the date on which the Board's notice of intended action is served upon him to request a hearing with the Board. The written request shall include documentation supporting the applicant or certificate holder's argument refuting the Board's intended action and a requested remedy.~~ (3-20-14)

~~01. Failure to Respond. The board shall issue a final order imposing formal disciplinary action if the applicant or certificate holder fails to respond to the Board's notice of intended action or request a hearing within the designated time frame.~~ (3-20-14)

~~02. Petition for Reconsideration. A petition for reconsideration may be filed by an applicant or certificate holder who failed to respond or request a hearing within the required time frame.~~ (3-20-14)

389. HEARING.

~~Hearings in contested cases shall be conducted by a hearing officer appointed by the Board as outlined in the established standards issued by the Board.~~ (3-20-14)

~~01. Recommended Order. All decisions by the hearing officer are considered to be a recommended order and will be reviewed by the Board prior to the issuance of a final order or remanded back to the hearing officer for further consideration.~~ (3-20-14)

~~02. Response to Recommended Order. Within twenty one (21) days of the service of the recommended order, any party may submit in writing to the Board to support or take exceptions to any part of the recommended order and file briefs in support of the party's position on any issue in the proceeding. The request must identify all legal and factual bases of disagreement with the recommended order. A review by the Board will be conducted as outlined in the established standards issued by the Board.~~ (3-20-14)

~~03. Resolution without a Hearing. Any contested case may be resolved without a hearing on the merits of the notice of intended action by stipulation, settlement, motion to dismiss, summary judgment, default, withdrawal, or for lack of jurisdiction. The hearing officer must dismiss a request for hearing that is not filed within the time limits set forth in these rules.~~ (3-20-14)

~~390. FINAL ORDER.~~

~~The Board will issue a final order or notice of remand within sixty (60) days of the service of the recommended order, unless a review of the recommended order was filed. (3-20-14)~~

~~391. APPEAL TO DISTRICT COURT~~

~~Any person aggrieved by a final order issued by the Board in a contested case may appeal to district court pursuant to Section 67-5270, Idaho Code, and IDAPA 04.11.01., "Idaho Rules of Administrative Procedure of the Attorney General," Sections 790 through 799. (3-20-14)~~

~~392~~⁸⁸. -- 399. (RESERVED)

400. QUALITY ASSURANCE.

Policies for technical review and quality assurance of psychosexual evaluation reports and sexual offender treatment services and polygraph examinations are outlined in the established standards issued by the Board. ~~The Board shall develop a quality assurance process for review of post conviction sexual offender polygraph examinations. (3-20-14)()~~

IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION

60.05.01 – RULES FOR ADMINISTRATION OF THE IDAHO RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT PROGRAM

DOCKET NO. 60-0501-1901

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, and IDAPA 04.11.01, the Idaho Rules of Administrative Procedure of the Attorney General, Section 830, notice is hereby given that this agency has initiated proposed rulemaking procedures. This rulemaking action is authorized by Sections 22-2718 and 22-2731, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing on the proposed rule will be held as follows.

PUBLIC (LIVE) HEARING

Wednesday, October 16, 2019 - 9:00 a.m. (MDT)

**Idaho Water Center
5th Floor, Suite 560 Conference Room
322 E. Front Street
Boise, Idaho 83702**

TELECONFERENCE CALL-IN

Teleconference Number: 1-877-820-7831

Participation Code: 922837

The hearing 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 hearing date. For arrangements, contact the undersigned.

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

ISWCC initiated this rulemaking to modify Section 103 to expedite the loan process by allowing applicants to begin construction before liens are filed and modifying Section 151 to allow a higher maximum loan limit for applicants.

This rulemaking was initiated prior to the rules reauthorization wherein the Commission's rules were adopted as temporary rules and are currently being promulgated as proposed rules. Through the reauthorization process, the two rule chapters of the Commission (60.05.01 and 60.05.04) will be consolidated into a single rule chapter under IDAPA 60.05.01 and retitled as the "Rules of the Idaho State Soil and Water Conservation Commission." as part of Docket No. 60-0000-1900F.

The amendments made in this rulemaking will be incorporated into the newly consolidated chapter once both rulemakings become final.

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(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the June 5, 2019, Idaho Administrative Bulletin, **Volume 19-6, page 106.**

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 in this rule: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Corrine Dalzell at corrine.dalzell@swc.idaho.gov, (208) 332-1792.

Anyone may submit written comments regarding this proposed rule. All written comments must be directed to the undersigned and must be delivered on or before 5:00 P.M. MDT on October 23, 2019.

Dated this 2nd day of October, 2019.

Corrine Dalzell, Rules Review Officer
Idaho Soil and Water Conservation Commission
corrine.dalzell@swc.idaho.gov
PO Box 83720
Boise, ID 83720-0083
Telephone: (208) 332-1792
Fax: (208) 332-1799

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 60-0501-1901
(Only Those Sections With Amendments Are Shown)

103. IMPLEMENTATION OF AGREED TO PRACTICES.

~~Once the loan has been approved and the conditions of approval have been met, the contractee may install practices as identified and scheduled in the resource conservation plan. The applicant may, at their own risk, begin installing practices as identified and scheduled in the conservation plan provided the project is not completed before the loan is approved and the conditions of approval are met. Should the applicant choose to begin installing practices prior to the conditions of approval being met, the Commission may require additional title insurance to protect against intervening materialman's liens.~~ The applicant/contractee has the responsibility to obtain ~~the~~ appropriate technical assistance. ~~Technical personnel shall assist the contractee in implementation activities~~ to ensure ~~that~~ practices are properly designed, constructed, and managed. The applicant/contractee may install practices themselves or ~~sub~~contract work out ~~to a subcontractor~~. Whatever method is used, the applicant/contractee ~~shall be~~ is responsible to ensure ~~that~~ the quality of materials and workmanship ~~in the installation of practices~~ meets the approved standards and specifications for each practice. (4-1-94)()

01. Practice Completion. Upon completion of the scheduled practice the applicant/contractee must notify the provider of technical assistance. The provider of technical assistance must inspect and document the amount and extent of the installed practice and certify its completion if it meets the quality standards and construction specifications of the practice and notify the applicant/contractee. If the practice does not meet practice standards and specifications the applicant/contractee must be notified by the provider of technical assistance, in writing, of the deficiencies and what needs to be done so the practice meets standards and specifications. (3-28-19)

02. Submitting Vouchers and Bills. (3-29-10)

a. The provider of technical assistance must provide a written certification of completion of the project to the Commission. The applicant/contractee must submit invoices, vouchers and bills for the project to the Commission. (3-28-19)

b. Up to ninety-five percent (95%) of loan funds can be disbursed toward submitted bills during the loan installment period. The remaining loan funds will be disbursed upon receipt of written certification of project completion from the provider of technical assistance. (3-29-10)

03. Warrant Requests. The Commission staff must prepare warrant request(s). The warrant(s) are paid to the order of the contractee(s) and the vendor, and are mailed to the contractee. (3-28-19)

04. Drawing Loan Funds. The applicant/contractee must implement the practices as scheduled and the contractee may draw loan funds in multiple disbursements during installation of the project. (3-28-19)

(BREAK IN CONTINUITY OF SECTIONS)

151. LOAN POLICIES.

~~01. Maximum Amount of Any One Loan.~~ The maximum amount of any one (1) loan ~~shall be two~~ is six hundred thousand dollars (\$~~26~~00,000). ~~(3-29-10)()~~

Sections Affected Index

IDAPA 06 – BOARD OF CORRECTION

06.02.02 – Rules Governing Release Readiness

Docket No. 06-0202-1901

010. Definitions.....	17
011. Reserved.....	17
012. Offender Programming.....	17

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.02.02 – Rules Governing Plumbing Permits

Docket No. 07-0202-1901 (Fee Rule)

07.02.03 – Rules Governing Permit Fee Schedule

Docket No. 07-0203-1902 (Chapter Repeal)

07.02.04 – Rules Governing Plumbing Safety Inspections

Docket No. 07-0204-1901 (Chapter Repeal)

07.02.05 – Rules Governing Plumbing Safety Licensing

Docket No. 07-0205-1901

07.02.07 – Rules Governing Civil Penalties

Docket No. 07-0207-1901 (Chapter Repeal)

07.03.01 – Rules of Building Safety

Docket No. 07-0301-1901

004. Adoption And Incorporation By Reference.....	25
---	----

07.08.01 – Idaho Minimum Safety Standards and Practices for Logging

Docket No. 07-0801-1901

005. Office – Mailing Address – Street Address – Office Hours – Web Address.....	39
006. Public Records Act Compliance.....	39
012. Employer's Responsibility.....	39
013. Employee's Responsibility.....	41
014. --050. (Reserved).....	42
051. First Aid.....	42
052. Safety Equipment And Personal Protective Equipment.....	44
152. Signaling.....	47
301. Falling And Bucking.....	48
351. Rigging.....	49
353. Lines, Shackles And Blocks.....	50
402. Tractors And Similar Logging Equipment.....	53
452. Cable Yarding.....	54
454. Wire Rope.....	54
501. Log Truck Transportation.....	65
551. Specific Requirements.....	72

IDAPA 08 – STATE BOARD OF AND STATE DEPARTMENT OF EDUCATION

08.01.13 – Rules Governing the Opportunity Scholarship Program

Docket No. 08-0113-1901

010. Definitions.....	80
011. -- 100. (Reserved).....	80
101. Eligibility.....	80
102. -- 201. (Reserved).....	82

202. Application Process.....	82
203. -- 299. (Reserved).....	82
300. Selection Of Scholarship Recipients.....	82
302. Continuing Eligibility.....	83
303. -- 399. (Reserved).....	84
400. Responsibilities Of Eligible Idaho Postsecondary Educational Institutions.....	84
08.02.01 – Rules Governing Administration	
Docket No. 08-0201-1902	
651. -- 800. (Reserved).....	86
801. Continuous Improvement Planning And Training.....	89
08.02.02 – Rules Governing Uniformity	
Docket No. 08-0202-1901	
112. Suicide Prevention In Schools.....	94
113. -- 119. (Reserved).....	94
Docket No. 08-0202-1903	
240. Juvenile Detention Centers.....	96
08.02.03 – Rules Governing Thoroughness	
Docket No. 08-0203-1901	
004. Incorporation By Reference.....	99
Docket No. 08-0203-1902	
115. Data Collection.....	103
08.02.04 – Rules Governing Public Charter Schools	
Docket No. 08-0204-1901	
301. Authorized Chartering Entity Responsibilities.....	105

IDAPA 12 – DEPARTMENT OF FINANCE

12.01.08 – Rules Pursuant to the Uniform Securities Act (2004)	
Docket No. 12-0108-1901	
053. Federal Covered Securities (Rule 53).....	107
083. Broker-Dealer Agent/Issuer Agent Registration (Rule 83).....	108
095. Investment Adviser Brochure Rule (Rule 95).....	110
12.01.09 – Rules Pursuant to the Idaho Credit Code	
Docket No. 12-0109-1901	
005. Incorporation By Reference (Rule 5).....	112
12.01.10 – Rules Pursuant to the Idaho Residential Mortgage Practices Act	
Docket No. 12-0110-1901	
005. Incorporation By Reference (Rule 5).....	115
050. Written Disclosures (Rule 50).....	115
12.01.11 – Rules Pursuant to the Idaho Collection Agency Act	
Docket No. 12-0111-1901	
005. Incorporation By Reference (Rule 5).....	117

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13.01.17 – Rules Governing the Use of Bait and Trapping for Taking Big Game Animals	
Docket No. 13-0117-1901	
400. Trapping Big Game Animals.....	123

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE*16.02.01 – Rules of the Idaho Time Sensitive Emergency System Council***Docket No. 16-0201-1901**

004. Incorporation By Reference.	126
---------------------------------------	-----

*16.02.02 – Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***Docket No. 16-0202-1901**

004. Incorporation By Reference.	128
---------------------------------------	-----

*16.02.14 – Rules Governing Construction and Operation
of Public Swimming Pools in Idaho***Docket No. 16-0214-1901**

000. Legal Authority.	130
001. Title, Scope, And Intent.	130
002. (Reserved)	130
003. Administrative Appeals.	130
004. Confidentiality of Records And Public Records Act Requests.	130
005. Applicability.	130
006. -- 009. (Reserved)	130
010. Definitions.	130
011. -- 019. (Reserved)	132
020. Submission Of Plans And Specifications.	132
021. -- 029. (Reserved)	132
030. Permits.	132
031. Application.	132
032. Permit Fee And Plan Review Fee.	132
033. Waiver Of Fees.	132
034. -- 039. (Reserved)	133
040. Inspections.	133
041. Notice Of Violation.	133
042. Reinspection.	133
043. -- 049. (Reserved)	133
050. Temporary Suspension And Revocation Of Permits.	133
051. -- 059. (Reserved)	133
060. Penalty.	133
061. -- 069. (Reserved)	134
070. Construction Requirements: Plumbing Codes.	134
071. Construction Requirements: Electrical Code.	134
072. Construction Requirements: Uniform Building Code.	134
073. Construction Requirements: Materials.	134
074. Construction Requirements: Corners.	134
075. Construction Requirements: Finish.	134
076. -- 079. (Reserved)	134
080. Design Detail: Dimensions.	134
081. Design Detail: Circulation.	134
082. Design Detail: Shape.	134
083. Design Detail: Wading Pools.	134
084. Design Detail: No Diving Sign.	134
085. Design Detail: Safety Line.	135
086. -- 089. (Reserved)	135

090. Slope Of Floor: Shallow Area.....	135
091. Slope Of Floor: Deep Area.....	135
092. -- 099. (Reserved).....	135
100. Side Walls.....	135
110. Width Of Decks And Walkways.....	135
111. Slope Of Decks And Walkways.....	135
112. -- 119. (Reserved).....	136
120. Ladders, Recessed Steps, And Stairs Requirements.....	136
121. Recessed Steps.....	136
122. Stairs.....	136
123. Ladders.....	136
124. Handrails.....	136
125. Access To Diving Boards.....	136
126. -- 129. (Reserved).....	136
130. Diving Area: Headroom.....	136
131. Diving Area: Water Depth.....	136
133. Separation Of Low Diving Boards.....	137
134. Separation Of High Diving Boards.....	137
135. Anchoring Of Diving Boards.....	137
136. -- 139. (Reserved).....	137
140. Lighting And Electrical Requirements.....	137
141. Portable Electrical Devices.....	137
142. Overhead Wiring.....	137
143. Underwater Lighting.....	137
144. -- 149. (Reserved).....	137
150. Ventilation.....	137
151. -- 159. (Reserved).....	137
160. Dressing Rooms, Toilets, And Showers.....	138
161. Location Of Dressing Rooms.....	138
162. Floors In Dressing Rooms, Toilets, And Showers.....	138
163. Construction Of Dressing Rooms.....	138
164. Toilets.....	138
165. Showers.....	138
166. Hand Sinks.....	138
167. Exception.....	138
168. -- 169. (Reserved).....	138
170. Water Supply.....	138
171. -- 179. (Reserved).....	139
180. Sewer System.....	139
181. -- 189. (Reserved).....	139
190. Health And Safety: Pool Closure.....	139
191. Health And Safety: Operator.....	139
192. Health And Safety: Lifeguard Requirement.....	139
193. Health And Safety: Lifeguard Chairs.....	139
194. Health And Safety: Lifesaving Equipment.....	139
195. Health And Safety: Safety And Sanitation.....	140
196. Health And Safety: Access.....	140
197. Health And Safety: Emergency Communication.....	140
198. Clarity.....	140
199. (Reserved).....	140
200. Supervision.....	140

201. Operations Manual.....	140
202. Record Keeping.....	140
203. Reportable Accidents.....	141
204. -- 209. (Reserved).....	141
210. Depth Marking Locations.....	141
211. Depth Markers.....	141
212. -- 219. (Reserved).....	141
220. Water Quality Standards.....	141
221. Chlorine Disinfection.....	141
222. Bromine Disinfection.....	141
223. Chlorinated Isocyanurates Disinfection.....	141
226. Acid Based Chemistry.....	142
227. Other Chemicals.....	142
228. Chemical Storage.....	142
229. Cleaning.....	142
230. Bacteriological Quality Of Pool Waters.....	142
231. Monthly Sampling.....	142
232. -- 239. (Reserved).....	142
240. Disinfectant And Chemical Feeders.....	142
241. -- 249. (Reserved).....	143
250. Recirculation System: Flow Rate.....	143
251. Recirculation System: Sizing.....	143
252. Recirculation System: Cleaning.....	144
253. Recirculation System: Flow Indicator.....	144
254. Recirculation System: Cleaning.....	144
255. Recirculation System: Thermometers.....	144
256. Recirculation System: Strainer.....	144
257. -- 259. (Reserved).....	144
260. Filtration System And Filters.....	144
261. Disposal Of Waste.....	144
262. -- 269. (Reserved).....	145
270. Wall Inlets.....	145
271. Floor Inlets.....	145
272. -- 279. (Reserved).....	145
280. Overflow Systems.....	145
281. Overflow Gutters.....	145
282. Skimmers: Requirement.....	145
283. Skimmers: Capacity.....	146
284. Skimmers: Equalizers.....	146
285. Skimmers: Location.....	146
286. -- 289. (Reserved).....	146
290. Location Of Drains.....	146
291. Multiple Drains.....	146
292. Drain Grating.....	146
293. -- 299. (Reserved).....	147
300. Fence And Barriers.....	147
301. -- 309. (Reserved).....	147
310. Geothermal Pool Exemptions.....	147
311. -- 319. (Reserved).....	147
320. Technical Waivers Or Modifications.....	147
321. -- 999. (Reserved).....	147

16.03.01 – Eligibility for Health Care Assistance for Families and Children

Docket No. 16-0301-1901

281. Medical Exception For Inmates.....	149
282. -- 289. (Reserved).....	149
400. Medicaid For Adults.....	149
419. Transitional Medicaid For Parents And Caretaker Relatives.....	150
421. Pregnant Woman Ineligible Because Of Excess Income.....	150
422. -- 519. (Reserved).....	150
545. Presumptive Eligibility For Children And Adults.....	151

16.03.10 – Medicaid Enhanced Plan Benefits

Docket No. 16-0310-1704

037. General Reimbursement: Participant Services.....	154
038. Specialized Reimbursement: Certain Home And Community-Based Services.....	155

16.03.18 – Medicaid Cost-Sharing

Docket No. 16-0318-1901

025. Participants Exempt From Cost-Sharing.....	160
215. Premiums For Participation In Medicaid Enhanced Plan.....	160
400. Participation In The Cost Of Home And Community-Based Waiver Services.....	161

16.05.04 – Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

Docket No. 16-0504-1901

000. Legal Authority.....	164
001. Title And Scope.....	164
004. Incorporation By Reference.....	164
006. Confidentiality Of Records And Public Records ACT Requests.....	164
007. -- 009. (Reserved).....	165
010. Definitions.....	165
011. -- 014. (Reserved).....	166
015. Grants.....	166
016. Council Duties.....	166
017. Eligibility.....	167
018. Time Frames.....	167
019. Disposition Of Applications.....	168
020. Evaluation Of Applications.....	168
022. Domestic Violence Grant Distribution.....	169
023. Victim Assistance Grant Distribution.....	171
024. Family Violence Grant Distribution.....	171
025. -- 030. (Reserved).....	171
031. Awarding Of Grants.....	171
032. Denial, Suspension, Or Termination Of Grant.....	172
035. State And Federal Domestic Violence Grant -- Record Keeping Requirements.....	172
036. Audits.....	172
037. -- 999. (Reserved).....	173

16.06.12 – Rules Governing the Idaho Child Care Program (ICCP)

Docket No. 16-0612-1901

401. In-Home Care Health And Safety Requirements.....	175
503. Copayments.....	175
600. Change Reporting Requirements.....	175
601. (Reserved).....	176
801. Health And Safety Training.....	176
802. Health And Safety Requirements.....	177

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE*18.04.08 – Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule***Docket No. 18-0408-1901**

000. Legal Authority	180
001. Title And Scope	180
002. Administrative Appeals	181
003. Incorporation By Reference	181
004. -- 009. (Reserved)	182
010. Definitions	182
011. Policy Definitions And Terms	183
012. -- 019. (Reserved)	186
020. Prohibited Policy Provisions	186
021. -- 029. (Reserved)	188
030. Minimum Standards For Benefits	188
031. -- 034. (Reserved)	191
035. Hospital Confinement Indemnity Coverage	191
036. Disability Income Protection Coverage	193
037. Accident Only Coverage	194
038. Specified Disease Coverage	195
039. Specified Accident Coverage	202
040. Limited Benefit Health Coverage	203
041. Dental Coverage	203
042. Vision Coverage	203
043. -- 100. (Reserved)	204
101. Required Disclosure Provisions	204
102. -- 200. (Reserved)	207
201. Requirements For Replacement Of Individual Accident And Sickness Insurance	207
202. -- 999. (Reserved)	207

*18.04.16 – Rules Governing Short-Term Health Insurance Coverage***Docket No. 18-0416-1901 (New Chapter)**

000. Legal Authority	209
001. Title and Scope	209
002. Administrative Appeals	209
003. -- 009. (Reserved)	209
010. Definitions	209
011. General Rules For Enhanced Short-term Plans	210
013. -- 019. (Reserved)	210
020. Enrollment	210
021. Renewal and Reissuance	211
022. Rating Requirements	211
023. -- 030. (Reserved)	212
031. Minimum Standards For Benefits	212
032. -- 039. (Reserved)	213
040. Required Disclosure Provisions	213
041. -- 999. (Reserved)	214

*18.06.06 – Rules for the Surplus Line Regulation***Docket No. 18-0606-1901**

000. Legal Authority	216
001. Title And Scope	216
002. (Reserved)	216

003. Administrative Appeals.....	216
004. Definitions.....	216
005 -- 010. (Reserved).....	217
011. Biennial License.....	218
012. Annual Report.....	218
013. Payment Of State Tax.....	218
014. Payment Of Stamping Fees.....	218
015. Collection Of Taxes.....	218
016. Reporting Taxes And Stamping Fees.....	219
017. Placement And Commissions.....	219
018. Submission Time Periods.....	219
019. Open Lines For Export.....	219
020. Brokers Records.....	219
021. Approved List Of Insurers.....	219
022. -- 999. (Reserved).....	219

IDAPA 23 – BOARD OF NURSING

23.01.01 – Rules of the Idaho Board of Nursing

Docket No. 23-0101-1901

491. Technicians/Technologists.....	222
493. -- 599. (Reserved).....	229

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities

Docket No. 26-0120-1901 (Fee Rule)

000. Legal Authority.....	231
001. Title And Scope.....	231
002. Appeals.....	231
003. Incorporation By Reference.....	232
004. Public Records Act Compliance.....	232
005. -- 009. (Reserved).....	232
010. Definitions.....	232
011. Purchase, Expiration, Display And Placement Of MVEF And Passport Stickers.....	235
012. -- 074. (Reserved).....	236
075. Authority Conferrable On Employees - Enforcement.....	236
076. -- 099. (Reserved).....	236
100. Penalties For Violations.....	236
150. Use Of Motor Vehicles.....	237
151. Parking Violations.....	238
152. -- 174. (Reserved).....	238
175. Public Behavior.....	238
176. -- 199. (Reserved).....	239
200. Camping.....	239
202. Overnight Use.....	240
203. Winter Recreation Programs.....	241
204. -- 224. (Reserved).....	241
225. Fees And Services.....	241
226. -- 244. (Reserved).....	243
245. Fee Schedule: Fee Collection Surcharge.....	243
246. (Reserved).....	243
247. Fee Schedule: Entrance.....	243

248. -- 249. (Reserved).....	243
250. Fee Schedule: Individual Campsites Or Facility.....	243
251 -- 253. (Reserved).....	245
254. Fee Schedule: Group Campsite Or Facility.....	245
255. (Reserved)	246
256. Fee Schedule: Boating Facilities.....	246
257 -- 258. (Reserved).....	246
259. Fee Schedule: Winter Recreation Programs.....	247
260. -- 274. (Reserved).....	247
275. Criteria For Reservations.....	247
276. Fee Schedule: Reservations.....	249
277. -- 399. (Reserved).....	250
400. Park Capacities.....	250
401. Operational Guidelines For Non-traditional Recreational Activities.....	250
475. Pets.....	250
476. -- 499. (Reserved).....	250
500. Livestock.....	250
575. Protection Of Wildlife.....	250
576. Protection Of Historical, Cultural And Natural Resources.....	250
577. Spreading of Human Ashes.....	250
578. -- 599. (Reserved).....	251
625. Advertisements/Promotions/Demonstrations.....	251
626. -- 649. (Reserved).....	251
650. Authorized Operations.....	251
651. -- 674. (Reserved).....	251
675. Department Responsibility.....	251
676. Nondiscrimination.....	251
677. -- 999. (Reserved).....	251

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 – Property Tax Administrative Rules

Docket No. 35-0103-1902

130. Description Of Primary Categories Used To Test For Equalization (Rule 130).....	257
131. Use Of Ratio Study Or Other Method To Test For Equalization In Counties (Rule 131).....	258

Docket No. 35-0103-1904

317. Occupancy Tax On Newly Constructed Improvements On Real Property (Rule 317).....	263
804. Tax Levy - Certification - Urban Renewal Districts (Rule 804).....	264

Docket No. 35-0103-1905

616. (Reserved).....	278
----------------------	-----

35.02.01 – Tax Commission Administration and Enforcement Rules

Docket No. 35-0201-1901

310. Interest Rates (Rule 310).....	282
-------------------------------------	-----

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39.02.03 – Rules Governing Vehicle Dealer’s Principal Place of Business

Docket No. 39-0203-1901

001. Title And Scope.....	285
100. General Provisions.....	285
101. -- 199. (Reserved).....	286
200. Idaho Consumer Asset Recovery Fund Control Board Administration.....	286
300. Penalties.....	287

39.02.22 – Rules Governing Registration and Permit Fee Administration

Docket No. 39-0222-1901

010. Definitions	289
101. Quarterly Road Use Fee Reporting.....	289
102. -- 199. (Reserved).....	290
200. Installment Payments For Commercial Vehicle Registration.	290
602. Credit Card Payments.....	292
900. Appeal Procedure.	292

39.02.42 – Temporary Vehicle Registration When Proof of Ownership Is Insufficient

Docket No. 39-0242-1901

000. Legal Authority	294
001. Title And Scope.....	294
002. Administrative Appeals.....	294
003. -- 099. (Reserved).....	294
100. General Provisions For Insufficient Proof Of Ownership Includes.	294
101. -- 199. (Reserved).....	294
200. Procedure.....	294
201. -- 999. (Reserved).....	295

39.02.75 – Rules Governing Names on Drivers' Licenses and Identification Cards

Docket No. 39-0275-1901

200. Criteria.....	297
201. -- 299. (Reserved).....	298
300. Procedures.....	298

39.02.76 – Rules Governing Driver's License Renewal-By-Mail and Electronic Renewal Process

Docket No. 39-0276-1901

000. Legal Authority	301
001. Title And Scope.....	301
002. Written Interpretations.....	301
010. Definitions.....	301
011. Eligibility For Renewal And Replacement.	301
012. Renewal Or Replacement Electronically Or By Mail Procedures.....	303

39.03.01 – Rules Governing Definitions Regarding Special Permits

Docket No. 39-0301-1901

010. Definitions.....	305
-----------------------	-----

39.03.05 – Rules Governing Special Permits – Oversize Non-Reducible

Docket No. 39-0305-1901

070. General Oversize Limitations.....	310
--	-----

39.03.06 – Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations

Docket No. 39-0306-1902

051. -- 199. (Reserved).....	312
200. Designated Routes For Extra Length Vehicle Combinations Up To One Hundred Twenty-Nine Thousand (129,000) Pounds.	312

IDAPA 40 – COMMISSION ON THE ARTS

40.01.01 – Rules of the Idaho Commission on the Arts

Docket No. 40-0101-1901

003. Administrative Appeals.....	316
----------------------------------	-----

006. Public Records.....	316
007. -- 099. (Reserved).....	316
100. Definitions.....	316
101. -- 199. (Reserved).....	317
300. General Program Requirements.....	317
301. Funding Limitations.....	317
302. Applicants.....	318
303. Applications.....	319
304. Disqualification.....	320
305. Program Grants And Award Amounts.....	320
306. Final Reports.....	320
307. Delegation.....	320
308. Reconsideration Of Applications.....	321
209. -- 299. (Reserved).....	321
309. -- 999. (Reserved).....	330

IDAPA 46 – BOARD OF VETERINARY MEDICINE*46.01.01 – Rules of the State of Idaho Board of Veterinary Medicine***Docket No. 46-0101-1902 (Fee Rule)**

014. Fees.....	332
----------------	-----

**IDAPA 47 – STATE BOARD OF EDUCATION:
DIVISION OF VOCATIONAL REHABILITATION***47.01.01 – Rules Governing Vocational Rehabilitation Services***Docket No. 47-0101-1901 (New Chapter)**

000. Legal Authority.....	335
001. Title And Scope.....	335
002. Written Interpretations.....	335
003. Administrative Appeals.....	335
004. Incorporation By Reference.....	335
005. Office – Office Hours – Mailing Address And Street Address.....	335
006. Public Records Act Compliance And Confidentiality Of Records.....	335
007. -- 009. (Reserved).....	336
010. Definitions.....	336
011. Abbreviations.....	336
012. -- 099. (Reserved).....	336
100. Customer Appeals.....	336
101. Informal Review Process.....	336
102. Mediation.....	337
103. Fair Hearing Process.....	337
104. -- 199. (Reserved).....	338
200. Provision Of Services On A Statewide Basis.....	338
201. Referral And Application For Services.....	338
202. Eligibility Requirements.....	338
203. Presumptive Eligibility.....	339
204. Trial Work Experience.....	339
205. Severity Of Disability.....	339
206. Comprehensive Assessment Of Rehabilitation Needs.....	339
207. Individualized Plan For Employment.....	340
208. Case Closure.....	340
209. Order Of Selection.....	340
210. -- 299. (Reserved).....	341

300. Financial Participation Requirements	341
301. Comparable Benefits.....	341
302. -- 399. (Reserved).....	342
400. Purchasing Requirements.....	342
401. Purchasing Standards.....	342
402. Provision Of Community Rehabilitation Program Services.....	342
403. -- 999. (Reserved).....	342

IDAPA 55 – STATE BOARD OF CAREER TECHNICAL EDUCATION*55.01.03 – Rules of Career Technical Schools***Docket No. 55-0103-1901**

005. Definitions.....	345
012. -- 099. (Reserved).....	346
100. Statement Of Purpose.....	346
101. (Reserved).....	346
102. Career Technical Component Criteria.....	346
103. Application Process.....	347
104. Career Technical School Added Cost Unit Funding And Eligibility.....	347
105. Career Technical School Funding Calculation.....	347
106. (Reserved).....	348
107. Career Technical School Unit Fund Distribution.....	348

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD*57.01.01 – Rules of the Sexual Offender Management Board***Docket No. 57-0101-1901 (Fee Rule)**

003. Administrative Appeals.....	350
004. Incorporation By Reference.....	351
006. Public Records Act Compliance.....	351
007. -- 009. (Reserved).....	351
010. Definitions.....	351
011. Abbreviations.....	353
101. Continuing Education For Psychosexual Evaluators And Sexual Offender Treatment Providers.....	354
102. -- 151. (Reserved).....	354
155. Application For Change In Certification Level.....	354
231. Continuing Education For Post Conviction Sexual Offender Polygraph Examiners.....	355
331. Expiration And Renewal Of Certification.....	355
332. Fees.....	355
333. Certification Period.....	356
387. Disciplinary Process.....	357
388. -- 399. (Reserved).....	358
400. Quality Assurance.....	358

IDAPA 60 – IDAHO SOIL AND WATER CONSERVATION COMMISSION*60.05.01 – Rules for Administration of the Idaho Resource Conservation
and Rangeland Development Program***Docket No. 60-0501-1901**

103. Implementation Of Agreed To Practices.....	360
151. Loan Policies.....	361

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 October 16, 2019, unless otherwise posted.
The proposed rule written comment submission deadline is October 23, 2019, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 07 – DIVISION OF BUILDING SAFETY PO Box 83720, Meridian, ID 83642

07-0301-1901, Rules of Building Safety. Incorporates by reference the 2018 editions of the International Building Code, International Residential Code, International Existing Building Code, and the International Energy Conservation Code.

07-0801-1901, Idaho Minimum Standards and Practices for Logging. Allows ISP and ITD to enforce these rules on public highways; updates rule by eliminating outdated terminology, equipment and practices requirements and adding updated work-related safety procedures and safety equipment requirements.

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0113-1901, Rules Governing the Opportunity Program. (Temp & Prop) Amends student eligibility and application requirements to allow up to 20% of the scholarship awards to be used for individuals who have 24 or more postsecondary credits; defines “adult learner” and “graduation plan.” (eff. 8/29/19)T

08-0201-1902, Rules Governing Administration. Removes language identifying the grade range performance metrics to conform to statute; removes obsolete provisions.

08.02.02 - Rules Governing Uniformity.

08-0202-1901, Per statute details the critical components required in any suicide awareness and prevention training offered to public school personnel.

08-0202-1903, Removes outdated terminology and duplicative definitions to terminology found in statute.

08.02.03 – Rules Governing Thoroughness

08-0203-1901, Incorporates by reference the career technical education program content standards.

08-0203-1902, Per statutory requirement adds chronic absenteeism to the state longitudinal data system.

08-0204-1901, Rules Governing Public Charter Schools. Adds language to the charter renewal and performance certificate review process to clarify what happens when an authorizing chartering entity chooses not to review their performance certificate and takes no action to renew or nonrenew a charter.

IDAPA 12 – IDAHO DEPARTMENT OF FINANCE PO Box 83720, Boise, ID 83720-0031

12-0108-1901, Rules Pursuant to the Uniform Securities Act (2004). Updates references to federal law.

12-0109-1901, Rules Pursuant to the Idaho Credit Code. Updates references to federal law and regulations applicable to persons originating and servicing consumer credit transactions.

12-0110-1901, Rules Pursuant to the Idaho Residential Mortgage Practices Act. Updates references to federal law and regulations applicable to the business of mortgage origination and eliminates duplicative rules relative to disclosure requirements.

12-0111-1901, Rules Pursuant to the Idaho Collection Agency Act. updates references to federal law applicable to the business debt collections.

IDAPA 13 – DEPARTMENT OF FISH AND GAME

PO Box 25, Boise, ID 83707

13-0117-1901, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. Removes general requirement that diverters be used on ground set snares for gray wolf trapping, but allows Commission to require diverters in specific areas based on levels of non-target catch of animals; change requires use of both a breakaway device and a cable stop on ground set snares for gray wolf trapping.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

16-0201-1901, Rules of the Idaho Time Sensitive Emergency System Council. Incorporates by reference the 2020-1 edition of the “Time Sensitive Emergency Standards Manual.”

16-0202-1901, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission. Incorporates by reference the 2020-1 edition of the “Idaho Emergency Medical Services (EMS) Physician Commission Standards Manual.”

16-0214-1901, Rules Governing Construction and Operation of Public Swimming Pools in Idaho. Increases public swimming pool permit fees to offset cost to the Public Health Districts that run the inspection programs.

16-0301-1901, Eligibility for Health Care Assistance for Families and Children. (Temp & Prop) Provides Medicaid inpatient care services to inmates of a public institution; establishes rules for the adult population that may receive Medicaid for people 19 - 64 years of age and includes the pregnancy Medicaid program. (eff. 1/1/20)T

***16-0310-1704, Medicaid Enhanced Plan Benefits.** (*PH) Revises the reimbursement rate setting methodology for Developmental Disability Agencies (serving adults and children); Residential Habilitation Agencies; Supported Employment Agencies; and Targeted Service Coordinators.

***16-0318-1901, Medicaid Cost-Sharing.** (*PH) Aligns the Personal Needs Allowance (PNA) for all HCBS participants regardless of marital status; clarifies that Native Americans and Medicaid Workers with Disabilities are exempt from this share of cost requirement.

16-0504-1901, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding. Removes obsolete language and updates language to reflect current best practices.

16-0612-1901, Rules Governing the Idaho Child Care Program (ICCP). Removes obsolete language and updates rules to align to federal regulations regarding health and safety training for providers.

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0408-1901, Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule. Provides standards for various individual disability and group supplemental disability policies; clarifies pre-existing condition language; removes medical expense coverage types; clarifies which standards apply to which type of coverage.

18-0416-1901, Rules Governing Short-Term Health Insurance Coverage. New chapter implements HB 275 regarding short-term, limited-duration insurance by defining requirements for enhanced short-term plans and nonrenewable short-term coverage, including minimum standards for benefits, rating rules, enrollment, renewability and required disclosure provisions.

18-0606-1901, Rules for the Surplus Line Regulation. Provides updated procedures for the placement of surplus lines insurance in Idaho.

**IDAPA 23 – IDAHO BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061**

23-0101-1901, Rules of the Idaho Board of Nursing. Removes provisions related to “Medication Assistant – Certified” personnel.

**IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION
PO Box 83720, Boise, ID 83720-0065**

***26-0120-1901, Rules Governing the Administration of Park and Recreation Areas and Facilities.** (*PH) Updates definitions and standards; increases fee caps on facilities; creates new fees for pets and cleaning; consolidates rules governing the winter recreational parking permit program into this chapter.

***26-0136-1901, Rules Governing the Winter Recreational Parking Permit Program.** (*PH) Chapter repeal.

**IDAPA 35 – IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**

35.01.03 - Property Tax Administrative Rules

35-0103-1902, Itemizes the property categories assigned to agricultural land primary categories for equalization purposes; provides for standards for agricultural assessments and the processes to study compliance with statutory requirements to achieve market value for assessment purposes.

35-0103-1904, Codifies current practice regarding allocation of occupancy tax and part year property tax payments to urban renewal agencies and to eliminate guidance that is administratively infeasible.

35-0103-1905, Changes method of assessment for agricultural land to ensure fair and equitable assessments for farmers.

35-0201-1901, Tax Commission Administration and Enforcement Rules. Adds the interest rate for 2020 and federal rate Revenue Ruling.

**IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT
PO Box 7129, Boise, ID 83707-1129**

39-0203-1901, Rules Governing Vehicle Dealer’s Principal Place of Business. (Temp & Prop) Clarifies the appropriate procedures for the Idaho Consumer Asset Recovery (ICAR) Board and Department staff to follow when determining the outcome of claims brought forth for payout from the ICAR fund; defines “actual loss,” used in determining payout amounts that are referenced in Idaho Code; describes appeal procedures and judicial review. (eff. 8/22/19)

39-0222-1901, Rules Governing Registration and Permit Fee Administration. Clarifies and updates installment payment arrangements for commercial vehicle customers registering in Idaho; provides online methods for obtaining commercial vehicle registrations from the Department; removes obsolete language.

39-0242-1901, Temporary Vehicle Registration When Proof of Ownership Is Insufficient. Removes a requirement to sign an affidavit in the presence of the county assessor/deputy assessor to allow a second type of title (conditional title) to be issued when an applicant cannot meet standard titling requirements; removes obsolete language.

39-0275-1901, Rules Governing Names on Drivers’ Licenses and Identification Cards. Simplifies name structure in cases of marriage and divorce; removes a requirement for the specific order of a hyphenated last name when issuing driver licenses and identification cards.

39-0276-1901, Rules Governing Driver’s License Renewal-By-Mail and Electronic Renewal Process. Allows applicants to apply for a renewal or replacement driver license or identification card electronically.

39-0301-1901, Rules Governing Definitions Regarding Special Permits. Defines “disabled vehicle,” “snowplow,” and how overhang is measured.

39-0305-1901, Rules Governing Special Permits – Oversize Non-Reducible. Clarifies load allowances for standard 53 foot trailers and longer trailers for oversize non-reducible loads for drivers and carriers.

39-0306-1902, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations. Eliminates specifically referenced colors on Department maps; decreases the number of attachments for permit holders and removes the requirement for rule to be updated each time a route color is changed; clarifies the 129,000 pound route request process.

IDAPA 40 – IDAHO COMMISSION ON THE ARTS
PO Box 83720, Boise, ID 83720-0008

40-0101-1901, Rules of the Idaho Commission on the Arts. Simplifies rules; defines grant-making functions but moves the details of the grant program from rule to policy to better meet constituent needs and improve response and processing time.

IDAPA 46 - BOARD OF VETERINARY MEDICINE
PO Box 7249, Boise, ID 83707

46-0101-1902, Rules of the State of Idaho Board of Veterinary Medicine. Increases fees for active and inactive licenses and renewals.

IDAPA 55 – CAREER TECHNICAL EDUCATION/ STATE BOARD OF EDUCATION
PO Box 83720, Boise, ID 83720-0037

55-0103-1901, Rules of Career Technical Schools. Uses an enrollment-based funding structure based on capstone enrollment, number of technical skill assessments taken, and total credit hours enrolled in intermediate, capstone, and work-based learning courses; defines work-based learning and clarifies other required components of a career technical school.

IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD
PO Box 83720, Boise, ID 83720-0037

***57-0101-1901, Rules of the Sexual Offender Management Board.** (*PH) Amends standards and procedures for certification of providers conducting psychosexual evaluations, sex offender treatment, and post-conviction sex offender polygraph examinations on adults and juveniles;

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION
PO Box 83720, Boise, ID 83720-0083

***60-0501-1901, Rules for Administration of the Idaho Resource Conservation and Rangeland Development Program.** (*PH) Expedites the loan process by allowing applicants to begin construction before liens are filed; allows higher maximum loan limit for applicants.

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 47 - STATE BOARD OF EDUCATION/DIVISION OF VOCATIONAL REHABILITATION
47-0101-1901, Rules Governing Vocational Rehabilitation Services. New chapter (eff. 8/29/19)T

NOTICE OF PROCLAMATION OF RULEMAKING

IDAPA 06 - STATE BOARD OF CORRECTION
06-0202-1901, Rules Governing Release Readiness

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

13-0109-1801AP and **13-0109-1903P** - Rules Governing the Taking of Game Birds in the State of Idaho
13-0111-1901AP and **13-0111-1904P** - Rules Governing Fish

NOTICES OF NEGOTIATED RULEMAKING MEETINGS

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

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20-3002-1901, Rules Governing Mined Land Reclamation (2nd Negotiated Meeting Notice)
Chapter formerly titled: [Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities]

NOTICES OF PUBLIC HEARING

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

IDAPA 08 – STATE BOARD AND STATE DEPARTMENT OF EDUCATION

08-0000-1900 – Rules of the State Board of Education and the Department of Education (Omnibus rulemaking for reauthorization of rules)

IDAPA 50 – COMMISSION ON PARDONS AND PAROLE

50-0101-1900 – Rules of the Commission of Pardons and Parole (Public Hearing on Omnibus rulemaking for reauthorization of rule)

Please refer to the Idaho Administrative Bulletin **October 2, 2019, Volume 19-10**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

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CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

This index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

April 11, 2019 – October 2, 2019

(PLR 2020) – Final Effective Date Is Pending Legislative Review in 2020

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

HCR # – denotes the number of a House Concurrent Resolution (Legislative Action)

(This Abridged Index includes all active rulemakings.)

IDAPA 01 – IDAHO BOARD OF ACCOUNTANCY

- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 01-0101-1900F** *Idaho Accountancy Rules* - Notice of Omnibus Fee Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE

- 02-0100-1901OM** Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(Omnibus Negotiated Rulemaking – Consolidation & Reorganization of Chapters Under the Direction of ISDA Chapters 02.02.02 through 02.06.41)
- 02-0000-1900** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 02**, Chapters 04-06, 10; **Title 04**, Chapters 05-06, 22, 24; **Title 05**, Chapter 01 - Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900A** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking (for rules requiring 22-101A statement) - Reauthorizes **Title 01**, Chapter 03; **Title 02**, Chapters 02, 09; **Title 04**, Chapters 04, 08, 13, 18, 20-21, 25, 27-29; **Title 06**, Chapters 07-11, 13, 15, 17, 20, 22, 24, 26, 32, 38, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900A** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900F** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 01**, Chapters 02, 04, 05; **Title 06**, Chapter 33 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900F** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Rules requiring 22-101A statement) - Reauthorizes **Title 02**, Chapters 07, 11-15; **Title 04**, Chapters 03, 09, 19, 26; **Title 06**, Chapters 01-06, 12, 14, 18, 27, 30-31, 34, 40-41 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0000-1900FA** *Rules of the Idaho Department of Agriculture* - Notice of Correction to Omnibus Pending Fee Rulemaking, Bulletin Vol. 19-12 (PLR 2020)
- 02-0616-1900** *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 06**, Chapter 16 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0616-1900** *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0701-1900F** *Rules of the Idaho Hop Growers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 07**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0701-1900F** *Rules of the Idaho Hop Growers Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 02-0801-1900F** *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Fee Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 08**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 02-0801-1900F** *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

02.01.04, Rules Governing the Idaho Preferred[®] Promotion Program

- 02-0104-1801*** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-6 (*Rulemaking terminated by agency)
- 02-0104-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 02-0104-1901** Proposed Rulemaking, Bulletin Vol. 19-8
- 02-0104-1901** Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.01.06, Rules Governing the Labeling of Hemp Receptacles

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

02.02.02, Idaho Department of Agriculture Controlled Atmosphere Storage Rules

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

02.02.02, Rules Governing Grading and Controlled Atmosphere Storage of Apples

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

02.02.04, Idaho Standards for Grades of Apples

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

02.02.05, Prune Standards

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

02.02.05, Rules Governing Stone Fruit Grades

- 02-0205-1902*** Proposed Rulemaking (New Chapter), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.02.05, 02.02.06 and 02.02.10 into this new chapter)
- 02-0205-1901*** Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

02.02.06, Idaho Standards for Grades of Sweet Cherries

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

02.02.07, Bulk Permit Procedure (Potatoes)

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

02.02.07, Rules Governing Bulk Permit and Retail Sale of Potatoes

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

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

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

02.02.10, Idaho Standards for Apricots

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

02.02.12, Bonded Warehouse Rules

- 02-0212-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 02-0212-1902 Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T
- 02-0212-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0212-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.02.14, Rules for Weights and Measures

- 02-0214-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 02-0214-1901 2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection

- 02-0301-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 02-0301-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.03.03, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application

- 02-0303-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0303-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
- 02-0303-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.03, Rules Governing Animal Industry

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.04.03 into new chapter 02.04.03 - see next entry)

02.04.03, Rules Governing Animal Industry

- 02-0403-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.04.03 and 02.04.22 into this new chapter - no change to chapter name)
- 02-0403-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

02.04.05, Rules Governing Manufacture Grade Milk

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.04.05 into new chapter 02.04.05 - see next entry)

02.04.05, Rules Governing Grade A Milk and Manufacture Grade Milk

- 02-0405-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
(*Rulemaking combines previously codified chapters 02.04.05, 02.04.06, 02.04.08 and 02.04.09 into this new chapter)
- 02-0405-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

02.04.06, Rules Governing Licensed Dairy Plants

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.04.06 into new chapter 02.04.05)

02.04.08, Rules Governing Grade A Milk and Milk Products

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.04.08 into new chapter 02.04.05)

02.04.09, Rules Governing Milk and Cream Procurement and Testing

- 02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.04.09 into new chapter 02.04.05)

02.04.14, Rules Governing Dairy Byproduct

- 02-0414-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

- 02-0415-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 02-0415-1901 Proposed Rulemaking, Bulletin Vol. 19-9

02-0415-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.16, Rules Governing Agriculture Odor Management

02-0416-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.16** into new chapter **02.04.30**)

02.04.17, Rules Governing Dead Animal Movement and Disposal

02-0417-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02-0417-1901 Proposed Rulemaking, Bulletin Vol. 19-9

02-0417-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.18, Rules Governing CAFO Site Advisory Team

02-0418-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.18** into new chapter **02.04.30**)

02.04.20, Rules Governing Brucellosis

02-0420-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0420-1901 Proposed Rulemaking, Bulletin Vol. 19-9

02-0420-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.21, Rules Governing the Importation of Animals

02-0421-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0421-1901 Proposed Rulemaking, Bulletin Vol. 19-9

02-0421-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.22, Rules Governing Animal Health Emergencies

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.22** into new chapter **02.04.03**)

02.04.23, Rules Governing Commercial Livestock Truck Washing Facilities

02-0423-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02-0423-1901 Proposed Rulemaking, Bulletin Vol. 19-9

02-0423-1901 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

02.04.26, Rules Governing Livestock Marketing

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.26** into new chapter **02.04.26** - see next entry)

02.04.26, Rules Governing the Public Exchange of Livestock

02-0426-1901* Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11

(*Rulemaking combines previously codified chapters **02.04.26** and **02.04.28** into this new chapter)

02-0426-1901* Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 20-1 (PLR 2020)

02.04.28, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.28** into new chapter **02.04.26** - see above entry)

02.04.30, Rules Governing Nutrient Management

02-0430-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0430-1902 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.04.30** into new chapter **02.04.30** - see next entry)

02.04.30, Rules Governing Environmental and Nutrient Management

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

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

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

02.04.31, Rules Governing the Stockpiling of Agricultural Waste

02-0431-1901 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 7-1-19)T

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

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

02.04.32, Rules Governing Poultry Operations

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

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

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

02.06.01, Rules Governing the Pure Seed Law

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

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

02.06.01, Rules Governing the Production and Distribution of Seed

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

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

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

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

02-0602-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

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

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

02.06.02, Rules Governing Registrations and Licenses

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

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

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

02.06.03, Rules Pertaining to the Idaho Nurseries and Florists Law

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

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

02.06.04, Phytosanitary and Post-Entry Certification Rules

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

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

02.06.04, Rules Governing Plant Exports

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

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

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

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

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

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

02.06.05, Rules Governing Plant Disease and Quarantines

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

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

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

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

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

02.06.08, Quarantine Rules Pertaining to Apples and Cherries

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

02.06.09, Rules Governing Invasive Species

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

02.06.09, Rules Governing Invasive Species and Noxious Weeds

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

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

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

02.06.10, Rules Governing the Growing of Potatoes

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

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

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

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

02-0612-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.06.12 into new chapter 02.06.02)

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

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

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

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

02.06.15, Rules Governing Peach Tree Diseases

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

02.06.16, Rules Governing Honey Standards

02-0616-1900 *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 06, Chapter 16 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
02-0616-1900 *Rules Governing Honey Standards* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes

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

02.06.18, Rules Governing Mint Rootstock and Clone Production

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

02.06.20, Rules Governing Grape Planting Stock

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

02.06.22, Noxious Weed Rules

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

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

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

02.06.26, Rules Concerning Seed Potato Crop Management Areas

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

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

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

02.06.30, Rules Under the Idaho Bee Inspection Law

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

02.06.31, Noxious Weed Free Forage and Straw Certification Rules

02-0631-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter 02.06.31 into new chapter 02.06.09)

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

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

02.06.34, Rules Concerning Virus-Free Certification of Nursery Stock

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

02.06.38, Rules Governing Plum Curculio (*Conotrachelus nenuphar*)

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

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

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

02.06.40, Rules Governing Ginseng Export

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

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

02-0641-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6

02-0100-1901OM Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-9
(*Combines previously codified chapter **02.06.41** into new chapter **02.06.02**)

02.07.01, Rules of the Idaho Hop Growers' Commission

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

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

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

02-0801-1900F *Rules of the Idaho Sheep and Goat Health Board* - Notice of Omnibus Fee Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 08**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

STATE ATHLETIC COMMISSION

(Moved and Re-designated) - Rules of the State Athletic Commissions (This chapter has been re-designated from **IDAPA 03.01.01** to **IDAPA 24.02.01** under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 04 -- OFFICE OF THE ATTORNEY GENERAL

04-0000-1900 *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 02, Chapter 01; Titles 11, 12, 20 - Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

04-0000-1900F *Rules of the Attorney General* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS

05-0000-1900 *Rules of the Department of Juvenile Corrections* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02-04; Title 02, Chapters 01-03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

05.01.04, Uniform Standards for Juvenile Probation Services

05-0104-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8

IDAPA 06 -- STATE BOARD OF CORRECTION

06-0000-1900 *Rules of the State Board of Correction* - Omnibus Notice of Proclamation of Rulemaking - Reauthorizes Title 01, Chapters 01-02; Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)

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

the Department of Correction, Division of Probation and Parole

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

IDAPA 07 – DIVISION OF BUILDING SAFETY

07-0000-1900* *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 04-08, 10; Title 02, Chapters 04-06; Title 03, Chapters 09, 13; Title 04, Chapter 01; Title 06, Chapter 01; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

(*Rulemaking combines Title 08, Chapters 02-17 into 07.08.01)

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

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

07-0000-1900F *Rules of the Division of Building Safety* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 02-03, 11; Title 02, Chapters 02- 03, 07; Title 03, Chapters 01, 03, 11-12; Title 04, Chapter 02; Title 05, Chapter 01; Title 07, Chapter 01; Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

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

07.01.01, Rules of the Idaho Electrical Board

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

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

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

07.01.03, Rules of Electrical Licensing and Registration – General

07-0103-1901* *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5 (Terminated)*

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

07.02.02, Rules Governing Plumbing Permits

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

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

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

07.02.03, Rules Governing Permit Fee Schedule

07-0203-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0203-1902 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

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

07.02.04, Rules Governing Plumbing Safety Inspections

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

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

07.02.05, Rules Governing Plumbing Safety Licensing

07-0205-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

07-0205-1901 Proposed Rulemaking, Bulletin Vol. 19-7

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

07.02.07, Rules Governing Civil Penalties

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

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

07.03.01, Rules of Building Safety

- 07-0301-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 07-0301-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 07-0301-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.03.12, Rules Governing Manufactured or Mobile Home Installations

- 07-0312-1901*** *Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking has been terminated)*

07.05.01, Rules of the Public Works Contractors License Board

- 07-0501-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 07-0501-1901** Temporary and Proposed Rulemaking, Bulletin Vol. 19-9 (eff. 7-15-19)T
- 07-0501-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

- 07-0701-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 07-0701-1901** Proposed Rulemaking, Bulletin Vol. 19-7
- 07-0701-1902** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 07-0701-1902** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
- 07-0701-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 07-0701-1902** Adoption of Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)

07.08.01, Idaho Minimum Safety Standards and Practices for Logging

- 07-0801-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-6
- 07-0801-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 07-0801-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

07.11.01, Rules of the Division of Building Safety

- 07-1101-1901** Proposed Rulemaking (New Chapter), Bulletin Vol. 19-9
- 07-1101-1901** Adoption of Pending Rule (New Chapter), Bulletin Vol. 19-12 (PLR 2020)

IDAPA 08 – IDAHO STATE BOARD OF EDUCATION AND STATE DEPARTMENT OF EDUCATION

- 08-0000-1900** *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 02, 10, 11, 13; Title 02, Chapters 01-05; Title 03, Chapter 01; Title 04, Chapter 01; Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 08-0000-1900** *Rules of the State Board of Education and the Department of Education* - Notice of Public Hearing, Bulletin Vol. 19-8
- 08-0000-1900** *Rules of the State Board of Education and the Department of Education* - Notice of Public Hearing, Bulletin Vol. 19-10
- 08-0000-1900** *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)

- 08-0000-1900F** *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapter 11, Sections 200 and 300 only; Title 02, Chapter 02, Sections 066 and 075 only; Title 02, Chapter 03, Section 128 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 08-0000-1900F** *Rules of the State Board of Education and the Department of Education* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 20-1 (PLR 2020)

08.01.13, Rules Governing the Idaho Opportunity Scholarship Program

- 08-0113-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0113-1901** Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 8-29-19)T
- 08-0113-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

08.02.01, Rules Governing Administration

- 08-0201-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0201-1902** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

- 08-0201-1902 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0201-1903 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-12 (eff. 10-17-19)T
- 08-0201-1902 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

08.02.02, Rules Governing Uniformity

- 08-0202-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3
- 08-0202-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-3
- 08-0202-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0202-1902 Proposed Rulemaking, Bulletin Vol. 19-8
- 08-0202-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0202-1903 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0202-1902 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)
- 08-0202-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 08-0202-1903 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

08.02.03, Rules Governing Thoroughness

- 08-0203-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0203-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0203-1903 Temporary and Proposed Rulemaking, Bulletin Vol. 19-8 (eff. 7-1-19)T
- 08-0203-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0203-1902 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0203-1903 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)
- 08-0203-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 08-0203-1902 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

08.02.04, Rules Governing Public Charter Schools

- 08-0204-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 08-0204-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 08-0204-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDA PA 09 – IDAHO DEPARTMENT OF LABOR

- 09-0000-1900 **Rules of the Idaho Department of Labor** - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 01, Chapters 01, 08, 30, 35, 60; Title 02, Chapter 01; Title 05, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 09-0000-1900 **Rules of the Idaho Department of Labor** - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

09.01.30, Unemployment Insurance Benefits Administration Rules

- 09-0130-1901 Notice of Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 3-6-19)T
- 09-0130-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 09-0130-1903 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 09-0130-1902* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 09-0130-1903* 2nd Filing - Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 09-0130-1902 Proposed Rulemaking, Bulletin Vol. 19-9
- 09-0130-1903 Proposed Rulemaking, Bulletin Vol. 19-9
- 09-0130-1902 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)
- 09-0130-1903 Adoption of Pending Rule, Bulletin Vol. 19-11 (PLR 2020)

**IDA PA 10 – IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

- 10-0000-1900F **Rules of the Board of Professional Engineers and Professional Land Surveyors** - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 01, Chapters 01-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Public Hearing, Bulletin Vol. 19-8

10-0000-1900F *Rules of the Board of Professional Engineers and Professional Land Surveyors* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

10.01.01, Rules of Procedure

10-0101-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.04, Rules of Continuing Professional Development

10-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

10.01.05, Rules for Military or Veterans Licensure

10-0105-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

IDAPA 11 – IDAHO STATE POLICE

11-0000-1900 *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03**, Chapter 01; **Title 06**, Chapter 01; **Title 07**, Chapters 01-03; **Title 10**, Chapter 03; **Title 13**, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

11-0000-1900F *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10**, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

11-0200-1900F *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 02**, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

11-0400-1900 *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 04**, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

11-0400-1900F *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 04**, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

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

11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

11-1001-1900F *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11-1101-1900F* *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 11**, Chapter 01, Bulletin Vol. 19-6SE (eff. 6-30-19)T

*(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Title 11, Chapter 01)

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

Idaho State Brand Board

- 11-0200-1900F** *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 02, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0200-1900F** *Rules of the Idaho State Brand Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.02.01, Rules of the Idaho State Brand Board

- 11-0201-1901** Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 7-1-19)T
- 11-0201-1902** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

Idaho State Police Forensic Services

- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 03, Chapter 01**; Title 06, Chapter 01; Title 07, Chapters 01-03; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.03.01, Rules Governing Alcohol Testing

- 11-0301-1801** Adoption of Temporary Rule, Bulletin Vol. 18-1 (eff. 12-14-17)T
- 11-0301-1801** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule - SCR150, Bulletin Vol. 18-5 (eff. 10-2-17)T
- 11-0301-1801** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule - SCR113, Bulletin Vol. 19-5 (eff. 12-14-19)T
- 11-0301-1901** Proposed Rulemaking, Bulletin Vol. 19-11

Idaho State Racing Commission

- 11-0400-1900** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes **Title 04**, Chapters 04, 06, 08-10, 13-14 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0400-1900** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0400-1900F** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes **Title 04**, Chapters 02, 03, 05, 07, 11, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0400-1900F** *Rules of the Idaho State Racing Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.04.03, Rules Governing Licensing and Fees

- 11-0403-1801** Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T
- 11-0403-1801** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

11.04.11, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses

- 11-0411-1801*** *Notice of Intent to Promulgate Rules – Negotiated Rulemaking, Bulletin Vol. 18-3 (*Rulemaking terminated by agency)*
- 11-0411-1802** Adoption of Temporary Rule, Bulletin Vol. 18-11 (eff. 9-17-18)T
- 11-0411-1802** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 9-17-18)T

11.06.01, Rules Governing Civil Asset Forfeiture Reporting

- 11-0601-1901** Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-7-19)T

11.08.01, Rules Governing Hemp Transportation

- 11-0801-2001** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 11-19-19)T

Public Safety and Security Information Bureau

- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking - Reauthorizes Title 03, Chapter 01; Title 06, Chapter 01; Title 07, Chapters 01-03; **Title 10, Chapter 03**; Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0000-1900** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-0000-1900F** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes Title 05, Chapter 01; **Title 10, Chapter 02** -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-0000-1900F** *Rules of the Idaho State Police* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 11-1001-1900F** *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, - Reauthorizes **Title 10, Chapter 01**, Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 11-1001-1900F** *Idaho Public Safety and Public Information Systems* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.10.02, Rules Governing State Criminal History Records and Crime Information

- 11-1002-1901** *Adoption of Temporary Rule, Bulletin Vol. 19-3 (eff. 2-5-19)T (Expired)*

Peace Officer Standards and Training (POST) Council

- 11-1101-1900F** *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, - Reauthorizes **Title 11, Chapter 01**, Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Reauthorization combines previous chapters 11.02, 11.03, 11.04, 11.05, and 11.06 into Chapter 11.01)*
- 11-1101-1900F** *Rules of the Peace Officer Standards and Training Council* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

11.11.01, Rules of the Idaho Peace Officer Standards and Training Council

- 11-1101-1901** *Adoption of Temporary Rule, Bulletin Vol. 19-4 (eff. 3-14-19)T (Expired)*

IDAPA 12 – DEPARTMENT OF FINANCE

- 12-0000-1900** *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 04, 09, 10, 11 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 12-0000-1900** *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 12-0000-1900F** *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 06, 08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 12-0000-1900F** *Rules of the Department of Finance* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

12.01.08, Rules Pursuant to the Uniform Securities Act (2004)

- 12-0108-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0108-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.09, Rules Pursuant to the Idaho Credit Code

- 12-0109-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0109-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0109-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

- 12-0110-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0110-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0110-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

12.01.11, Rules Pursuant to the Idaho Collection Agency Act

- 12-0111-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- 12-0111-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 12-0111-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 13 – IDAHO FISH AND GAME COMMISSION

- 13-0000-1900** ***Rules of the Idaho Fish and Game Commission*** - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-04, 06-12, 14-19 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 13-0000-1900** Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 13-0000-1900** ***Rules of the Idaho Fish and Game Commission*** - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

- 13-0000-1900F** ***Rules of the Idaho Fish and Game Commission*** - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 02, Sections 100 and 102 only; Title 01, Chapter 04, Section 600 only; Title 01, Chapter 08, Subsection 260.06 only; Title 01, Chapter 10, Subsection 400.09 only; Title 01, Chapter 19, Section 112 only; Title 01, Chapter 20, Subsection 102.04 only -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 13-0000-1900F** Notice of Omnibus Fee Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9
- 13-0000-1900F** ***Rules of the Idaho Fish and Game Commission*** - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1902AP** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-6
- 13-0108-1903** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0108-1904** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0108-1903** Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0108-1904** Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0108-1903** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 13-0108-1904** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1901P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-6
- 13-0109-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0109-1902** Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0109-1801AP** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10
- 13-0109-1903P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10
- 13-0109-1902** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

13.01.10, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife

- 13-0110-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 13-0110-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 13-0110-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

13.01.11, Rules Governing Fish

- 13-0111-1901P** Notice of Proclamation, Bulletin Vol. 19-1
- 13-0111-1902P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4
- 13-0111-1903P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-8
- 13-0111-1901AP** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-10
- 13-0111-1904P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-10
- 13-0111-1901AAP*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-11 (*2nd Amendment)
- 13-0111-1905P** Notice of Proclamation of Rulemaking, Bulletin Vol. 19-11
- 13-0111-1901AAAP*** Notice of Amended Proclamation of Rulemaking, Bulletin Vol. 19-12 (*3rd Amendment)

13.01.14, Rules Governing Falconry

13-0114-1901P Notice of Proclamation of Rulemaking, Bulletin Vol. 19-4

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

13-0117-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

13-0117-1901 Proposed Rulemaking, Bulletin Vol. 19-10

13-0117-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS

Moved and Re-designated) - Rules of the Board of Registration of Professional Geologists (This chapter has been re-designated from IDAPA 14.01.01 to IDAPA 24.04.01 under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 15 – OFFICE OF THE GOVERNOR

Executive Orders of the Governor

Executive Order No. **2019-01** Licensing Freedom Act of 2019, Bulletin Vol. 19-2

Executive Order No. **2019-02** Red Tape Reduction Act, Bulletin Vol. 19-2

Executive Order No. **2019-03** Regional Government Efficiency Working Group, Bulletin Vol. 19-6

Executive Order No. **2019-04** Idaho Medal of Achievement, Bulletin Vol. 19-11

Executive Order No. **2019-05** Governor's Leadership In Nuclear Energy (LINE) Commission, Bulletin Vol. 19-11

Executive Order No. **2019-06** Continuing the Board of Juvenile Corrections, as the Primary Advisory Body for the Governor and Director of the Department of Juvenile Corrections on Matters Pertaining to Juvenile Corrections, Bulletin Vol. 19-11

Executive Order No. **2019-07** Idaho Broadband Task Force, Bulletin Vol. 19-11

Executive Order No. **2019-08** Continuing the Workforce Development Council for Planning and Oversight of the State's Workforce Development System Amending Executive Order 2017-13, Bulletin Vol. 19-11

Executive Order No. **2019-09** Combating the Opioid and Substance Use Disorder Crisis, Bulletin Vol. 19-11

Executive Order No. **2019-10** Organization of the Lewis and Clark Trail Committee, Bulletin Vol. 19-11

Executive Order No. **2019-11** Establishing the Governor's Commission on Service and Volunteerism, Bulletin Vol. 19-11

Executive Order No. **2019-12** Reviewing the Preparation and Administration of Idaho's Plan Under the Juvenile Justice and Delinquency Act; Repealing and Replacing Executive Order 2015-11, Bulletin Vol. 19-11

Idaho Commission On Aging

15-0100-1900 *Rules of the Idaho Commission on Aging* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 20, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0100-1900 Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-9

15-0100-1900 *Rules of the Idaho Commission on Aging* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Commission for the Blind and Visually Impaired

15-0200-1900 *Rules of the Idaho Commission for the Blind and Visually Impaired* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 02-04, 30 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0200-1900 *Rules of the Idaho Commission for the Blind and Visually Impaired* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Forest Products Commission

15-0300-1900F *Rules of the Idaho Forest Products Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

15-0300-1900F *Rules of the Idaho Forest Products Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

Division of Human Resources and Personnel Commission

- 15-0400-1900** *Rules of the Division of Human Resources and Personnel Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 15-0400-1900** *Rules of the Division of Human Resources and Personnel Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho Military Division

- 15-0600-1900** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 06, Chapters 01-02, 04-06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 15-0600-1900** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 15-0600-1900F** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 15-0600-1900F** *Rules of the Idaho Military Division* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

Idaho State Liquor Division

- 15-1000-1900F** *Rules of the Idaho State Liquor Division* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 15-1000-1900F** *Rules of the Idaho State Liquor Division* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

- 16-0000-1900** *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 12; Title 02, Chapters 02, 06, 10-12, 15, 19, 23-24; Title 03, Chapters 01-02, 04-11, 13-14, 17, 20-21, 23-25; Title 04, Chapters 10, 13-14, 16-17; Title 05, Chapters 01, 03-04, 07; Title 06, Chapters 05, 12-13; Title 07, Chapters 17, 19, 25, 33, 37, 39 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 16-0000-1900** *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8
- 16-0000-1900** *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 16-0000-1900F** *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 07; Title 02, Chapters 01, 08, 13-14, 25-27; Title 03, Chapters 03, 18, 19, 22; Title 04, Chapters 07, 08; Title 05, Chapter 06; Title 06, Chapters 01-02; Title 07, Chapters 01, 15 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 16-0000-1900F** *Rules of the Department of Health and Welfare* - Notice of Public Hearing, Bulletin 19-8
- 16-0000-1900F** *Rules of the Department of Health and Welfare* - Notice of Omnibus Rulemaking - Adoption of Fee Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

16.01.02, Emergency Medical Services (EMS) - Rule Definitions

- 16-0102-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0102-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.01.03, Emergency Medical Services (EMS) – Agency Licensing Requirements

- 16-0103-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 16-0103-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0103-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.01.07, Emergency Medical Services (EMS) – Personnel Licensing Requirements

- 16-0107-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 16-0107-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0107-1901** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

- 16-0201-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7

- 16-0201-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 16-0201-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

- 16-0202-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 16-0202-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.02.04, Syringe and Needle Exchange Program

- 16-0204-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-6

16.02.08, Vital Statistics Rules (Rule Null and Void)

- 16-0208-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 16-0208-1901 Notice of Public Hearing, Bulletin 19-9
- 16-0208-1901 Notice of Rescission of Temporary Rule and Vacation of Proposed Rulemaking, Bulletin Vol. 20-1 (eff. 11-14-19)

16.02.14, Rules Governing Construction and Operation of Public Swimming Pools in Idaho

- 16-0214-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 16-0214-1901 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 20-1

16.03.01, Eligibility for Health Care Assistance for Families and Children

- 16-0301-1901 Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 1-1-20)T
- 16-0301-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.03.09, Medicaid Basic Plan Benefits

- 16-0309-1803 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 16-0309-1803 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 16-0309-1803 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 16-0309-2001 Adoption of Temporary Rule, Bulletin Vol. 20-1 (eff. 1-1-20)T

16.03.10, Medicaid Enhanced Plan Benefits

- 16-0310-1704 4th Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 16-0310-1806 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 18-7
- 16-0310-1806 Temporary and Proposed Rulemaking, Bulletin Vol. 19-7 (eff. 7-1-19)T
- 16-0310-1704 Proposed Rulemaking, Bulletin Vol. 19-10
- 16-0310-1704 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 20-01
- 16-0310-1806 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.03.18, Medicaid Cost-Sharing

- 16-0318-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 16-0318-1901 Proposed Rulemaking, Bulletin Vol. 19-10
- 16-0318-1901 Adoption of Pending Rule and Adoption of Temporary Rule, Bulletin Vol. 20-1 (PLR 2020) / (eff. 1-1-20)T

16.03.19, Rules Governing Certified Family Homes

- 16-0319-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 16-0319-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0319-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.03.22, Residential Care or Assisted Living Facilities in Idaho

- 16-0322-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 16-0322-1901 Proposed Rulemaking, Bulletin Vol. 19-9
- 16-0322-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.05.04, Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding

- 16-0504-1901 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 16-0504-1901 Proposed Rulemaking, Bulletin Vol. 19-10

16-0504-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.05.06, Criminal History and Background Checks

- 16-0506-1901** OARC Omnibus Notice of Legislative Action-Extension of Temporary Rule by SCR 114, Bulletin Vol. 19-5 (eff. 1-1-19)T
16-0506-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
16-0506-1901 Proposed Rulemaking, Bulletin Vol. 19-9
16-0506-1902 Proposed Rulemaking, Bulletin Vol. 19-9
16-0506-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
16-0506-1902 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1901** Proposed Rulemaking, Bulletin Vol. 19-10
16-0612-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDAPA 17 – INDUSTRIAL COMMISSION

- 17-0000-1900** *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 10, Chapter 01; Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
17-0000-1900 *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
17-0000-1900F *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
17-0000-1900F *Rules of the Idaho Industrial Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 18 – DEPARTMENT OF INSURANCE

- 18-0000-1900*** *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 01; Title 02, Chapters 01-03; Title 03, Chapters 01-05; Title 04, Chapters 01-15; Title 05, Chapters 01-03; Title 06, Chapters 01-06; Title 07, Chapters 01-12; Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
18-0000-1900* *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
18-0000-1900F* *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes and Re-designates Title 01, Chapter 02; Title 08, Chapter 02 --- Bulletin Vol. 19-6SE (eff. 6-30-19)T
18-0000-1900F* *Rules of the Idaho Department of Insurance* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

*These chapters indexed under IDAPA 18 are re-designated with new Title and Chapter numbers as follows:

New Designation [Old Designation]: **18.01.01** [18.01.48]; **18.01.02** [18.01.44]; **18.02.01** [18.01.19]; **18.02.02** [18.01.20]; **18.02.03** [18.01.34]; **18.03.01** [18.01.09]; **18.03.02** [18.01.13]; **18.03.03** [18.01.16]; **18.03.04** [18.01.41]; **18.03.05** [18.01.61]; **18.04.01** [18.01.05]; **18.04.02** [18.01.06]; **18.04.03** [18.01.24]; **18.04.04** [18.01.26]; **18.04.05** [18.01.27]; **18.04.06** [18.01.28]; **18.04.07** [18.01.29]; **18.04.08** [18.01.30]; **18.04.09** [18.01.31]; **18.04.10** [18.01.54]; **18.04.11** [18.01.60]; **18.4.12** [18.01.69]; **18.04.13** [18.01.70]; **18.04.14** [18.01.72]; **18.04.15** [18.01.77]; **18.05.01** [18.01.01]; **18.05.02** [18.01.25]; **18.05.03** [18.01.56]; **18.06.01** [18.01.04]; **18.06.02** [18.01.10]; **18.06.03** [18.01.52]; **18.06.04** [18.01.53]; **18.06.05** [18.01.64]; **18.06.06** [18.01.65]; **18.07.01** [18.01.23]; **18.07.02** [18.01.46]; **18.07.03** [18.01.47]; **18.07.04** [18.01.62]; **18.07.05** [18.01.66]; **18.07.06** [18.01.67]; **18.07.07** [18.01.68]; **18.07.08** [18.01.75]; **18.07.09** [18.01.76]; **18.07.10** [18.01.77]; **18.07.11** [18.01.78]; **18.07.12** [18.01.81]; **18.08.01** [18.01.50]; **18.08.02** [18.01.49]

18.04.08, [18.01.30] Individual Disability and Group Supplemental Disability Insurance Minimum Standards Rule

- 18-0408-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8
18-0408-1901 Proposed Rulemaking, Bulletin Vol. 19-10
18-0408-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

18.04.16, Rules Governing Short-Term Health Insurance Coverage

- 18-0416-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-7
- 18-0416-1902** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 19-8 (eff. 7-1-19)T
- 18-0416-1901** Proposed Rulemaking (New Chapter), Bulletin Vol. 19-10
- 18-0416-1901** Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1(PLR 2020)

18.06.06, [18.01.65] Rules for the Surplus Lines Brokers

- 18-0606-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-8
- 18-0606-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 18-0606-1901** Adoption of Pending Rule, Bulletin Vol. 20-1(PLR 2020)

IDAPA 19 – BOARD OF DENTISTRY

- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8
- 19-0101-1900F** *Rules of the Idaho State Board of Dentistry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

19.01.01, Rules of the Idaho State Board of Dentistry

- 19-0101-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-7
- 19-0101-1901** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9 (eff. 7-27-19)T
- 19-0101-1901** Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 20 – DEPARTMENT OF LANDS

- 20-0000-1900** *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 20-0000-1900** *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8
- 20-0000-1900** *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 20-0000-1900F** *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 14; Title 03, Chapters 01-05, 08, 09, 13-17; Title 04, Chapter 02; Title 06, Chapter 01; Title 07, Chapter 02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 20-0000-1900F** *Rules of the Idaho Department of Lands* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8
- 20-0000-1900F** *Rules of the Idaho Department of Lands* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

20.03.02, Rules Governing Mined Land Reclamation

- 20-0302-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5
- 20-0302-1902*** Adoption of Temporary Rule (Fee Rule), Bulletin Vol. 19-9 (eff. 7-16-19)T
(*Temporary Rulemaking changes chapter name to: “Rules Governing Mined Land Reclamation”
from: “Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities”)
- 20-0302-1901** 2nd Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-10

20.03.03, Rules Governing Administration of the Reclamation Fund

- 20-0303-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 20-0303-1901** Proposed Rulemaking, Bulletin Vol. 19-9
- 20-0303-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

20.03.04, Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

- 20-0304-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 20-0304-1901** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
- 20-0304-1901** Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 21 -- DIVISION OF VETERANS SERVICES

- 21-0000-1900** *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 21-0000-1900** *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 21-0000-1900F** *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 21-0000-1900F** *Rules of the Division of Veterans Services* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 22 – BOARD OF MEDICINE

- 22-0000-1900** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 05 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 22-0000-1900** Notice of Public Hearing (Omnibus Rulemaking), Bulletin Vol. 19-8
- 22-0000-1900** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 22-0000-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 01, 03, 10, 11, 13 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 22-0000-1900F** Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-8
- 22-0000-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

22.01.07, Rules for the Licensure of Naturopathic Medical Doctors

- 22-0107-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-8
- 22-0107-1901** Proposed Rulemaking (New Chapter, Fee Rule), Bulletin Vol. 19-11
- 22-0107-1901** Adoption of Pending Rule (New Chapter), Bulletin Vol. 20-1(PLR 2020)

IDAPA 23 – BOARD OF NURSING

- 23-0101-1900F** *Rules of the Idaho Board of Nursing* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 23-0101-1900F** Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin Vol. 19-9
- 23-0101-1900F** *Rules of the Idaho Board of Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 23-0101-1901** Proposed Rulemaking, Bulletin Vol. 19-10
- 23-0101-1901** Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

- 24-0101-1900F** *Rules of the Board of Architectural Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0101-1900F** *Rules of the Board of Architectural Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

- 24-0201-1900F*** *Rules of the State Athletic Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking - Reauthorizes re-designated Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 03.01.01 to 24.02.01)*
- 24-0201-1900F*** *Rules of the State Athletic Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0301-1900F** *Rules of the State Board of Chiropractic Physicians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0301-1900F** *Rules of the State Board of Chiropractic Physicians* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0401-1900F*** *Rules of Procedure of the Board of Registration for Professional Geologists* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 14.01.01 to 24.04.01)*
- 24-0401-1900F*** *Rules of Procedure of the Board of Registration for Professional Geologists* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0501-1900F** *Rules of the Board of Drinking Water and Wastewater Professionals* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0501-1900F** *Rules of the Board of Drinking Water and Wastewater Professionals* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0601-1900F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 06, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0601-1900F** *Rules for the Licensure of Occupational Therapists & Occupational Therapy Assistants* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0701-1900F** *Rules of the Idaho State Board of Landscape Architects* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 07, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0701-1900F** *Rules of the Idaho State Board of Landscape Architects* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0801-1900F** *Rules of the State Board of Morticians* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 08, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0801-1900F** *Rules of the State Board of Morticians* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-0901-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 09, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-0901-1900F** *Rules of the Board of Examiners of Nursing Home Administrators* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1001-1900F** *Rules of the Board of Optometry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 10, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1001-1900F** *Rules of the Board of Optometry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1101-1900F** *Rules of the State Board of Podiatry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 11, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1101-1900F** *Rules of the State Board of Podiatry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1201-1900F** *Rules of the Idaho State Board of Psychological Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 12, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1201-1900F** *Rules of the State Board of Psychological Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

- 24-1301-1900F** *Rules Governing the Physical Therapy Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 13, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1301-1900F** *Rules Governing the Physical Therapy Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1401-1900F** *Rules of the State Board of Social Work Examiners* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 14, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1401-1900F** *Rules of the State Board of Social Work Examiners* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1501-1900F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists*-Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 15, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1501-1900F** *Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1601-1900F** *Rules of the State Board of Dentistry* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 16, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1601-1900F** *Rules of the State Board of Dentistry* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1701-1900F** *Rules of the State Board of Acupuncture* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 17, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1701-1900F** *Rules of the State Board of Acupuncture* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1801-1900F** *Rules of the Real Estate Appraiser Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 18, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1801-1900F** *Rules of the Real Estate Appraiser Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-1901-1900F** *Rules of the Board of Examiners of Residential Care Facility Administrators* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 19, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-1901-1900F** *Rules of the Board of Examiners of Residential Care Facility Administrators* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2001-1900** *Rules of the Bureau of Occupational Licenses* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 20, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2001-1900** *Rules of the Bureau of Occupational Licenses* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2101-1900F** *Rules of the Idaho State Contractors Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 21, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2101-1900F** *Rules of the Idaho State Contractors Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2201-1900F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 22, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2201-1900F** *Rules of the Idaho State Liquefied Petroleum Gas Safety Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2301-1900F** *Rules of the Speech, Hearing and Communication Services Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 23, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2301-1900F** *Rules of the Speech, Hearing and Communication Services Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2401-1900F** *Rules of the Genetic Counselors Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 24, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

- 24-2401-1900F** *Rules of the Genetic Counselors Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2501-1900F** *Rules of the Idaho Driving Businesses Licensure Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 25, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2501-1900F** *Rules of the Idaho Driving Businesses Licensure Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2601-1900F** *Rules of the Idaho Board of Midwifery* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 26, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2601-1900F** *Rules of the Idaho Board of Midwifery* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2701-1900F** *Rules of the Idaho State Board of Massage Therapy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 27, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2701-1900F** *Rules of the Idaho State Board of Massage Therapy* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2801-1900F** *Rules of the Barber and Cosmetology Services Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 28, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 24-2801-1900F** *Rules of the Barber and Cosmetology Services Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 24-2901-1900F*** *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes re-designated Title 29, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
**(Re-designated from IDAPA 49.01.01 to 24.29.01)*
- 24-2901-1900F*** *Rules of Procedure of the Idaho Certified Shorthand Reporters Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

- 25-0101-1900F** *Rules of the Outfitters and Guides Licensing Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 25-0101-1900F** *Rules of the Outfitters and Guides Licensing Board* - Notice of Public Hearing for Omnibus Fee Rule, Bulletin Vol. 19-9
- 25-0101-1900F** *Rules of the Outfitters and Guides Licensing Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

25.01.01, Rules of the Outfitters and Guides Licensing Board

- 25-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 25-0101-1902** Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 4-26-19)T & (5-22-19)T

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

- 26-0000-1900** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 03, 21-22, 24, 30-31, 34, 37 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 26-0000-1900** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 26-0000-1900F** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 10, 20, 33, 36 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 26-0000-1900F** *Rules of the Department of Parks and Recreation* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

- 26-0120-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

26-0120-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10

26.01.36, Rules Governing the Winter Recreational Parking Permit Program

26-0136-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

26-0136-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-10

IDAPA 27 – BOARD OF PHARMACY

27-0101-1900F* *Rules of the Idaho Board of Pharmacy* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 (**This rulemaking consolidates contents from Chapters 27.01.02, 27.01.03, 27.01.04, and 27.01.05 into IDAPA 27.01.01*) -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

27-0000-1900F *Rules of the Idaho Board of Pharmacy* - Notice of Public Hearing (Omnibus Fee Rulemaking), Bulletin 19-8

27-0000-1900F *Rules of the Idaho Board of Pharmacy* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

27.01.01, General Provisions

27-0101-1901* *1st Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*

27-0101-1901* *2nd Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7 (*Rulemaking Terminated)*

IDAPA 28 – DEPARTMENT OF COMMERCE

28-0000-1900 *Rules of the Idaho Department of Commerce* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 03-05, 07; Titles 03, Chapter 01; Title 04, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

28-0000-1900 *Rules of the Idaho Department of Commerce* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 29 – IDAHO POTATO COMMISSION

29-0000-1900 *Rules of the Idaho Potato Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

29-0000-1900 *Rules of the Idaho Potato Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 30 – IDAHO COMMISSION FOR LIBRARIES

30-0101-1900 *Rules of the Idaho Commission for Libraries Governing the Use of Commission Services* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

30-0101-1900 *Rules of the Idaho Commission for Libraries Governing the Use of Commission Services* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 31 – PUBLIC UTILITIES COMMISSION

31-0000-1900 *Rules of the Idaho Public Utilities Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 21, Chapter 01; Title 26, Chapter 01; Title 31, Chapter 01; Title 36, Chapter 01; Title 41, Chapter 01; Title 46, Chapters 01-02; Title 51, Chapter 01; Title 61, Chapter 01; Title 71, Chapters 01, 03; Title 81, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

31-0000-1900 *Rules of the Idaho Public Utilities Commission* - Notice of Public Hearing (Omnibus Rulemaking), Bulletin 19-8

31-0000-1900 *Rules of the Idaho Public Utilities Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD

- 32-0101-1900F** *Rules of the Credit Enhancement Program for School Districts* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 32-0101-1900F** *Rules of the Credit Enhancement Program for School Districts* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 33 -- REAL ESTATE COMMISSION

- 33-0000-1900F** *Rules of the Idaho Real Estate Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 33-0000-1900F** *Rules of the Idaho Real Estate Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 34 – SECRETARY OF STATE

- 34-0000-1900** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 02; Title 03, Chapter 01; Title 04, Chapter 02; Title 05, Chapter 05; Title 06, Chapter 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 34-0000-1900** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 34-0000-1900F** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 01; Title 05, Chapter 01-03, 06 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 34-0000-1900F** *Rules of the Idaho Secretary of State* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

34.07.01, Rules Governing Notarial Acts Performed for Remotely Located Individuals

- 34-0701-2001** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 20-1 (eff. 1-1-20)T

IDAPA 35 – STATE TAX COMMISSION

- 35-0000-1900** *Rules of the Idaho State Tax Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-03, 05-10, 12, 14; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 35-0000-1900** *Rules of the Idaho State Tax Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

35.01.01, Income Tax Administrative Rules

- 35-0101-1901** Adoption of Temporary Rule, Bulletin Vol. 19-2 (eff. 1-4-19)T
- 35-0101-1901** OARC Omnibus Notice of Legislative Action - Extension of Temporary Rule - SCR 113, Bulletin Vol. 19-5 (eff. 1-4-19)T
- 35-0101-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0101-1903** Proposed Rulemaking, Bulletin Vol. 19-7
- 35-0101-1902** Proposed Rulemaking, Bulletin Vol. 19-8
- 35-0101-1904** Proposed Rulemaking, Bulletin Vol. 19-8
- 35-0101-1902** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 35-0101-1903** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- 35-0101-1904** Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1901*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 35-0102-1902*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- 35-0102-1903** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 35-0102-1904*** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*

- [35-0102-1905](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0102-1906](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0102-1907](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7
- [35-0102-1901*](#) *Proposed Rulemaking, Bulletin Vol. 19-8*
- [35-0102-1902*](#) *Proposed Rulemaking, Bulletin Vol. 19-8*
- [35-0102-1903](#) Proposed Rulemaking, Bulletin Vol. 19-8
- [35-0102-1904*](#) *Proposed Rulemaking, Bulletin Vol. 19-8*
- [35-0102-1901*](#) *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- [35-0102-1902*](#) *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- [35-0102-1904*](#) *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- [35-0102-1903](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

35.01.03, Property Tax Administrative Rules

- [35-0103-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1902](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1903](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1904](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1905](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1906](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- [35-0103-1907](#) Adoption of Temporary Rule, Bulletin Vol. 19-6 (eff. 1-1-19)T
- [35-0103-1908](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7
- [35-0103-1901](#) Proposed Rulemaking, Bulletin Vol. 19-8
- [35-0103-1909](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1910](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1911](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1912](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1913](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1914](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1915](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
- [35-0103-1903](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0103-1906](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0103-1902](#) Proposed Rulemaking, Bulletin Vol. 19-10
- [35-0103-1904](#) Proposed Rulemaking, Bulletin Vol. 19-10
- [35-0103-1905](#) Proposed Rulemaking, Bulletin Vol. 19-10
- [35-0103-1901](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- [35-0103-1902](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- [35-0103-1903](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- [35-0103-1904](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- [35-0103-1905](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)
- [35-0103-1906](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

35.01.05, Motor Fuels Tax Administrative Rules

- [35-0105-1901*](#) *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6*
- [35-0105-1902*](#) *Proposed Rulemaking, Bulletin Vol. 19-8*
- [35-0105-1901](#) Proposed Rulemaking, Bulletin Vol. 19-9
- [35-0105-1902*](#) *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-10*
- [35-0105-1901](#) Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

35.01.06, Hotel/Motel Room and Campground Sales Tax Administrative Rules

- [35-0106-1901](#) Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

35.01.09, Idaho County Option Kitchen and Table Wine Tax Administrative Rules

- [35-0109-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

35.01.12, Idaho Beer Tax Administrative Rules

- [35-0112-1901](#) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (Chapter Repeal), Bulletin Vol. 19-7

35.01.15, Idaho Beer and Wine Tax Administrative Rules

35-0115-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 19-7

35.02.01, Tax Commission Administration and Enforcement Rules

35-0201-1901 Proposed Rulemaking, Bulletin Vol. 19-10

35-0201-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDAPA 36 -- IDAHO BOARD OF TAX APPEALS

36-0101-1900F *Idaho Board of Tax Appeals Rules* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

36-0101-1900F *Idaho Board of Tax Appeals Rules* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 37 – DEPARTMENT OF WATER RESOURCES

37-0000-1900 *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 01, 04; Title 03, Chapters 11, 12 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

37-0000-1900 *Rules of the Idaho Department of Water Resources* - Notice of Public Hearing, Bulletin 19-8

37-0000-1900 *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

37-0000-1900F *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01; Title 02, Chapter 03; Title 03, Chapters 01-10 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

37-0000-1900F *Rules of the Idaho Department of Water Resources* - Notice of Public Hearing (Fee Rules), Bulletin 19-8

37-0000-1900F *Rules of the Idaho Department of Water Resources* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION

38-0000-1900 *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 04, Chapters 06-09; Title 05, Chapters 01-02 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

38-0000-1900 *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

38-0000-1900F *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 04, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

38-0000-1900F *Rules of the Idaho Department of Administration* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-0000-1900 *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapters 01-03, 05, 09, 11-12, 24, 27, 42-43, 45-46, 61, 70-73, 75-76, 80; Title 03, Chapters 01-02, 04-08, 40-44, 47-50, 60-65, 80-81; Title 04, Chapters 01-08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

39-0000-1900 *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

39-0000-1900F *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 02, Chapter 04, 07, 22, 26, 41, 60; Title 03, Chapter 03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

39-0000-1900F *Rules of the Idaho Transportation Department* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

Omnibus Negotiated Rulemaking – Rules Regulating Vehicles Titles

Chapters 39.02.05, 39.02.07, 39.02.11, 39.02.12, 39.02.24

39-0200-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

Omnibus Negotiated Rulemaking – Rules Regulating Commercial Motor Vehicle Permits and Registration

Chapters 39.02.22, 39.03.01, 39.03.05, 39.03.06

39-0300-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

Omnibus Negotiated Rulemaking – Traffic Signs and Right-Of-Way Rules

Chapters 39.03.41, 39.03.60, 39.03.61, 39.03.62, 39-03.63, 39.03.64

39-0300-1902 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39.02.03, Rules Governing Vehicle Dealer's Principle Place of Business and Claims to the Idaho Consumer Asset Recovery Fund

39-0203-1901* Temporary and Proposed Rulemaking, Bulletin Vol. 19-10 (eff. 8-22-19)T

**(Rulemaking changes chapter name from: "Rules Governing Vehicle Dealer's Principle Place of Business")*

39-0203-1901* Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.02.22, Rules Governing Registration and Permit Fee Administration

39-0222-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0222-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.02.42, Temporary Vehicle Registration When Proof of Ownership Is Insufficient

39-0242-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0242-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0242-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.02.75, Rules Governing Names on Driver's Licenses and Identification Cards

39-0275-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0275-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0275-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.02.76, Rules Governing Driver's License Renewal-by-Mail and Electronic Renewal Process

39-0276-1901 Notice of Intent to Promulgate - Omnibus Negotiated Rulemaking, Bulletin Vol. 19-7

39-0276-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0276-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.03.01, Rules Governing Definitions Regarding Special Permits

39-0301-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0301-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.03.05, Rules Governing Special Permits - Oversize Non-Reducible

39-0305-1901 Proposed Rulemaking, Bulletin Vol. 19-10

39-0305-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.03.06, Rules Governing Special Permits for Extra-Length/Excess Weight, Up to 129,000 Pound Vehicle Combinations

39-0306-1901 Adoption of Temporary Rules, Bulletin Vol. 19-7 (eff. 7-1-19)T

39-0306-1902 Proposed Rulemaking, Bulletin Vol. 19-10

39-0306-1902 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

39.03.49, Rules Governing Ignition Interlock Breath Alcohol Devices

- 39-0349-1901** Proposed Rulemaking, Bulletin Vol. 19-7
39-0349-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDAPA 40 – IDAHO COMMISSION ON THE ARTS

- 40-0101-1900** *Rules of the Idaho Commission on the Arts* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
40-0101-1900 *Rules of the Idaho Commission on the Arts* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)
- 40-0101-1901** *Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8*
40-0101-1901* *Proposed Rulemaking, Bulletin Vol. 19-10 (*Combined with docket no. 40-0101-1900)*
40-0101-1901* *Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 20-1*

IDAPA 41 -- PUBLIC HEALTH DISTRICTS

- 41-0101-1900** *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
41-0101-1900 *Rules of the Idaho Public Health Districts (Panhandle Health District #1)* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 42 -- IDAHO WHEAT COMMISSION

- 42-0101-1900F** *Rules of the Idaho Wheat Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
42-0101-1900F *Rules of the Idaho Wheat Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 43 -- IDAHO OILSEED COMMISSION

- 43-0101-1900F** *Rules Governing the Idaho Oilseed Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
43-0101-1900F *Rules Governing the Idaho Oilseed Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 45 -- HUMAN RIGHTS COMMISSION

- 45-0101-1900** *Rules of the Idaho Human Rights Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
45-0101-1900 *Rules of the Idaho Human Rights Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS

- 46-0101-1900F** *Rules of the Idaho Board of Veterinary Medicine* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
46-0101-1900F *Rules of the Idaho Board of Veterinary Medicine* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

46.01.01, Rules of the State of Idaho Board of Veterinary Medicine

- 46-0101-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 46-0101-1902** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
- 46-0101-1902** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10
- 46-0101-1902** Adoption of Fee Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

**IDAPA 47 -- STATE BOARD OF EDUCATION/
DIVISION OF VOCATIONAL REHABILITATION**

47.01.01, Rules Governing Vocational Rehabilitation Services

- 47-0101-1901** Adoption of Temporary Rule (New Chapter), Bulletin Vol. 19-10 (eff. 8-29-19)T

IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION

- 48-0101-1900F** *Rules of the Idaho Grape Growers and Wine Producers Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 48-0101-1900F** *Rules of the Idaho Grape Growers and Wine Producers Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

CERTIFIED SHORTHAND REPORTERS BOARD

(Moved and Re-designated) - Rules of Procedure of the Idaho Board of Certified Shorthand Reporters (This chapter has been re-designated from *IDAPA 49.01.01* to *IDAPA 24.29.01* under the Bureau of Occupational Licenses - See IDAPA 24 in this Index.)

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE

- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Notice of Public Hearing, Bulletin Vol. 19-10
- 50-0101-1900** *Rules of the Commission of Pardons and Parole* - Notice of Omnibus Rulemaking - Adoption of Pending Rule - Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 51 -- IDAHO BEEF COUNCIL

- 51-0101-1900F** *Rules of the Idaho Beef Council* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 51-0101-1900F** *Rules of the Idaho Beef Council* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 52 -- IDAHO STATE LOTTERY COMMISSION

- 52-0000-1900F** *Rules of the Idaho State Lottery Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapters 02-03 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
- 52-0000-1900F** *Rules of the Idaho State Lottery Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020) (*Rulemaking consolidates IDAPA 52.01.02 into IDAPA 52.01.03)

IDAPA 53 -- IDAHO BARLEY COMMISSION

53-0101-1900F *Rules of the Idaho Barley Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

53-0101-1900F *Rules of the Idaho Barley Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 54 -- OFFICE OF THE STATE TREASURER

54-0000-1900 *Rules of the Idaho State Treasurer* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 02, Chapter 01; Title 03, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

54-0000-1900 *Rules of the Idaho State Treasurer* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION

55-0000-1900 *Rules of the Idaho Division of Career Technical Education* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 03-04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

55-0000-1900 *Rules of the Idaho Division of Career Technical Education* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

55.01.03, Rules of Career Technical Schools

55-0103-1901 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-7

55-0103-1901 Proposed Rulemaking, Bulletin Vol. 19-10

55-0103-1902 Adoption of Temporary Rule, Bulletin Vol. 19-12 (eff. 10-17-19)T

55-0103-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDAPA 56 -- IDAHO RANGELAND RESOURCES COMMISSION

56-0101-1900F *Rules of the Idaho Rangeland and Resources Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01-- Bulletin Vol. 19-6SE (eff. 6-30-19)T

56-0101-1900F *Rules of the Idaho Rangeland and Resources Commission* - Notice of Vacation of Omnibus Proposed Rulemaking, Bulletin Vol. 19-11SE

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD

57-0101-1900F *Rules of the Sexual Offender Management Board* - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking, Reauthorizes Title 01, Chapter 01-- Bulletin Vol. 19-6SE (eff. 6-30-19)T

57-0101-1900F *Rules of the Sexual Offender Management Board* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

57-0101-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-10

57-0101-1901 Adoption of Pending Rule, Bulletin Vol. 20-1 (PLR 2020)

IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY

58-0000-1900 *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 02, 04, 10, 16, 21-24 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

58-0000-1900 *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

58-0000-1900F *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 05-08, 12-14, 18, 20, 25 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

58-0000-1900F *Rules of the Department of Environmental Quality* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule, Bulletin Vol. 19-11SE (PLR 2020)

TMDLs:

58-0000-1901 Curlew Valley Subbasin Assessment and Total Maximum Daily Load (TMDL): 2018 (HUC 16020309), Bulletin Vol. 19-1

58-0000-1902 Curlew Valley Subbasin Assessment and Total Maximum Daily Load (TMDL): 2019 (HUC 16020309), Bulletin Vol. 19-6

58-0000-1903 Big Lost River Subbasin Temperature Total Maximum Daily Load (TMDL): 2019 Addendum and Five-Year Review (HUC 17040218), Bulletin Vol. 19-7

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58-0000-1905 Hatwai Creek Subbasin Assessment and Total Maximum Daily Loads (TMDL) – 2019 Temperature TMDL (HUC 17060306), Bulletin Vol. 19-9

58.01.01, Rules for the Control of Air Pollution in Idaho

58-0101-1901 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 19-3

58-0101-1902 Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

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58-0101-1904 Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

58-0101-1903 Proposed Rulemaking, Bulletin Vol. 19-8

58-0101-1905 Proposed Rulemaking, Bulletin Vol. 19-8

58-0101-1904 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

58-0101-1903 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58-0101-1904 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58-0101-1905 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.02, Water Quality Standards

58-0102-1901 Notice of Meeting of the Idaho Board of Environmental Quality, Bulletin Vol. 19-9

58-0102-1901 Proposed Rulemaking, Bulletin Vol. 19-9

58-0102-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.03, Individual/Subsurface Sewage Disposal Rules

58-0103-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6

58-0103-1902 Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

58-0103-1902 Proposed Rulemaking, Bulletin Vol. 19-9

58-0103-1902 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.04, Rules for Administration of Wastewater Treatment Facility Grants

58-0104-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58-0104-1901 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repealed and Consolidated into 58.01.22*)

58.01.05, Rules and Standards for Hazardous Waste

58-0105-1901 Proposed Rulemaking, Bulletin Vol. 19-8

58-0105-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.06, Solid Waste Management Rules

58-0106-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8

58-0106-1901 Proposed Rulemaking, Bulletin Vol. 19-11

58.01.09, Rules Regulating Swine Facilities

58-0109-1901 Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

58-0109-1901 Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9

58-0109-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.11, Ground Water Quality Rule

58-0111-1901 Adoption of Temporary Fee Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T

- 58-0111-1901** Proposed Rulemaking (Fee Rule), Bulletin Vol. 19-9
58-0111-1901 Adoption of Pending Fee Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.12, Rules for Administration of Water Pollution Control Loans

- 58-0112-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0112-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.20 into this chapter*)

(**Rulemaking changes chapter name to: "Rules for Administration of Wastewater and Drinking Water Loan Funds")

58.01.13, Rules for Ore Processing by Cyanidation

- 58-0113-1901** Notice of Intent to Promulgate a Rule – Negotiated Rulemaking, Bulletin Vol. 19-5

58.01.15, Rules Governing the Cleaning of Septic Tanks

- 58-0115-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0115-1901 Notice of Status of Rulemaking, Bulletin Vol. 19-9

58.01.17, Recycled Water Rules

- 58-0117-1901** Adoption of Temporary Rule, Bulletin Vol. 19-7 (eff. 6-30-19)T
58-0117-1901 Proposed Rulemaking, Bulletin Vol. 19-9
58-0117-1901 Adoption of Pending Rule, Bulletin Vol. 19-12 (PLR 2020)

58.01.20, Rules for Administration of Drinking Water Loan Program

- 58-0120-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0120-1901* Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 19-11 (**Repealed and Consolidated into 58.01.12*)

58.01.22, Rules for Administration of Planning Grants for Drinking Water Facilities

- 58-0122-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-8
58-0122-1901* Proposed Rulemaking**, Bulletin Vol. 19-11 (**Consolidates 58.01.04 into this chapter*)

(**Rulemaking changes chapter name to: "Rules for Administration of Planning Grants for Drinking Water and Wastewater Facilities")

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

- 59-0000-1900** *Rules of the Idaho Public Retirement System of Idaho* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-06, 08; Title 02, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
59-0000-1900 *Rules of the Idaho Public Retirement System of Idaho* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

IDAPA 60 – IDAHO STATE SOIL AND WATER CONSERVATION COMMISSION

- 60-0000-1900** *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 05, Chapter 04 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
60-0000-1900 *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Vacation of Omnibus Proposed Rulemaking, Bulletin Vol. 19-11SE
60-0000-1900F *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 05, Chapter 01 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T
60-0000-1900F* *Rules of the Idaho State Soil and Water Conservation Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Fee Rule (New Chapter), Bulletin Vol. 19-11SE (PLR 2020)
(**Consolidates IDAPA 60.05.01 and 60.05.04 into a new chapter designated 60.05.01*)

60.05.01, Resource Conservation and Rangeland Development Program

- 60-0501-1901** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-6
60-0501-1901 Proposed Rulemaking, Bulletin Vol. 19-10
60-0501-1901* Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 19-12

(*Consolidates IDAPA 60.05.01 and 60.05.04 into a new chapter designated 60.05.01, "Rules of the Idaho Soil and Water Conservation Commission")

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

61-0000-1900 *Rules of the Idaho State Public Defense Commission* - Notice of Omnibus Rulemaking - Temporary and Proposed Rulemaking, Reauthorizes Title 01, Chapters 01-04, 06-08 -- Bulletin Vol. 19-6SE (eff. 6-30-19)T

61-0000-1900 *Rules of the Idaho State Public Defense Commission* - Notice of Omnibus Rulemaking - Adoption of Pending Rule, Bulletin Vol. 19-11SE (PLR 2020)

61.01.08, Rules Governing the Administration of Idaho's Indigent Defense Delivery Systems - Rule Definitions

61-0108-1901 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

61-0108-1902 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 19-7

Subject Index

A

- Abbreviations 336, 353
 - AFP 336
 - APA 353
 - CAP 336
 - CFR 336
 - IPE 336
 - PCSOT 353
 - SOCB 353
 - SOMB 353
 - VRC 336
 - WIOA 336
 - Access To Diving Boards 136
 - Accident Only Coverage 194
 - Minimum Standards for Benefits 194
 - Prohibited Policy Provisions 194
 - Required Disclosure Provisions 194
 - Acid Based Chemistry 142
 - Administrative Appeals 130, 181, 209, 216, 294, 316, 335, 350
 - Adoption & Incorporation By Reference 25
 - Advertisements/Promotions/
 - Demonstrations 251
 - Political Advertising 251
 - Printed Material 251
 - Agricultural Land Valuation Definitions & Guidelines 278
 - Calculation of Grazing & 279
 - Calculation of Net Income from a Cash Rent Analysis 278
 - Calculation of Net Income from a Crop Share Analysis 279
 - Calculation of Value Estimate per Acre to be used for Categories 1-5 279
 - Cross Reference 279
 - Definitions 278
 - Determination of Average Crop Rental Rates 278
 - Determination of Farm Credit Systems Capitalization Rate 278
 - Anchoring Of Diving Boards 137
 - Annual Report 218
 - Appeal Procedure 292
 - Delivery of Appeal 292
 - Delivery of Decision 292
 - Filing of Appeal 292
 - Appeals 231
 - Applicability 130
 - Applicants 318
 - Application & Funding Limits 319
 - Categories of Applicants 318
 - Requirements for Individuals 319
 - Requirements for Organizations 319
 - Application 132
 - Application For Change In Certification Level 354
 - Advance to Associate/Supervised Level of Certification Application Fee 355
 - Advance to Senior/Approved Level of Certification Application Fee 354
 - Change to a Less Independent Level of Certification Application Fee 355
 - Application Process 82, 347
 - Announcement of Award 82
 - Communication with State Officials 82
 - Initial Applications 82
 - Applications 319
 - Application Forms & Contents 319
 - Ownership & Return of Applications 320
 - Submission 319
 - Approved List Of Insurers 219
 - Audits 172
 - Audit Requirement 172
 - Authority Conferrable On Employees - Enforcement 236
 - Director Authority 236
 - Park Manager Authority 236
 - Authorized Chartering Entity
 - Responsibilities 105
 - Monitoring 105
 - Performance Certificate Review 105
 - Authorized Operations 251
 - Beg or Solicit for Any Purpose 251
 - Game or Operate a Gaming Device of Any Nature 251
 - Leave Any Property On Department Lands 251
 - Awarding Of Grants 171
 - Acceptance of Grant Award by Grantee 172
 - Approval or Grant Agreement 172
- ## B
- Bacteriological Quality Of Pool Waters 142
 - Biennial License 218
 - Broker-Dealer Agent/Issuer Agent Registration 108
 - Agents of Issuer 108
 - Annual Renewal 109
 - Broker-Dealer Agents 108
 - Completion of Filing 110
 - Deferral of Effectiveness 110
 - Incomplete Applications 109
 - Updates & Amendments 109
 - Brokers Records 219
 - Bromine Disinfection 141
- ## C
- Cable Yarding 54
 - Safety A 54
 - Safety B 54
 - Safety C 54
 - Safety D 54
 - Safety E 54
 - Camping 239
 - ADA Accessible Facilities 240
 - ADA Designated Campsites 240
 - Camping 240
 - Campsite Parking 239
 - Check Out 240
 - Condition of Campsite 239
 - Equipment 239
 - Length of Stay 239
 - Liquid Waste Disposal 239
 - Motorized Equipment 239
 - Occupancy & Capacity 239
 - Registration 239
 - Responsible Party 240
 - Self Registration 239
 - Visitors 240
 - Camping Day, Definitions 233
 - Career Technical Component Criteria 346
 - Career Technical School Program 346
 - Program Criteria 346
 - Career Technical School Added Cost Unit Funding & Eligibility 347
 - Career Technical School Funding Calculation 347
 - Career Technical School Unit Fund Distribution 348
 - Payment Distribution 348
 - Case Closure 340
 - Certification Period 356
 - Associate/Supervised Post Conviction Sexual Offender Polygraph Examiner 356
 - Associate/Supervised Psychosexual Evaluator or Treatment Provider 356
 - Provisional/Supervised Psychosexual Evaluator or Treatment Provider 356
 - Senior/Approved Post Conviction Sexual Offender Polygraph Examiner 356
 - Senior/Approved Psychosexual Evaluator or Treatment Provider 356
 - Change Reporting Requirements 175
 - Change in Child Care Provider 176
 - Change in Household Composition 175
 - Change in Income 175
 - Change in Permanent Address 175
 - Change Reporting Requirements for Those Receiving Child Care Benefits 175
 - Chemical Storage 142
 - Chlorinated Isocyanurates Disinfection 141
 - Chlorine Disinfection 141
 - Clarity 140
 - Cleaning 142
 - Bathrooms, Showers, & Dressing Rooms 142
 - Decks 142
 - Pools 142
 - Collection Of Taxes 218
 - Idaho Premium Taxes 218

- Purchasing Groups 219
Comparable Benefits 341
 Availability of Comparable Benefits 342
 Exempt Services 341
Comprehensive Assessment Of Rehabilitation Needs 339
Confidentiality Of Records & Public Records Act Requests 164
Confidentiality of Records And Public Records Act Requests 130
Construction Of Dressing Rooms 138
Construction Requirements
 Corners 134
 Electrical Code 134
 Finish 134
 Materials 134
 Plumbing Codes 134
 Uniform Building Code 134
Continuing Education For Post Conviction Sexual Offender Polygraph Examiners 355
Continuing Education For Psychosexual Evaluators & Sexual Offender Treatment Providers 354
Provisional/Supervised Certification Level 354
Senior/Approved & Associate/Supervised Certification Levels 354
Continuing Eligibility 83
 Credit Hours 83
 Eligibility Following Interruption of Continuous Enrollment 84
 Maximum Duration of Scholarship Award 83
 Satisfactory Academic Progress 83
Continuous Improvement Planning & Training 89
 Annual Literacy Intervention Plan 91
 Audit 91
 College and Career Advising and Mentoring Plans 92
 Definitions 89
 Reimbursement Eligibility 90
Copayments 175
 Calculating Family Payment 175
 Poverty Rates 175
Council Duties 166
 Grants Awards Process 167
 Membership 166
 Other Grants 167
 Purpose 166
Credit Card Payments 292
Criteria 297
 Applicant's First Name 298
 Change of Name on Record, Criteria 298
 Common Law Marriage 298
 Designations of Names 297
 Divorced Applicants' Names 298
 Drivers License & Identification Card Names 297
 Legal Name 297
 Married Applicants' Names 297
 Stepparents' Name 297
 Titles or Nicknames 298
Criteria For Reservations 247
 Cleaning Fee 248
 Confirmation Requirements 248
 Insufficient Payment 249
 Reservation Cancellations 248
 Reservation Modifications 248
 Reservation Service Charges 248
 Responsible Party 247
Customer Appeals 336
- D**
- Data Collection 103
 State Data System 103
Definitions 130, 209, 216, 336, 351
 Accident Only Coverage 182
 Authorization for Purchase 336
 Bather 131
 Benchmark Medical Plan 209
 Board 131, 351
 Break In Grade 131
 Central Roster 351
 Certificate Holder 351
 Certified Evaluator 352
 Certified Post Conviction Sex Offender Polygraph Examiner 352
 Certified Treatment Provider 352
 Client 352
 Customer 336
 Delegated Contractor 216
 Dental Coverage 182
 Department 131
 Diligent Search 216
 Director 131
 Director's Designee 131
 Disability Income Protection Coverage 182
 Division 336
 Established Standards 352
 Exchange 209
 Flow-Through Pool 131
 Geothermal Pool 131
 Geothermal Water 131
 Hospital Confinement Indemnity Coverage 182
 Lifeguard 131
 Lifeguard Chair 131
 Limited Benefit Health Coverage 182
 Lines Other Than Open Lines for Export 216
 Major Medical Expense Coverage 182
 Nonrenewable Short-term Coverage 209
 Open Lines for Export 216
 Operator 131
 Person 131
 Pool 131
 Preexisting Condition 209
 Private Pool 131
 Provisional/Supervised Psychosexual Evaluator 352
 Provisional/Supervised Sex Offender Treatment Provider 352
 Psychosexual Evaluation 352
 Public Swimming Pool 131
 Qualified Health Plan 210
 Quality Assurance 352
 Reissuance 210
 Remodel 131
 Sexual Offender 352
 Sexual Offender Classification Board 353
 Short-term, Limited-duration Insurance 210
 Spa 132
 Special-Use Pool 132
 Specified Accident Coverage 182
 Specified Disease Coverage 182
 State Administrator 336
 Supervision 353
 Treatment 353
 Violent Sexual Predator 353
 Vision Coverage 182
 Wading Pool 132
Definitions, 08.01.13 80
 Adult Learner 80
 Grade Point Average or GPA 80
 Graduation Plan 80
Definitions, IDAPA 06.02.03 17
 Board 17
 Commission 17
 Department 17
 Director 17
 Offender 17
 Reception & Diagnostic Unit (RDU) 17
 Rider 17
Definitions, IDAPA 16.05.04, Rules Of The Idaho Council On Domestic Violence & Victim Assistance Grant Funding 165
 Conflict of Interest 165
 Contract 165
 Council 165
 Department 165
 Domestic Violence 165
 Victim 166
Definitions, IDAPA 18.01.30,
 Disability & Group Supplemental Disability Insurance Minimum Standards 182
 Sickness or Illness 186
 Total Disability 186
Definitions, IDAPA 26.01.20 232
 ADA 232
 Annual Motor Vehicle Entrance Fee Sticker 232
 Annual Motor Vehicle Entrance Fee Sticker Replacement 232
 Board 233
 Camping Day 233
 Camping Unit 233

- Campsite 233
Commercial Motor Vehicle 233
Day Use 233
Department 233
Designated Beach 234
Designated Roads & Trails 234
Director 234
Division Administrator 234
Dock & Boating Facility 234
Encroachments 234
Extra Vehicle 234
Facilities 234
Group Use 234
Idaho State Parks Passport 234
Idaho State Parks Passport Replacement 234
Motor Vehicle Entrance Fee (MVEF) 234
Motorized Vehicle 234
Overnight Use 235
Overnight Use Fee 235
Park or Program Manager 235
Recreational Vehicle (RV) 235
Vessel 235
- Definitions, IDAPA 39.02.22 289
Combination of Vehicles 289
Customer 289
Insufficient Funds (ISF) 289
Non-Reducible Load 289
Probable Cause 289
Quarterly Report 289
Registrant 289
Revocation of Registration 289
Road Use Fee 289
Suspension of Registration 289
Third-Party Checks 289
- Definitions, IDAPA 39.02.76 301
301
CDL 301
Class D Driver's License 301
Credential 301
Expiration Date 301
Photo License 301
- Definitions, IDAPA 39.03.01 305
Accessories 305
Administrative Cost 305
Analysis 305
Annual 305
Automobile Transporter 305
Base Width 305
Boat Transporter 305
Cargo Unit 305
Convoy 305
Department 305
Designated Agent 305
Disabled Vehicle 305
Dromedary Tractor 305
Economic Hardship 305
Emergency Movement 305
Escort Vehicle 305
Excess Weight 305
Extra-Length 306
Extra-Ordinary Hazard 306
Farm Tractor 306
- Gross Vehicle Weight 306
Heavily Loaded 306
Heavy Duty Wrecker Truck 306
Height 306
Implement of Husbandry 306
Incidentally Operated 306
Legal 306
Length 306
Light Truck 306
Longer Combination Vehicle (LCV) 306
Manufactured Home 306
Mobile Home 306
Modular Buildings 306
Non-Reducible 307
Office Trailer 307
Off-Tracking 307
Overall Combination Length 307
Overall Length 307
Overdimensional 307
Overhang 307
Overheight 307
Overlength 307
Oversize 307
Overweight 307
Overwidth 307
Pilot Vehicle 307
Reducible Load 307
Single Axle 307
Snowplow 308
Special Permit 308
Steering Axle 308
Stinger-Steered 308
Tandem Axle 308
Tridem Axle 308
Variable Load Suspension Axle 308
Vocational Vehicle 308
Width 308
- Definitions, IDAPA 40.01.01 316
Applicant 316
Commission 316
Program 317
Program Guidelines 317
Recipient 317
- Definitions, IDAPA 55.01.03 345
Administrator 345
Capstone Course 345
Career Technical Schools 345
Concentrator Student 345
Credit Hours 345
EDUID 345
Enrollment Units 345
Field Experience 345
Intermediate Course 345
Participation Total 345
Technical Skill Assessment 345
Work-based Learning Course 346
- Delegation 320
Denial, Suspension, Or Termination Of Grant 172
Compliance Issues 172
Disincorporation 172
Internal Take-Over 172
Dental Coverage 203
- Required Disclosure Provisions 203
Department Responsibility 251
Depth Markers 141
Depth Marking Locations 141
Depth Markers 141
Water Depth 141
Description Of Primary Categories Used To Test For Equalization 257
Agricultural Land Category 258
Conversion Table
Secondary Categories to Primary Categories 258
Cross Reference 258
Definitions 257
Improved Commercial or Industrial Property Category 257
Improved Residential Property Category 257
Manufactured Homes on Leased Land Category 257
Vacant Commercial or Industrial Land Category 257
Vacant Residential Land Category 257
- Design Detail
Circulation 134
Dimensions 134
No Diving Sign 134
Safety Line 135
Shape 134
Wading Pools 134
- Designated Routes For Extra Length Vehicle Combinations Up To One Hundred Twenty-Nine Thousand (129,000) Pounds 312
Brakes 312
Designated Routes for Vehicle Lengths 312
Designated Routes for Vehicle Weight 313
Requests for Adding Idaho Transportation Department Maintained Non-Interstate Routes 313
- Disability Income Protection Coverage 193
Minimum Standards for Benefits 193
Prohibited Policy Provisions 194
Required Disclosure Provisions 194
- Disciplinary Process 357
Disinfectant & Chemical Feeders 142
Backflow Prevention 143
Chlorine Gas Equipment 143
Feeder 142
Hypochlorite Equipment 143
Disposal Of Waste, Filters 144
Disposition Of Applications 168
Applications 168
Late Applications 168
Supplemental Applications 168
Disqualification 320
Application Information, Samples, & Supporting Materials 320

- Non-Compliance with Rules or Program Guidelines 320
- Prior Non-Compliance 320
- Diving Area
 - Headroom 136
 - Water Depth 136
- Domestic Violence Grant
 - Distribution 169
 - Distribution of Domestic Violence Grants to Regions 169
 - Distribution of Domestic Violence Grants Within The Regions 170
 - Timing & Duration of Grant Awards 170
- Drain Grating 146
 - Area of Openings 146
 - Maximum Width of Openings 147
 - Securely Fastened 147
- Dressing Rooms, Toilets, Showers 138
- E**
- Eligibility 80, 167
 - Academic Eligibility 81
 - Additional Eligibility Requirements 81
 - Application Process 167
 - Federal Family Violence Grant 167
 - Federal VOCA Grant 167
 - Financial Eligibility 81
 - State Domestic Violence Grants 167
 - Tribes 167
 - Undergraduate Student 80
- Eligibility For Renewal & Replacement 301
 - Eligibility 301
 - Identification Card Renewal 302
 - License & Identification Card Replacement 302
 - License Renewal 302
- Eligibility Requirements 338
 - Determination by Qualified VRC 338
 - Physical or Mental Impairment 338
- Employee's Responsibility 41
 - Employee Accidents 41
 - Employee Responsibilities 41
 - General Requirements 41
 - Study Requirements 41
- Employer's Responsibility 39
 - General Requirements 39
 - Management Responsibility 40
- Enrollment 210
 - Enhanced Short-term Plans 210
 - Nonrenewable Short-term Coverage 211
- Evaluation Of Applications 168
 - Conflict of Interest 168
 - Evaluation Criteria 169
 - Threshold Factors 168
- Expiration & Renewal Of Certification 355
 - Removal from the Roster 355
 - Renewal 355
 - Renewal After Certification
- Expiration 355
- F**
- Fair Hearing Process 337
 - Decision 338
 - Fair Hearing Officers 338
 - Procedure 338
 - Timeline 338
 - Written Report 338
 - Written Request 338
- Falling & Bucking 48
 - General Requirements 48
- Family Violence Grant
 - Distribution 171
 - Allocation 171
 - Timing & Duration of Grant Awards 171
- Federal Covered Securities 107
 - Investment Company Notices 107
 - Regulation D Rule 506 Notice Filing 107
- Fee Schedule
 - Boating Facilities 246
 - Entrance 243
 - Fee Collection Surcharge 243
 - Group Campsite Or Facility 245
 - Individual Campsites Or Facility 243
 - Reservations 249
 - Winter Recreation Programs 247
- Fees 332, 355
 - Administrative Fees 333
 - Change in Certification Level 356
 - Continuing Education Extension 356
 - Initial Certification 356
 - License & Certification Fees 332
 - Renewal Certification 356
- Fees & Services 241
 - Admission Fees 242
 - Authority 241
 - Camping 242
 - Cooperative Fee Programs 242
 - Encroachment Permit Application Fee 242
 - Fee Collection Surcharge 242
 - Fees & Deposits 242
 - Group Facility 242
 - Group Use 242
 - Payment 242
 - Returned Checks 243
 - Sales Tax 243
- Fence & Barriers 147
 - For Pools 1,800 Square Feet or Greater 147
 - For Pools Under 1,800 Square Feet 147
- Filtration System & Filters 144
 - Filters 144
 - Filtration System 144
- Final Reports 320
- Financial Participation Requirements 341
- Financial Participation
 - Assessment 341
 - Financial Participation Criteria 341
 - Services Exempt from Financial Participation 341
- First Aid 42
 - Attendance for Seriously Injured 43
 - Communication 43
 - First Aid Kits 43
 - First Aid Training 43
 - Stretcher or Spine Board 43
 - Transportation 42
- Floor Inlets 145
- Floors In Dressing Rooms, Toilets, Showers 138
- Funding Limitations 317
 - Excluded Applications 317
- G**
- General Oversize Limitations 310
 - Hazardous Travel Conditions Restrictions 310
 - Maximum Dimensions Allowed 310
 - Multiple Overwidth Loads on Single or Double Trailers 310
 - Oversize 310
 - Overwidth Overhang 310
 - Passing Lane Must Be Provided 310
 - Practical Minimum Dimension of Load 310
- General Program Requirements 317
- General Provisions 285
 - Declared Business Hours 286
 - Idaho Consumer Asset Recovery (ICAR) Fund 286
 - Liability Insurance 286
 - Physical or Electronic Records System Inspection 285
 - Surety Bond 286
 - Title Fee Disclosure 285
 - Vehicle Dealer License Suspension 286
- General Provisions For Insufficient Proof Of Ownership Includes 294
 - Bill of Sale 294
 - Documentation for Component Part 294
 - Release of Interest 294
 - Title 294
 - Vehicle Identification Number 294
 - Vehicle Record 294
- General Reimbursement Participant Services 154
 - Access 155
 - Applicable Participant Services 154
 - Cost Survey 155
 - Quality 155
 - Review Reimbursement Rates 155
- General Rules
 - Accidental Death & Dismemberment 190
 - Accidental Death & Dismemberment Coverage 189

- Age & Durational Requirements 189
 Convalescent or Extended Care Benefits 189
 Coverage of Dependents 189
 Expenses of Live Donor 190
 Extension of Benefits 190
 Fractures or Dislocations 190
 Military Service Limitations 189
 Pregnancy Benefit Extension 189
 Recurrent Disabilities 190
 Specific Dismemberment Benefits 190
 General Rules For Enhanced Short-term Plans 210
 Application of Requirements 210
 Guaranteed Issue 210
 Portability 210
 Requirement to Offer Exchange Plans 210
 General Rules For Nonrenewable Short-term Coverage 210
 Geothermal Pool Exemptions 147
 Exemptions 147
 Remodeling 147
 Grants 166
 Family Violence Grant 166
 Grant Applications 166
 Regions 166
 State Domestic Violence Grant 166
 VOCA Grant 166
- H**
- Hand Sinks 138
 Handrails 136
 Health & Safety
 Safety & Sanitation 140
 Contamination 140
 Disease 140
 Glass 140
 Running & Roughhousing 140
 Shower 140
 Health & Safety Requirements 177
 Age of Provider 177
 Child Abuse 177
 CPR/First Aid 177
 Disaster & Emergency Planning 177
 Emergency Communication 177
 Environmental Safety 178
 Food Storage 177
 Hand Washing 177
 Hazardous Substances 177
 Health of Provider 177
 Safe Sleep 178
 Sanitary Food Preparation 177
 Smoke Detectors, Fire Extinguishers, & Exits 177
 Transportation 177
 Health & Safety Training 176
 Allergic Reactions 176
 Child Abuse Prevention 176
 Emergency Preparedness 176
 Environmental Safety 176
 Hazardous Substances 176
 Infectious Diseases 176
 Medication 176
 Sudden Infant Death Syndrome 176
 Transportation 177
 Health And Safety
 Access 140
 Emergency Communication 140
 Lifeguard Chairs 139
 Lifeguard Requirement 139
 When Lifeguards are Not Required 139
 When Lifeguards are Required 139
 Lifesaving Equipment 139
 Equipment Accessibility & Condition 140
 Rescue Tube 139
 Shepherd's Crook, Backboard, & First & Kit 139
 Operator 139
 Pool Closure 139
 Hospital Confinement Indemnity Coverage 191
 Minimum Standards for Benefits 191
 Prohibited Policy or Certificate Provisions 192
 Required Disclosure Provisions 192
- I**
- Idaho Consumer Asset Recovery Fund Control Board Administration 286
 Actual Loss or Damages 286
 Complete & Complaint Claims 286
 Quorum 286
 Voting 286
 Implementation Of Agreed To Practices 360
 Drawing Loan Funds 361
 Practice Completion 360
 Submitting Vouchers & Bills 360
 Warrant Requests 361
 Incorporation By Reference 99, 112, 115, 117, 126, 128, 164, 181, 232, 335, 351
 "Idaho Sexual Offender Management Board Standards & Guidelines for Practitioners, Evaluations & Treatment of Juvenile Sexual Offenders" 351
 "Bylaws & Constitution of the American Association of Police Polygraphists" 351
 "Bylaws of the American Polygraph Association" 351
 "Idaho Sexual Offender Management Board Standards & Guidelines for Adult Sexual Offender Management Practices" 351
 Availability of Documents 113, 115, 117
 Credit Repair Organizations Act 112
 Credit Reporting Agencies Act or "Fair Credit Reporting Act." 112
 Debt Collection Practices Act or "Fair Debt Collection Practices Act." 112
 Electronic Funds Transfer Act 112
 Equal Credit Opportunity Act 112
 Regulation B 112
 Regulation E 113
 Regulation V 112
 Regulation X 115
 Regulation Z 112, 115
 Restrictions on Garnishment Act 112
 The English Language Development (ELD) Standards 100
 The Idaho Alternate Assessment Achievement Standards 100
 The Idaho Content Standards 99
 The Idaho Content Standards Core Content Connectors 100
 The Idaho English Language Proficiency Assessment (ELPA) Achievement Standards. 100
 The Idaho Special Education Manual 101
 The Idaho Standards Achievement Tests (ISAT) Achievement Level Descriptors 100
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired 101
 The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing 101
 The Real Estate Settlement Procedures Act 115, 117
 The Sexual Offender Management Board's "Required Format for Juvenile Psychosexual Evaluation Reports" 351
 The Sexual Offender Management Board's "Required Format for Adult Psychosexual Evaluation Reports" 351
 The Truth in Lending Act 112, 115
 Individual Campsites Or Facility Campsites 243
 Individualized Plan For Employment 340
 IPE Content 340
 IPE Requirements 340
 Informal Review Process 336
 Advising the Customer 336
 Communication Method 337
 Conducting the Review 336
 Documented Effort 336
 Review Location 336
 Transportation 337
 Written Proposal 337
 Inspections 133
 Installment Payments For Commercial Vehicle Registration 290

Billings, Payments & Due Dates of
 Installment Plan 291
 Failure to Pay Installment Payment
 by Due Date 291
 Reinstatement Fee for Payment Plan
 Registration 291
 Repetitive Suspensions Result 292
 Requirements to Participate in
 Installment Payments 290
 Suspension of Registrant's Account
 Due to Non-Payment of Payment
 Plan 291
 Interest Rates 282
 Idaho Interest Rates & Applicable
 Revenue Rulings 282
 In General 282
 Investment Adviser Brochure
 Rule 110

J

Juvenile Detention Centers 96
 Instructional Program 96
 State Funding of Instructional
 Programs at Juvenile Detention
 Centers 96

L

Ladders 136
 Ladders, Recessed Steps, Stairs
 Requirements 136
 Legal Authority 130, 164, 180, 209,
 216, 231, 294, 301, 335
 Lighting & Electrical
 Requirements 137
 Limited Benefit Health Coverage 203
 Minimum Standards 203
 Required Disclosure Provisions 203
 Lines, Shackles & Blocks 50
 Blocks 52
 Cable Cutting 53
 Damaged or Worn Wire Rope 53
 General Requirements 50
 Pins 52
 Shackles 52
 Splices 50
 Wire Rope Clips or Clamps 51
 Livestock 250
 Loan Modification Confirmation 115
 Loan Policies 361
 Location Of Drains 146
 Location Of Dressing Rooms 138
 Log Truck Transportation 65
 Adequate Reaches Required 71
 Binder Placement Requirements 70
 Binders & Wrappers to be Placed
 Before Leaving Landing Area 71
 Bunks to be Kept in Good Condition
 & Repair 71
 Construction of Wrappers &
 Binders 70
 Following Other Vehicles 71
 General 65
 Inserting of Compensating Pin 72
 Lighting Equipment Required 65

Linkage for Stakes or Chocks 66
 Metal Parts Between Bunk & Cab to
 be Covered 71
 Notify Engineer When Around
 Truck 66
 Number of Wrappers Required 66
 Precautions When Placing or
 Removing Binders &
 Wrappers 70
 Proper Lay of Logs in Stakes or
 Bunks 71
 Reaches to Be Clamped When
 Towing Unloaded Trailer 72
 Requirements for Crosswise Loaded
 Trucks 69
 Safe Operating Requirements 65
 Safety Chains 72
 Scaling & Branding 71
 Stake & Chock Tripping
 Mechanisms 66
 Stake Extensions 66
 Stakes, Bunks, or Chock Blocks 65
 Stopping & Holding Devices for Log
 Trucks 65
 Towing of Trucks 71
 Traffic Travel on Right Side of Road
 Except Where Posted, Log Truck
 Transportation 71

M

Market Value, Occupancy Tax 263
 Mediation 337
 Confidentiality 337
 Cost 337
 Fair Hearing 337
 Mediation Agreement 337
 Mediator 337
 Participation 337
 Timeline 337
 Written Request 337
 Medicaid for Adults 149
 Adults Under Age 65 150
 MAGI Income Eligibility 150
 Parent, Caretaker Relative, or a
 Pregnant Woman 149
 Medical Exception For Inmates 149
 Inpatient 149
 Not an Inpatient 149
 Minimum Standards For Benefits 188,
 212
 Applicability of Mental Health
 Parity 213
 Benefit Requirements 213
 Cost Sharing 213
 Enhanced Short-term Plans Covered
 Benefits 212
 Minimum Additional Benefits 212
 Minimum Standards 188
 Prescription Drug Formulary 213
 Renewability 188
 Required Covered Benefits 212
 Monthly Sampling, Disinfection
 System 142
 Multiple Drains 146

N

Nondiscrimination 251
 Notice Of Violation 133

O

Occupancy Tax On Newly Constructed
 Improvements On Real
 Property 263
 Allocation to Urban Renewal
 Agencies 263
 Examples for Calculation of Value
 Less Homeowner's Exemption
 (HO) 263
 Notice of Appraisal 263
 Property Qualifying for the
 Homestead Exemption on
 Occupancy Value 264
 Property Subject to Occupancy
 Tax 263
 Prorated Market Value 263
 Offender Programming 17
 Assessment & Reassessment
 Standards 18
 Core Intervention Tools for Offender
 Engagement 18
 Core Philosophies 17
 Individual Assessments 18
 Offender Assessment & Screening
 Instruments 18
 Parole Hearing Process 18
 Reentry Plan 18
 Youth Offender Assessments 18
 Office – Mailing Address – Street
 Address – Office Hours – Web
 Address 39
 Office – Office Hours – Mailing
 Address And Street Address 335
 Open Lines For Export 219
 Operational Guidelines for Non-
 traditional Recreational
 Activities 250
 Operations Manual 140
 Order Of Selection 340
 Order of Selection 340
 Priority Status 341
 When Unable to Serve Eligible
 Individuals 341
 Outline 206
 Overflow Gutters 145
 General Requirements 145
 Overflow Gutters Connected to the
 Recirculation System 145
 Overflow Systems 145
 Overhead Wiring 137
 Overnight Use 240
 Check Out 240
 Length of Stay 240
 Occupancy 240
 Overnight Use 241
 Overnight Use Fees 240
 Registration 240
 Responsible Party 241
 Self Registration 240

P

- Parents & Caretaker Relatives Eligible For Medicaid Coverage
 - Member of More Than One Budget Unit 150
 - More Than One Medicaid Budget Unit in Home 150
- Park Capacities 250
- Parking Violations 238
 - Citations for Violations 238
 - Designated Campgrounds 238
 - Designated Overnight Use Area 238
 - Fee Collection Surcharge 238
 - Land or Facilities Administered by the Department 238
- Participants Exempt From Cost-Sharing 160
- Participation In The Cost Of Home & Community-Based Waiver Services 161
 - Adjustment of Participation
 - Overpayment or Underpayment Amounts 162
 - Base Participation 161
 - Community Spouse 161
 - Developmentally Disabled Participants 162
 - Excluded Income 161
 - Home & Community Based Services (HCBS) Spouse 161
 - Incurred Medical Expenses 162
 - Personal Needs Allowance 161
 - Recalculation of Participation 162
 - Remainder After Calculation 162
- Payment Of Stamping Fees 218
 - Application 218
 - Payable on Receipt 218
 - Summary 218
- Payment Of State Tax 218
 - Tax Due March 1 218
 - Tax Summary 218
- Penalties 287
- Penalties For Violations 236
 - Civil Claim 237
 - Violators 237
- Penalty 133
- Permit Fee & Plan Review Fee 132
- Permits 132
- Personal Needs Allowance, Table 149.06 162
- Pets 250
- Placement & Commissions 219
 - Basic Requirement 219
 - Idaho Producer 219
- Policy Definitions And Terms 183
 - Accident 183
 - Convalescent Nursing Home 183
 - Home Health Care Agency 183
 - Hospice 184
 - Hospital 184
 - Mental Disorders or Nervous Disorders 185
 - Nurse 185
 - One Period of Confinement 185
 - Partial Disability 185
 - Preexisting Condition 185
 - Provider 185
 - Residual Disability 185
- Portable Electrical Devices 137
- Pregnant Woman Ineligible Because Of Excess Income 150
- Premiums For Participation In Medicaid Enhanced Plan 160
 - Recomputed Premium Amount 161
 - Workers with Disabilities 161
- Presumptive Eligibility 339
- Presumptive Eligibility For Children And Adults 151
 - Presumptive Eligibility Decisions 151
 - Presumptive Eligibility Determination 152
 - Presumptive Eligibility Period 152
- Procedure 294
 - Action by the County Assessor 295
 - Applicant Responsibility 295
 - Conditional Registration 294
 - Conditional Registration Procedure 295
 - Proof of Ownership 295
- Procedures 298
 - Document Approval by the Department 299
 - Surrendering Driver's License or Identification Card 299
 - Surrendering Duplicate Driver's License or Identification Cards 299
 - Verification of Name 298
- Program Grants & Award Amounts 320
- Programs 317
- Prohibited Policy Provisions 186
 - Additional Coverage as Dividend 186
 - Exclusions 187
 - Preexisting Conditions 188
 - Probationary or Waiting Period 186
 - Return of Premium or Cash Value Benefit 186
- Protection Of Historical, Cultural & Natural Resources 250
- Protection Of Wildlife 250
- Provision Of Community Rehabilitation Program Services 342
- Provision Of Services On A Statewide Basis 338
- Public Behavior 238
 - Alcohol 238
 - Day Use 238
 - Littering 238
 - Noise 238
 - Park or Program Manager Authority 238
 - Quiet Hours 238
 - Resisting & Obstructing a Park Employee Prohibited 238
 - Smoking 238
 - Trespass 238
- Public Records 316
- Public Records Act Compliance 39, 232, 351
- Public Records Act Compliance And Confidentiality Of Records 335
- Confidential Records 335
- Purchase, Expiration, Display And Placement Of MVEF And Passport Stickers 235
 - Annual MVEF 235
 - Annual MVEF Sticker Replacement 236
 - Daily MVEF 235
 - Idaho State Parks Passport 236
 - Idaho State Parks Passport Sticker Replacement 236
- Purchasing Requirements 342
- Purchasing Standards 342

Q

- Quality Assurance 358
- Quarterly Road Use Fee Reporting 289
 - Information Required on the Quarterly Report Form 290
- Quarterly Reporting Forms Issued 289
- Use of Quarterly Reporting Form 290

R

- Rating Requirements 211
 - Enhanced Short-term Plans 211
 - Nonrenewable Short-term Coverage 211
- Recessed Steps 136
- Recirculation System
 - Cleaning 144
 - Cleaning System 144
 - Integral Vacuum 144
- Flow Indicator 144
- Flow Rate 143
- Sizing 143
- Strainer 144
- Thermometers 144
- Reconsideration Of Applications 321
- Record Keeping 140
 - Accidents Requiring Professional Medical Treatment 141
 - Amount & Type of Chemicals Used 141
 - Clarity Readings 141
 - Disinfectant Levels 140
 - pH Readings 141
- Referral And Application For Services 338
 - Application for Services 338
 - Other Requirements 338
 - Referral 338
 - Residency Requirement 338
- Reinspection 133
- Renewal & Reissuance 211
 - Enhanced Short-term Plans

- Reissuances 211
 Enhanced Short-term Plans
 Renewals 211
 Nonrenewable Coverage 211
 Renewal Or Replacement Electronically
 Or By Mail Procedures 303
 Application Submission 303
 If Lost or Destroyed in Mail 303
 Temporarily Residing Out-of-
 State 303
 Updating Individual Records 303
 Reportable Accidents 141
 Reporting Taxes & Stamping Fees 219
 Required Disclosure Provisions 204,
 213
 General Rules for Disclosure
 Provisions 204
 Outline of Coverage
 Requirements 206
 Requirements for Replacement of
 Individual Accident & Sickness
 Insurance 207
 Application Form 207
 Required Notice 207
 Responsibilities Of Eligible Idaho
 Postsecondary Educational
 Institutions 84
 Adult Learner Evaluation 84
 Other Requirements 84
 Statements of Continuing
 Eligibility 84
 Rigging 49
 Allowable Loading or Stress 50
 Arrangement & Operation 50
 Equipment Classification 49
 General 49
 Inspection of Rigging 50
 Line Hazards 50
 Placing, Condition, & Operation of
 Rigging 50
 Reefing 50
 Safe Loading 50
- S**
- Safety Equipment & Personal Protective
 Equipment 44
 Additional Information &
 Requirements 47
 Eye Protection 45
 Foot & Leg Protection 45
 General Requirements 44
 Hand Protection 45
 Head Protection 45
 Hearing Protection 47
 Inspection, Maintenance &
 Sanitizing 44
 Life Jackets, Vests & Life Rings 45
 Life Lines -- Safety Belts 46
 Respiratory Equipment 46
 Work Clothing 46
 Selection Of Scholarship
 Recipients 82
 Monetary Value of the Opportunity
 Scholarship 82
- Selection Process 82
 Separation Of High Diving Boards 137
 Separation Of Low Diving Boards 137
 Severity Of Disability 339
 Priority Category 1 - Eligible
 Individuals with the Most
 Significant Disabilities
 (MSD) 339
 Priority Category 2 - Eligible
 Individuals with Significant
 Disabilities 339
 Priority Category 3 - All other
 Eligible Individuals with
 Disabilities 339
 Sewer System 139
 Showers 138
 Fixtures 138
 Scald Prevention 138
 Showers 138
 Soap 138
 Water Temperature 138
 Side Walls 135
 Signaling 47
 Audible Signaling Device at the
 Machine to be Activated 47
 Audible Signaling to be Installed &
 Used 47
 Hand Signal Use Restricted 47
 One Worker to Give Signals 47
 Persons in Clear Before Signal
 Given 47
 Signal Must Be Clear & Distinct 47
 Throwing Material Prohibited 47
 Skimmers
 Capacity 146
 Piping 146
 Total Capacity 146
 Equalizers 146
 Equalizer Valve & Line 146
 Inlet to the Equalizer Line 146
 Location 146
 Requirement 145
 Minimum Requirements 146
 Standard Requirements 146
 Slope Of Decks & Walkways 135
 Slope Of Floor
 Deep Area 135
 Shallow Area 135
 Specialized Reimbursement
 Certain Home And Community-
 Based Services 155
 Applicable Home & Community-
 Based Services 156
 Cost Survey Procedures 156
 Quality Performance
 Incentives 158
 Reimbursement Rate Setting
 Methodology 157
 Timing, Description, & Results of
 Rate Reviews 156
 Specific Requirements 72
 Log Dumps, Landings, Log Handling
 Equipment, Loading, &
 Unloading 72
- Trailer Loading Hoist/Sawmill Log
 Dump 77
 Specified Accident Coverage 202
 Minimum Standards for
 Benefits 202
 Prohibited Policy or Certificate
 Provisions 202
 Required Disclosure Provisions 202
 Specified Disease Coverage 195
 Minimum Standards for
 Benefits 195
 Prohibited Policy or Certificate
 Provisions 197
 Required Disclosure Provisions 198
 Spreading of Human Ashes 250
 Stairs 136
 State & Federal Domestic Violence
 Grant -- Record Keeping
 Requirements 172
 Statement Of Purpose 346
 Submission Of Plans &
 Specifications 132
 Construction Compliance
 Certificate 132
 Plans 132
 Stability 132
 Submission Time Periods 219
 Suicide Prevention In Schools 94
 Intervention 94
 Postvention 94
 Prevention 94
 Supervision 140
- T**
- Tax Levy - Certification - Urban
 Renewal Districts 264
 Criteria for Determining Whether
 Levies for Funds Are to Be
 Computed Using Base Value or
 Market Value for Assessment
 Purposes 270
 Cross Reference 271
 Definitions 264
 Establishing & Adjusting Base &
 Increment Values 264
 Levy Computation for Taxing
 Districts Encompassing RAAs
 Within Urban Renewal
 Districts 267
 Modification of an Urban Renewal
 Plan 268
 Setting Levies When There is a De-
 annexation From an RAA 271
 Setting Levies When There is a
 Refinancing of Bonded
 Indebtedness 271
 Technical Waivers Or
 Modifications 147
 Director Waiver 147
 Waiver Requirements 147
 Technicians/Technologists 222
 Functions 222
 Supervision 222
 Temporary Suspension & Revocation

- Of Permits 133
- Cause 133
- Reissue 133
- Revocation 133
- Suspension 133
- Time Frames 167
 - Grant Applications for Annual Grants from the Council 167
 - Proposals or Supplemental Grants 168
- Title & Scope 164, 180, 209, 216, 231, 285, 294, 301, 335
- Scope 285
- Title 285
- Title, Scope, & Intent 130
- Toilets 138
- Tractors & Similar Logging
 - Equipment 53
 - Blades or Similar Equipment 53
 - Brakes & Steering 53
 - Guards 53
 - Operating Condition 53
 - Pin Connections 54
 - Repairs or Adjustments 53
 - Seatbelts 53
 - Sideguards 54
 - Starting of Equipment 53
- Transitional Medicaid For Parents And Caretaker Relatives 150
- Trapping Big Game Animals 123
 - Methods of Take When Trapping 123
 - Trapping Hours 124
 - Unlawful Methods of Take 124
 - Wounding & Retrieving 124
- Trial Work Experience 339
- U**
- Underwater Lighting 137
- Use of Motor Vehicles 237
 - Commercial Motor Vehicle 237
 - Compliance With Posted Regulatory Signs 237
 - Obedience to Traffic Direction 237
 - Official Use 237
 - Overdriving Road Conditions & Speeding 237
 - Restrictions 237
 - Safety Helmets 237
 - Snowmobile Operation Limited 237
 - Use of Parking Spaces for Persons With a Disability 237
- Use Of Ratio Study Or Other Method To Test For Equalization In Counties 258
 - Cross References 261
 - Equalization Ratio Study - Primary Categories Other Than Agricultural Land 258
 - Equalization Study – Agricultural Land 259
 - Follow-Up Ratio Study 260
 - Notice of Follow-Up Ratio Study 260
- Reasonable Statistical Certainty 261
- Submission of Additional Information 261
- Tested For Equalization 260
- Timing & Notification Table 259
- Use of Alternate Ratio Study 261
- Use of Ratio Study Results 260
- Use Of Ratio Study to Test for Equalization in Counties
 - Exception from Requirement for at Least One Observation for Use of Secondary Category in Adjusted Value Determination 261
- V**
- Ventilation 137
- Victim Assistance Grant
 - Distribution 171
 - Distribution of Victim Assistance Grants to Priority Categories & Regions 171
 - Distribution of Victim Assistance Grants Within Priority Categories & Regions 171
 - Timing and Duration of Grant Awards 171
- Vision Coverage 203
 - Required Disclosure Provisions 204
- W**
- Waiver Of Fees 132
 - Determination of Good Cause 133
 - Duration Of Waiver 133
 - Limitations 133
- Wall Inlets 145
 - General Inlet Requirements 145
 - Wall Inlet Requirements 145
- Water Quality Standards 141
- Water Supply 138
- Width Of Decks & Walkways 135
 - Pool Deck 135
 - Spa 135
- Winter Recreation Programs 241
 - Winter Access Program 241
 - Winter Recreational Parking Permits 241
- Wire Rope 54
 - Additional Precautions 57
 - Brush Blocks 64
 - Chains & Straps 64
 - Dynamic Loads 59
 - General Characteristics 54
 - Inspection & Care 56
 - Knobs, Ferrules, & Eyes 63
 - Line Connections 60
 - Other Common Wire Rope Considerations 59
 - Safety Factor 57
 - Shackles & Hooks 61
 - Synthetic Rope 56
 - Typical Wire Rope Specifications 55
 - Wire Labeling 57
 - Wire Line Life 57
- Wire Rope Terms 54
- Written Disclosures 115
 - Receipt of an Application 115
- Written Interpretations 301, 335