

# IDAHO ADMINISTRATIVE BULLETIN

July 6, 2016 -- Volume 16-7

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# IDAHO ADMINISTRATIVE BULLETIN

## Table of Contents

July 6, 2016 -- Volume 16-7

<b>PREFACE</b> .....	6
<b>IDAPA 02 - DEPARTMENT OF AGRICULTURE</b>	
02.02.14 - Rules for Weights and Measures Docket No. 02-0214-1601 Notice of Rulemaking - Proposed Rule.....	16
02.04.08 - Rules Governing Grade A Milk and Milk Products Docket No. 02-0408-1601 Notice of Rulemaking - Proposed Rule.....	18
02.04.14 - Rules Governing Dairy Waste Docket No. 02-0414-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	20
02.04.15 - Rules Governing Beef Cattle Animal Feeding Operations Docket No. 02-0415-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	21
02.04.16 - Rules Governing Agriculture Odor Management Docket No. 02-0416-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	22
02.04.18 - Rules Governing CAFO Site Advisory Team Docket No. 02-0418-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	23
02.04.19 - Rules Governing Domestic Cervidae Docket No. 02-0419-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	24
02.04.21 - Rules Governing the Importation of Animals Docket No. 02-0421-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	25
02.04.30 - Rules Governing Nutrient Management Docket No. 02-0430-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	26
02.04.31 - Rules Governing the Stockpiling of Agricultural Waste Docket No. 02-0431-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	27
02.04.32 - Rules Governing Poultry Operations Docket No. 02-0432-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	28
02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law Docket No. 02-0602-1601 Notice of Rulemaking - Proposed Rule.....	29

02.06.12 - Rules Pertaining to the Idaho Fertilizer Law Docket No. 02-0612-1601 Notice of Rulemaking - Proposed Rule.....	31
02.06.21 - Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories Docket No. 02-0621-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	33
02.06.22 - Noxious Weed Rules Docket No. 02-0622-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	34
02.06.31 - Noxious Weed Free Forage and Straw Certification Rules Docket No. 02-0631-1601 Notice of Rulemaking - Adoption of Temporary Rule .....	35
Docket No. 02-0631-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	45
02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001 Docket No. 02-0641-1601 Notice of Rulemaking - Proposed Rule.....	46
<b>IDAPA 08 - STATE BOARD OF EDUCATION</b>	
08.01.02 - Rules Governing Postsecondary Credit Scholarship Program Docket No. 08-0102-1601 (New Chapter) Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	48
08.01.04 - Residency Docket No. 08-0104-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	49
08.02.01 - Rules Governing Administration Docket No. 08-0201-1602 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	50
Docket No. 08-0201-1603 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	51
Docket No. 08-0201-1604 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	52
08.02.03 - Rules Governing Thoroughness Docket No. 08-0203-1610 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	53
Docket No. 08-0203-1611 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	54
<b>IDAPA 09 - DEPARTMENT OF LABOR</b>	
09.01.30 - Unemployment Insurance Benefits Administration Rules Docket No. 09-0130-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	55
09.01.35 - Unemployment Insurance Tax Administration Rules Docket No. 09-0135-1601	

Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	56
<b>IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS</b>	
10.01.01 - <i>Rules of Procedure</i>	
Docket No. 10-0101-1603	
Notice of Rulemaking - Adoption of Temporary Rule .....	57
<b>IDAPA 13 - DEPARTMENT OF FISH AND GAME</b>	
13.01.08 - <i>Rules Governing the Taking of Big Game Animals in the State of Idaho</i>	
Docket No. 13-0108-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	59
<b>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</b>	
16.03.03 - <i>Rules Governing Child Support Services</i>	
Docket No. 16-0303-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	61
16.05.06 - <i>Criminal History and Background Checks</i>	
Docket No. 16-0506-1601 (Fee Rule)	
Notice of Rulemaking - Temporary and Proposed Rule .....	62
16.05.07 - <i>The Investigation and Enforcement of Fraud, Abuse, and Misconduct</i>	
Docket No. 16-0507-1601	
Notice of Rulemaking - Temporary and Proposed Rule .....	66
<b>IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE</b>	
18.01.10 - <i>Producers Handling of Fiduciary Funds</i>	
Docket No. 18-0110-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	70
18.01.29 - <i>Restrictions on Discretionary Clauses in Health Insurance Contracts</i>	
Docket No. 18-0129-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	71
18.01.50 - <i>Adoption of the International Fire Code</i>	
Docket No. 18-0150-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	72
18.01.54 - <i>Rule to Implement the NAIC Medicare Supplement Insurance         Minimum Standards Model Act</i>	
Docket No. 18-0154-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	73
<b>IDAPA 20 - IDAHO DEPARTMENT OF LANDS</b>	
20.03.16 - <i>Rules Governing Oil and Gas Leasing on Idaho State Lands</i>	
Docket No. 20-0316-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	75
<b>IDAPA 23 - BOARD OF NURSING</b>	
23.01.01 - <i>Rules of the Idaho Board of Nursing</i>	
Docket No. 23-0101-1601	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	76

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

31.46.02 - <i>Rules for Telecommunications Relay Services (TRS)</i>	
Docket No. 31-4602-1601	
Notice of Rulemaking - Adoption of Temporary Rule .....	77

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

31.46.02 - <i>Rules for Telecommunications Relay Services (TRS)</i>	
Docket No. 31-4602-1602	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	79

**IDAPA 35.01.02 - STATE TAX COMMISSION**

35.01.02 - <i>Idaho Sales and Use Tax Administrative Rules</i>	
Docket No. 35-0102-1602	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	80

35.01.03 - <i>Property Tax Administrative Rules</i>	
Docket No. 35-0103-1603	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	81

35.01.05 - <i>Idaho Motor Fuels Tax Administrative Rules</i>	
Docket No. 35-0105-1602	
Notice of Rulemaking - Proposed Rule .....	82

**IDAPA 46 - BOARD OF VETERINARY MEDICINE**

46.01.01 - <i>Rules of the State of Idaho Board of Veterinary Medicine</i>	
Docket No. 46-0101-1602	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	86

**IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

48.01.01 - <i>Rules of the Idaho Grape Growers and Wine Producers Commission</i>	
Docket No. 48-0101-1601 (2nd notice)	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	87

**IDAPA 55 - DIVISION OF CAREER TECHNICAL EDUCATION**

55.01.05 - <i>Rules Governing Industry Partner Fund</i>	
Docket No. 55-0105-1601 (New Chapter)	
Notice of Intent to Promulgate Rules - Negotiated Rulemaking .....	89

<b>SECTIONS AFFECTED INDEX .....</b>	<b>90</b>
--------------------------------------	-----------

<b>LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS .....</b>	<b>92</b>
---	-----------

<b>CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES .....</b>	<b>95</b>
--	-----------

<b>SUBJECT INDEX .....</b>	<b>107</b>
----------------------------	------------

# 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](http://adminrules.idaho.gov).

## THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

## 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.

### **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:

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority for or is occasioning the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided, however, that notwithstanding Section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or enforceability of the rule.
- d) if any document is incorporated by reference in the proposed rule, a brief written synopsis of why the incorporation is needed must be included in the notice of proposed rulemaking, along with a link to the electronic version of the incorporated material or information on how it can be obtained.
- e) the text of the proposed rule prepared in legislative format;
- f) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- g) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- h) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- i) the deadline for public (written) comments on the proposed rule.

Any proposed rulemaking that is submitted for publication in the Bulletin that would impose a fee or charge must be accompanied by a cost/benefit analysis that is prepared by the agency. This cost/benefit analysis must estimate, as reasonably as possible, the costs to the agency to implement the rule and the estimated costs that would be borne by citizens or the private sector. This analysis is filed with the Director of Legislative Services Office who then forwards it to the appropriate germane joint subcommittee assigned to review the promulgating agency’s proposed rules.

When incorporating by reference, the notice of proposed rulemaking must include a brief synopsis detailing the need to incorporate by reference any additional materials into the rule. The agency must also provide information regarding access to the incorporated materials. At a minimum, and when available, the agency must provide an electronic link to the documents that can be accessed on a web site or post this information on its own web site, or both. This link can be placed into the rule and activated once it is posted on the Coordinator’s web site.

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may adopt the pending rule. Because a proposed rule is not enforceable, it has no effective date, even when published in conjunction with a temporary rule that is of full force and effect. An agency may vacate (terminate) a rulemaking after the publication of a proposed rule if it decides, for whatever reason, not to proceed further to finalize the rulemaking. The publication of a “Notice of Vacation of Proposed Rulemaking” in the Bulletin officially stops the formal rulemaking process.

## **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 the above legal criteria and the governor determines that it is necessary that a rule become effective prior to receiving legislative authorization and without allowing for any public input, the agency may proceed and adopt a temporary rule. The law allows an agency to make a temporary rule immediately effective upon adoption. However, a temporary rule that imposes a fee or charge may be adopted only if the governor finds that the fee or charge is necessary to avoid immediate danger which justifies the imposition of the fee or charge.

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.

The statute that regulates rulemaking in Idaho requires that the text of all proposed rulemakings publish in the Bulletin in order for the rulemaking to be valid. This is true for all temporary rules as well. In most cases, the agency wants the temporary rule to also become a final rule and in most of these cases, the temporary rule and the proposed rule text is identical. In this event, both rulemakings may be promulgated concurrently, however, they remain separate rulemaking actions. The rulemaking is published in the Bulletin as a temporary/proposed rule. Combining the rulemaking allows for a single publication of the text in the Bulletin.

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. The agency must publish a notice of rescission to effectively rescind the temporary rule. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rule that is being vacated, the agency, in most instances, will rescind the temporary rule.

## **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) a statement giving the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective and a statement that the pending rule may be rejected, amended or modified by concurrent resolution of the legislature;
- d) an identification of any portion of the rule imposing or increasing a fee or charge and a statement that this portion of the rule shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature;
- e) the specific statutory authority for the rulemaking including a citation to the specific section of the Idaho Code that has occasioned the rulemaking, or the federal statute or regulation if that is the basis of authority or requirement for the rulemaking; and
- f) a specific description, if applicable, of any negative fiscal impact on the state general fund greater

than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective; provided however, that notwithstanding section 67-5231, Idaho Code, the absence or accuracy of a fiscal impact statement provided pursuant to this subsection shall not affect the validity or the enforceability of the rule.

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. With the permission of the Rules Coordinator, only the sections or their subparts that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Rulemaking - Adoption of Pending Rule" is published.

## **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.

No pending rule adopted by an agency becomes final and effective until it has been submitted to the legislature for review and approval. Where the legislature finds that an agency has violated the legislative intent of the authorizing statute, a concurrent resolution may be adopted to reject the rulemaking in whole or in part. A "Notice of Rulemaking - Final Rule" and the final codified text must be published in the Bulletin for any rule that is partially rejected by concurrent resolution of the legislature. Unless rejected by concurrent resolution, a pending rule that is reviewed by the legislature becomes final and effective at the end of the session in which it is reviewed without any further legislative action. All pending rules that are approved by concurrent resolution become final and effective upon adoption of the concurrent resolution unless otherwise stated. In no event can a pending rule become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.

## **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: [adminrules.idaho.gov](http://adminrules.idaho.gov)

## **SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone (208) 332-1820.

**The Idaho Administrative Code** - annual subscription on CD-ROM. The Code is an annual compilation of all final administrative rules and all enforceable temporary rules and also includes all executive orders of the Governor that have published in the Bulletin, all legislative documents affecting rules, a table of contents, reference guides, and a subject index.

**The Idaho Administrative Bulletin** - annual subscription available on individual CD-ROM sent out monthly. The Bulletin is an official monthly publication of the State of Idaho and is available for purchase on CD-ROM only. Yearly subscriptions or individual CD-ROM's are available for purchase.

**Internet Access** - The Administrative Code and Administrative Bulletin, and many other rules-related documents are available on the Internet at the following address: [adminrules.idaho.gov](http://adminrules.idaho.gov)

## 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.

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

**“05.”** refers to Title **05**, which is the Department of Administrations’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 2016**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
16-1	January 2016	<b>*November 27, 2015</b>	January 6, 2016	January 27, 2016
16-2	February 2016	January 8, 2016	February 3, 2016	February 24, 2016
16-3	March 2016	February 5, 2016	March 2, 2016	March 23, 2016
16-4	April 2016	March 4, 2016	April 6, 2016	April 27, 2016
16-5	May 2016	April 8, 2016	May 4, 2016	May 25, 2016
16-6	June 2016	May 6, 2016	June 1, 2016	June 22, 2016
16-7	July 2016	June 3, 2016	July 6, 2016	July 27, 2016
16-8	August 2016	July 8, 2016	August 3, 2016	August 24, 2016
16-9	September 2016	August 5, 2016	September 7, 2016	September 28, 2016
16-10	October 2016	<b>**September 2, 2016</b>	October 5, 2016	October 26, 2016
16-11	November 2016	October 7, 2016	November 2, 2016	November 23, 2016
16-12	December 2016	November 4, 2016	December 7, 2016	December 28, 2016

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2017**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
17-1	January 2017	<b>*November 25, 2016</b>	January 4, 2017	January 25, 2017
17-2	February 2017	January 6, 2017	February 1, 2017	February 22, 2017
17-3	March 2017	February 3, 2017	March 1, 2017	March 22, 2017
17-4	April 2017	March 3, 2017	April 5, 2017	April 26, 2017
17-5	May 2017	April 7, 2017	May 3, 2017	May 24, 2017
17-6	June 2017	May 5, 2017	June 7, 2017	June 28, 2017
17-7	July 2017	June 9, 2017	July 5, 2017	July 26, 2017
17-8	August 2017	July 7, 2017	August 2, 2017	August 23, 2017
17-9	September 2017	August 4, 2017	September 6, 2017	September 27, 2017
17-10	October 2017	<b>**September 1, 2017</b>	October 4, 2017	October 25, 2017
17-11	November 2017	October 6, 2017	November 1, 2017	November 22, 2017
17-12	December 2017	November 3, 2017	December 6, 2017	December 27, 2017

***\*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.***

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 01</b>	<b>Accountancy</b> , Board of
<b>IDAPA 38</b>	<b>Administration</b> , Department of
<b>IDAPA 44</b>	<b>Administrative Rules Coordinator</b> , Office of the
<b>IDAPA 02</b>	<b>Agriculture</b> , Idaho Department of
<b>IDAPA 40</b>	<b>Arts</b> , Idaho Commission on the
<b>IDAPA 03</b>	<b>Athletic Commission</b>
<b>IDAPA 04</b>	<b>Attorney General</b> , Office of the
<b>IDAPA 53</b>	<b>Barley Commission</b> , Idaho
<b>IDAPA 51</b>	<b>Beef Council</b> , Idaho
<b>IDAPA 07</b>	<b>Building Safety</b> , 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)
<b>IDAPA 43</b>	<b>Canola and Rapeseed Commission</b> , Idaho
<b>IDAPA 28</b>	<b>Commerce</b> , Idaho Department of
<b>IDAPA 06</b>	<b>Correction</b> , Board of
<b>IDAPA 19</b>	<b>Dentistry</b> , Board of
<b>IDAPA 08</b>	<b>Education</b> , State Board of and State Department of
<b>IDAPA 10</b>	<b>Engineers and Land Surveyors</b> , Board of Professional
<b>IDAPA 58</b>	<b>Environmental Quality</b> , Department of
<b>IDAPA 12</b>	<b>Finance</b> , Department of
<b>IDAPA 13</b>	<b>Fish and Game</b> , Department of
<b>IDAPA 14</b>	<b>Geologists</b> , Board of Registration for Professional

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 15</b>	<b>Governor</b> , 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)
<b>IDAPA 48</b>	<b>Grape Growers and Wine Producers Commission</b> , Idaho
<b>IDAPA 16</b>	<b>Health and Welfare</b> , Department of
<b>IDAPA 41</b>	<b>Health Districts</b> , Public
<b>IDAPA 45</b>	<b>Human Rights Commission</b>
<b>IDAPA 17</b>	<b>Industrial Commission</b>
<b>IDAPA 18</b>	<b>Insurance</b> , Department of
<b>IDAPA 05</b>	<b>Juvenile Corrections</b> , Department of
<b>IDAPA 09</b>	<b>Labor</b> , Idaho Department of
<b>IDAPA 20</b>	<b>Lands</b> , Department of
<b>IDAPA 30</b>	<b>Libraries</b> , Commission for
<b>IDAPA 52</b>	<b>Lottery Commission</b> , Idaho State
<b>IDAPA 22</b>	<b>Medicine</b> , Board of
<b>IDAPA 23</b>	<b>Nursing</b> , Board of

**ALPHABETICAL INDEX OF STATE AGENCIES  
AND CORRESPONDING IDAPA NUMBERS**

<b>IDAPA 24</b>	<b>Occupational Licenses, Board of (24.20)</b> Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians, Board of (24.03) Contractors Board, Idaho (24.21) Cosmetology, Board of (24.04) 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, State (24.25) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board (24.22) Massage Therapy, Board of (24.27) Midwifery, State Board of (24.26) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board, State (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) Social Work Examiners, Board of (24.14) Speech and Hearing Services Board (24.23)
<b>IDAPA 25</b>	<b>Outfitters and Guides Licensing Board</b>
<b>IDAPA 50</b>	<b>Pardons and Parole, Commission for</b>
<b>IDAPA 26</b>	<b>Parks and Recreation, Department of</b>
<b>IDAPA 27</b>	<b>Pharmacy, Board of</b>
<b>IDAPA 11</b>	<b>Police, Idaho State</b>
<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>
<b>IDAPA 55</b>	<b>Professional-Technical Education, Division of</b>
<b>IDAPA 59</b>	<b>Public Employee Retirement System of Idaho (PERSI)</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>
<b>IDAPA 57</b>	<b>Sexual Offender Management Board</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters Board, Idaho Certified</b>
<b>IDAPA 60</b>	<b>Soil and Water Conservation Commission, Idaho State</b>

<b>ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS</b>	
<b>IDAPA 36</b>	<b>Tax Appeals, Board of</b>
<b>IDAPA 35</b>	<b>Tax Commission, State</b>
<b>IDAPA 39</b>	<b>Transportation Department, Idaho</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1601

#### 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 71-111, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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 incorporate by reference the 2017 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. NIST documents are available online at <http://www.nist.gov/pml/wmd/index.cfm>.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

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

This document is recognized nationally as the primary reference document, incorporating the most current version promotes uniformity throughout the United States.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Kevin Merritt, Section Manager at (208) 332-8690.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey  
Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
PO Box 790  
Boise, Idaho 83701  
Telephone: (208) 332-8500  
Fax: (208) 332-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

**01. Required Reference Materials.** The 201~~6~~<sup>7</sup> edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (~~3-25-16~~)(    )

**02. Required Reference Materials for Checking Prepackaged Commodities.** The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, "Checking the Net Contents of Packaged Goods," hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

**03. Specifications for Diesel Fuel and Biodiesel Fuel.** American Society of Testing and Materials (ASTM) D975-07a, "Standard Specification for Diesel Fuel Oils," and ASTM D6751-07a, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels," intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (4-2-08)

**04. Specifications for Gasoline.** American Society of Testing and Materials (ASTM) D 4814-07a, "Standard Specification for Automotive Spark-Ignition Engine Fuel", dated October 17, 2007, is hereby incorporated by reference and is the specification for gasoline. (5-8-09)

**05. Local Availability.** Copies of the incorporated documents are on file with the Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712. Copies of NIST documents may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading at <http://www.nist.gov/pml/wmd/index.cfm>. Copies of ASTM specifications are on file with the Idaho State Department of Agriculture or may be purchased from <http://www.astm.org>, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA, 19428. (4-7-11)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.08 - RULES GOVERNING GRADE A MILK AND MILK PRODUCTS**  
**DOCKET NO. 02-0408-1601**  
**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 37-303 Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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 incorporate by reference the 2015 edition of the Grade A Pasteurized Milk Ordinance; 2015 edition of the Evaluation of Milk Laboratories reference document; 2015 Methods of Making Sanitation Ratings of Milk Shippers reference document and 2015 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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:

These documents are recognized nationally as the primary reference and regulatory documents related to Grade A milk and milk products. Incorporating the most current version of the documents promotes uniformity throughout the United States dairy industry and the U.S. Food and Drug Administration.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rulemaking, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0408-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

The Idaho State Department of Agriculture incorporates by reference the following documents in this chapter. Copies of these documents may be obtained at the Idaho State Department of Agriculture central office. (4-7-11)

**01. Grade "A" Pasteurized Milk Ordinance.** The Grade "A" Pasteurized Milk Ordinance, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, except the bacterial limit standard and the somatic cell count standard in Section 7 of the document. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM291757.pdf>. (~~4-4-13~~)(    )

**02. Evaluation of Milk Laboratories.** The Evaluation of Milk Laboratories, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM293265.pdf>. (~~4-4-13~~)(    )

**03. Methods of Making Sanitation Ratings of Milk Shippers.** The Methods of Making Sanitation Ratings of Milk Shippers, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM290758.pdf>. (~~4-4-13~~)(    )

**04. Interstate Milk Shipments.** The Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, 20~~11~~<sup>15</sup> revision, published by the U. S. Department of Health and Human Services, Public Health Service, Food and Drug Administration, and the National Conference on Interstate Milk Shipments. Available online at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/MilkSafety/NationalConferenceonInterstateMilkShipmentsNCIMSMModelDocuments/UCM283586.pdf>. (~~4-4-13~~)(    )

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.14 - RULES GOVERNING DAIRY WASTE**

**DOCKET NO. 02-0414-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-603 Idaho Code.

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

<b>Tuesday, August 2, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>
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**Idaho State Department of Agriculture**  
**2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman's Association to change the requirements related to pasture access for dairy cattle. The change will also make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

## **IDAPA 02 - DEPARTMENT OF AGRICULTURE**

### **02.04.15 - RULES GOVERNING BEEF CATTLE ANIMAL FEEDING OPERATIONS**

**DOCKET NO. 02-0415-1601**

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

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-4901 et seq, Idaho Code.

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

**Wednesday, August 3, 2016  
1:00 - 4:00 p.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Cattleman's Association to make the rule language consistent with the statutory revisions implemented by the 2016 Idaho Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 9, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.16 - RULES GOVERNING AGRICULTURE ODOR MANAGEMENT**

**DOCKET NO. 02-0416-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-3802, Idaho Code.

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

<b>Tuesday, August 2, 2016 1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016 1:00 - 5:00 p.m. (MDT)</b>
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**Idaho State Department of Agriculture  
2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman’s Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature. This rule negotiation will be conducted simultaneously with six (6) other negotiated rulemaking dockets related to the statutory revisions made by the 2016 Idaho State Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.18 - RULES GOVERNING CAFO SITE ADVISORY TEAM**

**DOCKET NO. 02-0418-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-6501 et seq, Idaho Code.

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

<b>Tuesday, August 2, 2016 1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016 1:00 - 5:00 p.m. (MDT)</b>
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**Idaho State Department of Agriculture  
2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman’s Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature. This rule negotiation will be conducted simultaneously with six (6) other negotiated rulemaking dockets related to the statutory revisions made by the 2016 Idaho State Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE**

**DOCKET NO. 02-0419-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-3704, Idaho Code.

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

**Wednesday, July 27, 2016  
11:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

The rule change will require Idaho domestic cervidae producers to report the cause of death of each cervid to the Department on the official death certificate form. The rule change will also clarify the minimum surveillance requirements for Chronic Wasting Disease on domestic cervidae facilities.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 9, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.21 - RULES GOVERNING THE IMPORTATION OF ANIMALS**

**DOCKET NO. 02-0421-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 25, Chapters 2, 3, 4, 6 and 37, Idaho Code.

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

**Wednesday, July 27, 2016  
10:00 - 11:00 a.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change will make Idaho rules consistent with federal regulations pertaining to the official identification of imported dairy cattle. The rule change will also clarify tuberculosis testing requirements for imported domestic cervidae. As a result of a petition received by the Department, the rule change would remove the requirement for a CAN brand on imported Canadian bison.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 9, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.30 - RULES GOVERNING NUTRIENT MANAGEMENT**

**DOCKET NO. 02-0430-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 37-401 et seq., 22-4901 et seq., 25-4001 et seq. Idaho Code.

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

<b>Tuesday, August 2, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>
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**Idaho State Department of Agriculture**  
**2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman’s Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature. This rule negotiation will be conducted simultaneously with six (6) other negotiated rulemaking dockets related to the statutory revisions made by the 2016 Idaho State Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.04.31 - RULES GOVERNING THE STOCKPILING OF AGRICULTURAL WASTE

DOCKET NO. 02-0431-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-110, Idaho Code.

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

<b>Tuesday, August 2, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>
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**Idaho State Department of Agriculture**  
**2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman's Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature. This rule negotiation will be conducted simultaneously with six (6) other negotiated rulemaking dockets related to the statutory revisions made by the 2016 Idaho State Legislature in Senate Bill 1260.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.04.32 - RULES GOVERNING POULTRY OPERATIONS**

**DOCKET NO. 02-0432-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-4012, Idaho Code.

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

<b>Tuesday, August 2, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>	<b>Tuesday, August 16, 2016</b> <b>1:00 - 5:00 p.m. (MDT)</b>
---	--

**Idaho State Department of Agriculture**  
**2270 Old Penitentiary Road, Boise, ID 83712**

The meeting site will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below. If deemed necessary, additional negotiated rulemaking meetings may be scheduled by the Department. Adequate notice of dates, locations, and manner of participation of additional meetings will be posted on the ISDA web site [www.agri.idaho.gov](http://www.agri.idaho.gov).

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dr. Scott Leibsle, Deputy Administrator, Division of Animal Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

This rule change is a result of a petition received from the Idaho Dairyman's Association. The changes will make the rule consistent with the statutory revisions implemented by the 2016 Idaho Legislature in Senate Bill 1260. This rule negotiation will be conducted simultaneously with six (6) other rule negotiations related to the statutory revision from 2016.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Dr. Scott Leibsle, Deputy Administrator – Division of Animal Industries at (208) 332-8540 or [Scott.Leibsle@ISDA.idaho.gov](mailto:Scott.Leibsle@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site, [www.agri.idaho.gov](http://www.agri.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 18, 2016.

DATED this 27th Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW**  
**DOCKET NO. 02-0602-1601**  
**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 25-2710, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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 incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

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

ISDA has incorporated the Association of American Feed Control Officials (AAFCO) Official Publication into the Rules Pertaining to the Idaho Commercial Feed Law for a number of years. The only change to the incorporation by reference section is to the date of the Official Publication.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0602-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.02 incorporates by reference: (3-30-07)

**01. The Association of American Feed Control Officials (AAFCO) Official Publication.** The Terms, Ingredient Definitions and Policies as published in the “2016~~7~~ Official Publication” of AAFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 25, Chapter 27, Idaho Code, and any rule promulgated thereunder. The AAFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAFCO website at: [www.aafco.org](http://www.aafco.org). (~~3-25-16~~)(    )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc at: <http://www.rsc.org/merckindex>.

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**  
**02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW**  
**DOCKET NO. 02-0612-1601**  
**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 22-604, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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 incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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 Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the fertilizer industry and all state and federal fertilizer control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov).

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0612-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.12 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The Terms, Ingredient Definitions, and Policies, as published in the “2016~~7~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 6, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_69.pdf](http://www.aapfco.org/pdf/order_form_69.pdf). ~~(3-25-16)~~(    )

**02. The Merck Index.**

The “2006 Merck Index,” 14th Edition as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex>. (4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.**

The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. (3-29-12)

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.06.21 - RULES FOR VOLUNTARY PUBLIC SERVICES OF THE  
IDAHO DEPARTMENT OF AGRICULTURE LABORATORIES**

**DOCKET NO. 02-0621-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 22-604 and 25-2710, Idaho Code.

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

**Tuesday, July 26, 2016  
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

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

This rule change proposal will update the current services and price list for voluntary public services provided by the Idaho State Department of Agriculture Feed and Fertilizer Laboratories. The rule will also be updated so that it follows proper administrative structure.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Dan Salmi, Laboratory Bureau Chief, Bureau of Laboratories, (208) 332-8526 or email [Daniel.salmi@isda.idaho.gov](mailto:Daniel.salmi@isda.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: [http://www.agri.idaho.gov/agri/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/agri/Categories/LawsRules/sub_rules/Rulemaking.php)

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.06.22 - NOXIOUS WEED RULES**

**DOCKET NO. 02-0622-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-2403, Idaho Code.

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

**Wednesday, July 13, 2016  
10:00 a.m. - 12:00 p.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Lloyd Knight, Administrator, Division of Plant Industries. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made.

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

The purpose of this rulemaking is to add four (4) genus of plants to the Idaho noxious weed list including the entire genus *Cytisus*, *Genista*, *Chamaecytisus*, and *Spartium*, including hybrids and cultivars of these genera.

Specific changes include: (1) Adding all plants and plant parts in the Genera's of: *Cytisus*, *Genista*, *Spartium*, and *Chamaecytisus* to Idaho's Statewide Noxious Weed List under IDAPA 02.06.22.100; (2) Removing *Cytisus scoparius* from the "Control" noxious weed list and (3) define "sub taxa" in IDAPA 02.06.22.010.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Lloyd Knight, Administrator, Division of Plant Industries, (208) 332-8620 or email [Lloyd.Knight@ISDA.idaho.gov](mailto:Lloyd.Knight@ISDA.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA web site at the following web address: [http://www.agri.idaho.gov/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php).

All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 26th Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.31 - NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-1601

#### NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is June 1, 2016.

**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 Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code.

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

The ISDA is a member of a national standards organization called the North American Invasive Species Management Association (NAISMA). NAISMA has standards for Noxious Weed Free Forage and Straw (NWFFS) products. NAISMA changed its NWFFS standards on February 1, 2016. ISDA will not be able to certify forage crops to the NAISMA standards until these rules are amended. Idaho has multiple manufacturers of NWFFS products (forage cubes & pellets). As currently written in the rules, these products can only be certified to the previous NAISMA standards.

**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:

NAISMA changed its NWFFS standards on February 1, 2016. Compliance with these national standards will be necessary to enable ISDA to certify forage crops to the NAISMA standards.

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Dan Safford, Program Specialist, Invasive Species, (208) 332-8592 or email [Dan.Safford@isda.idaho.gov](mailto:Dan.Safford@isda.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA website at the following web address: [http://www.agri.idaho.gov/AGRI/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/AGRI/Categories/LawsRules/sub_rules/Rulemaking.php).

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0631-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**010. DEFINITIONS.**

The definitions found in Section 22-2402, Idaho Code, apply to this chapter. In addition, as used in this chapter:

(7-1-94)

**01. Agent.** Any instrumentality or entity authorized by the director of the department, and acting on behalf of the department, to administer the provisions of this rule. Any designated agent shall act in an official capacity for the department and under the supervision of the director of the department. The principal purpose of the agent is to establish, conduct, and maintain a uniform and reasonable system of inspection and certification of forage and straw crops to determine if such crops are noxious weed free. (3-19-07)

**02. Approved Inspector.** An individual who has been accredited by the department or by the department's agent in the noxious weed free forage and straw certification program. (3-19-07)

**03. Bale.** A mechanically compressed package of forage or straw bound by string or wire, or other binding material. (3-19-07)

**04. Bale Tag.** A tag or label which is attached to the string or wire, or other binding material of a bale of certified forage or straw, and identifies the bale as being certified noxious weed free. (3-19-07)

**05. Certificate of Inspection.** A record of inspection issued by an approved inspector that states the results of a field or commodity inspection. The certificate shall document that the inspected field or commodity is Idaho State Noxious Weed Free, North American Noxious Weed Free, or that the field or commodity contains noxious weeds. (5-8-09)

**06. Certification.** The process whereby an approved inspector conducts field or commodity inspections to determine that the field or commodity is noxious weed free. (3-19-07)

**07. Certification Markings.** Bale tags, purple and yellow colored twine, compressed forage bale binding material, and forage cubes/pellets container tags/labels. (4-4-13)

**08. Certified Compressed Forage Bale Binding Material.** An ISDA approved binding material which is attached to a compressed forage bale of certified noxious weed free forage and identifies the bale as being certified to the North American Standards. (5-8-09)

**09. Compressed Forage Bale.** A bale that has been twice compressed, once in the field by a forage baler and then recompressed a second time and bound by string, wire or other binding material. (3-19-07)

**10. Department.** The Idaho State Department of Agriculture. (3-19-07)

**11. Field.** The land on which a forage or straw crop is grown and is not divided by streams, public roads, other crops, or other barriers. (3-19-07)

**12. Field Certification Inspection.** An on-site inspection of forage or straw in the field, and areas adjacent to the field, for the presence of noxious weeds. The inspection shall be conducted prior to cutting or harvesting. (3-19-07)

**13. Forage.** Alfalfa, grain, and grass hay, and/or combinations of alfalfa, grain, or grass hay; the term "forage" includes forage cubes, compressed forage bales, and pellets. (3-19-07)

**14. Forage Cubes.** Forage that is harvested from a field certified to North American Standards and is

mechanically compacted into wafers or cubes. (3-19-07)

**15. Forage Cube/Pellet Tag.** A tag, label, or statement which is attached or printed on a container of certified noxious weed free forage cubes or pellets, and identifies the container as being certified to the North American Standards. (5-8-09)

**16. Idaho State Noxious Weed Free.** Forage and straw inspected for weeds designated by the director as noxious as defined in Section 22-2402(15), Idaho Code, and determined to be free of such weeds. (3-19-07)

**17. Idaho State Noxious Weed Free Standards.** Forage and straw that meets the requirements Idaho State Noxious Weed Free. (3-19-07)

**18. North American Noxious Weed Free.** Forage and straw inspected for, and determined to be free of, weeds designated as noxious by the director as defined in Section 22-2402(15) Idaho Code and noxious weeds listed on the North American Designated Weed List. ~~(3-19-07)~~(6-1-16)T

**19. North American Weed Free Forage Certification Program.** The North American Weed Invasive Species Management Association standard for forage certification. ~~(3-19-07)~~(6-1-16)T

**20. North American Twine.** Special Purple and yellow colored twine approved by NAISMA that is used to mark bales as certified to the North American Standards. ~~(3-19-07)~~(6-1-16)T

**21. North American Standards.** Requirements of the North American Weed Free Forage Certification Program. (3-19-07)

**22. Noxious Weed Free.** No noxious weeds with viable seed, injurious portions, or propagating parts were found during inspection procedures. (3-19-07)

**23. Pellets.** Forage that is harvested from a field certified to North American Standards and is manufactured into an agglomerated feed, formed by compacting and forcing through die openings by a mechanical process. (3-19-07)

**24. Straw.** The dried stalks or stems remaining after grain is harvested. (3-19-07)

**25. Transit Certificate.** A document completed by an approved inspector to certify products proposed for movement as certified noxious weed free into states that require noxious weed free forage and straw certification. The transit certificate must be in the possession of the transporter. ~~If individual bales are tagged with an approved bale tag, a transit certificate is not required.~~ (4-4-13)(6-1-16)T

**011. ABBREVIATIONS.**

**01. ISDA.** The Idaho State Department of Agriculture. (3-19-07)

**02. NA~~W~~ISMA.** North American Weed Invasive Species Management Association. ~~(3-19-07)~~(6-1-16)T

**03. NWFF&S.** Noxious Weed Free Forage and Straw. (3-19-07)

**(BREAK IN CONTINUITY OF SECTIONS)**

**100. VOLUNTARY NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION PROGRAM.**

**01. Purpose.** The noxious weed free forage and straw certification program is a voluntary program, the purpose of which is to provide a means for the inspection, certification, and marking of forage and straw as noxious weed free. The program will be managed by the department and may be implemented through an agent of the

department. The program will allow for the preparation of a transit certificate for the purpose of interstate transport or shipping of forage and straw into and through states which place regulations and restrictions on such commodities. The program is intended to reduce the exportation, importation, growth, and spread of noxious weeds. (4-4-13)

**02. Certifying Authority.** The department or its agent is the certifying authority. The certifying authority shall appoint, as needed, approved inspectors throughout the state, who may issue certificates of inspection. (3-10-00)

**03. Certification Training.** The department shall determine minimum training and accreditation standards for approved inspectors. Training will be provided annually by the department or its agent. Attendance at annual training will certify accreditation for the inspector for that calendar year. Approved inspectors will be issued a certificate of training for the calendar year. Annual training shall include: (3-19-07)

- a. Field inspection techniques and procedures; (3-19-07)
- b. ISDA and North American Noxious weed list plant identification; (3-19-07)
- c. ISDA and North American certification standards and guidelines; (3-19-07)
- d. Knowledge of weed management, including: (3-19-07)
  - i. Burning; (3-19-07)
  - ii. Mowing, cutting or roguing; (3-19-07)
  - iii. Mechanical methods; and (3-19-07)
  - iv. Herbicides. (3-19-07)
- e. Inspection forms. (3-19-07)

**04. Certification Program.** (3-10-00)

- a. The department or its agent shall: (3-10-00)
  - i. Coordinate forage and straw inspections within the state; (3-10-00)
  - ii. Select, train, and supervise persons who serve as approved inspectors; (3-10-00)
  - iii. Issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, certified compressed forage bale binding material, and bale tags to qualifying participants; (3-19-07)
  - iv. Maintain a record of inspections performed and certificates and tags issued; (7-1-94)
- b. Under the direction of the department or its agent an approved inspector may perform inspections and issue certificates of inspection, transit certificates, North American Twine, forage cubes/pellets tags/labels, and bale tags within the state at cost. (3-19-07)

**05. Application for Certification.** (7-1-94)

- a. Application for certification inspection shall be made on forms available from the department or its agent and submitted to the department or its agent. (5-8-09)
- b. An applicant's signature on the application for certification is verification of the accuracy of the information submitted, and signifies the applicant's intent to comply with the post-certification and distribution requirements. (3-10-00)

- 06. Field Inspection Procedures.** (7-1-94)
- a.** Forage or straw shall be inspected within a maximum of ten (10) days prior to cutting/harvesting in the field of origin for each field and cutting to be certified. Fields must be inspected again if circumstances prevent harvest of the forage for a period greater than ten (10) days from the first inspection. ~~(3-19-07)~~(6-1-16)T
- b.** Each field inspected shall be identified by the name of the owner and a field name or number. The certification inspection may be performed on an entire field or a portion of a field, if the portion is plainly marked and identified prior to inspection. (3-10-00)
- c.** Field inspections must take place prior to any operation that will limit the approved inspector's ability to properly inspect and certify the field. Fields that have been cut or harvested prior to inspection are ineligible for certification. (3-19-07)
- d.** There shall be a minimum of two (2) entry points per field. (3-19-07)
- e.** There shall be minimum of one (1) entry point per each ten (10) acres (four (4) hectares. ~~(3-19-07)~~(6-1-16)T
- f.** Each point of entry shall be at least one-hundred fifty (150) feet (forty-five (45) meters) into the field, and each additional one-hundred fifty (150) feet (forty-five (45) meters) traveled shall constitute an entry point. Travel shall be uninterrupted, proceeding through the field being inspected. ~~(3-19-07)~~(6-1-16)T
- g.** The entire field border shall be physically inspected. (3-19-07)
- h.** The field inspection will include all ditches, fence rows, roads, easements, rights-of-way, or buffer zones surrounding the field. (3-19-07)
- i.** Forage which contains any noxious weeds as identified in Section 22-2402(15) or noxious weeds listed on the North American Noxious Weed List, may be certified if the following requirements are met: (3-19-07)
- i.** ~~Field upon which the forage was produced was treated to prevent seed formation or seed ripening to the degree that there is no danger of dissemination of the seed, or any injurious portion thereof from such noxious weeds, or undesirable plant species, or the propagating parts of the plant are not capable of producing a new plant; Forage which contains any noxious weeds may still be certified if the field upon which the forage was produced is treated to prevent noxious weed seed or other propagule viability according to agricultural practices acceptable to, and to the satisfaction of, the approved inspector.~~ ~~(3-19-07)~~(6-1-16)T
- ii.** Noxious weed(s) were treated not later than rosette to bud stage, or boot stage for grass species classified as noxious weeds, prior to cutting or harvesting; and (3-19-07)
- iii.** Treatment method can include, but is not limited to burning, mowing, cutting or roguing, mechanical methods, or chemicals. (3-19-07)
- j.** An inspection certificate shall document that the above requirements have been met. (3-19-07)
- k.** Baling equipment must be cleaned of any noxious weeds prior to harvesting certified forage. If the baling equipment is not cleaned, the first three (3) small square bales or the first large round or square bale produced shall be considered non-certified. (3-19-07)
- l.** Interstate shipment of baled forage and straw shall be accompanied by an original transit certificate issued by the approved inspector in the county of origin. ~~If individual bales are tagged with an approved bale tag, a transit certificate is not required.~~ The storage area shall also be inspected and shall be free of noxious weeds. ~~(4-4-13)~~(6-1-16)T
- m.** An approved inspector may not inspect fields of which said inspector has ownership or financial interest. (3-19-07)

**07. Certification Standards.** After completing an inspection, the approved inspector shall complete a certificate of inspection. (3-10-00)

**a.** If the field or commodity inspected is certified as North American Noxious Weed Free, the approved inspector shall issue a certificate of inspection for that harvest or cutting. If the field or commodity contains North American Noxious Weeds, but does not contain Idaho State noxious weeds, it may be certified as Idaho State noxious weed free, and such certification shall be noted on the certificate of inspection. (3-19-07)

**b.** If the field or commodity inspected is certified as noxious weed free, as defined in these rules, the approved inspector may also issue, upon request, any of the following documents: (3-19-07)

i. Transit certificates. (7-1-94)

ii. Bale tags. The date on the bale tag must accurately reflect the year in which the bale was produced. (4-4-13)

iii. North American Twine only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

iv. Forage cube/pellet tag/labels only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

v. Certified compressed forage bale binding material only if the field or commodity is certified as North American Noxious Weed Free. (3-19-07)

**c.** Certificates of inspection, transit certificates and bale tags shall be on forms prescribed by the department or its agent. (3-10-00)

**d.** North American Twine and bale tags must be purchased from the department or its agent. (5-8-09)

**08. Copy of Inspections and a List of Approved Inspectors.** Upon request, the agent shall provide the department with a copy of certificates of inspections issued and a current list of approved inspectors. (3-10-00)

**09. Reciprocity.** Forage or straw certified under a reciprocal agreement between the department and another state, and certified as North American Noxious Weed Free according to the other state's approved certification standards, may be shipped into the state of Idaho and shall be considered to meet the requirements of the Idaho program. (3-19-07)

**10. Exports.** Certification under these rules does not qualify a commodity for export from the United States. Applications for certification for export should be made directly to the Division of Plant Industries within the department. (3-10-00)

**11. Voluntary Posting.** After certification, a producer may post signs, or other forms of notification, on the certified commodity indicating that the commodity is certified as noxious weed free. (3-10-00)

**12. Post-Certification and Distribution Requirements.** After a producer's commodity has been inspected and certified, the producer shall: (3-19-07)

**a.** Take reasonable and prudent steps to protect the certified commodity from contamination; (7-1-94)

**b.** Keep the certified commodity separated from all uncertified commodity; (3-10-00)

**c.** Attach bale tags, certified compressed forage bale binding material, or North American Twine to each bale of certified forage or straw intended for sale as noxious weed free forage or straw prior to the bales leaving the producers stack yard or storage area; and (3-19-07)

**d.** Attach cube/pellet tag/label to each container of certified forage cubes/pellets intended for sale as noxious weed free forage prior to the containers leaving the producer’s facility. (3-19-07)

**e.** Provide the shipper, trucker, or transporter with the appropriate number of transit certificates. ~~If individual bales are tagged with an appropriate bale tag, a transit certificate is not required.~~ (4-4-13)(6-1-16)T

**13. Cancellation for Failure to Comply.** Any person who provides false information on an application for inspection or who fails to comply with the post-certification and distribution requirements may, upon order of the director, be suspended for a period of up to two (2) years from participating in the forage and straw certification program. (7-1-94)

**14. Enforcement and Cancellation.** Harvested lots of forage or straw from certified fields may be checked at any time by an approved inspector. Manufactured lots of forage cubes, pellets, and compressed forage bales may be checked at any time by an approved inspector. Evidence that forage, straw, forage cubes/pellets, or compressed forage bales are not from a certified field or that any lot has not been protected from contamination shall be cause for cancellation of certification. (3-19-07)

**15. Misuse of Transit Certificate and Certification Markings.** Using a transit certificate or certification marking for forage from a field that has not been certified shall constitute a violation of these rules. (3-19-07)

**16. Certification Fees.** A minimum of thirty dollars (\$30) per inspection shall be charged for up to ten (10) acres, and three dollars (\$3) per acre thereafter, for fields up to ninety-nine (99) acres. Fields that are one-hundred (100) acres or larger in size, the fee is three dollars (\$3) per acre for the first one-hundred (100) acres and two dollars (\$2) per acre thereafter. The agent is authorized to assess a general fee of thirty dollars (\$30) per year to recover overhead costs. ~~The agent may waive the general fee if the applicant has already been assessed a similar fee for other types of crop inspections.~~ (3-19-07)(6-1-16)T

**101. -- 149. (RESERVED)**

**150. NORTH AMERICAN NOXIOUS WEED LIST.**

<b>Common Name</b>	<b>Scientific Name</b>
Absinth wormwood	<i>Artemisia absinthium</i>
<del>Bermudagrass</del> <del>Austrian fieldcress</del>	<del>Cynodon dactylon</del> <del>Rorippa austriaca</del>
<del>Black henbane</del>	<del>Hyoscyamus niger</del>
Buffalobur	<i>Solanum rostratum</i>
Canada thistle	<i>Cirsium arvense</i>
Common burdock	<i>Arctium minus</i>
Common crupina	<i>Crupina vulgaris</i>
<del>Common mullein</del>	<del>Verbascum thapsus</del>
Common tansy	<i>Tanacetum vulgare</i>
<del>Common teasel</del>	<del>Dipsacus fullonum</del>
<del>Cutleaf teasel</del>	<del>Dipsacus laciniatus</del>
<del>Dame’s rocket</del>	<del>Hesperis matronalis</del>
Dalmatian toadflax	<i>Linaria dalmatica</i>
Diffuse knapweed	<i>Centaurea diffusa</i>

Common Name	Scientific Name
Dyers woad	<i>Isatis tinctoria</i>
Field bindweed	<i>Convolvulus arvensis</i>
<del>Hemp (marijuana)</del>	<del><i>Cannabis sativa</i></del>
<del>Henbane, Black</del>	<del><i>Hyoscyamus niger</i></del>
<del>Field scabious</del>	<del><i>Knautia arvensis</i></del>
<del>Hoary alyssum</del>	<del><i>Berteroa incana</i></del>
Hoary cress	<i>Cardaria spp.</i>
Horsenettle	<i>Solanum carolinense</i>
Houndstongue	<i>Cynoglossum officinale</i>
Johnsongrass	<i>Sorghum halepense</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Leafy spurge	<i>Euphorbia esula</i>
<del>Matgrass</del>	<del><i>Nardus stricta</i></del>
Meadow knapweed	<i>Centaurea pratensis</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
<del>Milium</del>	<del><i>Milium vernale</i></del>
Musk thistle	<i>Carduus nutans</i>
Orange hawkweed	<i>Hieracium aurantiacum</i>
Oxeye daisy	<i>Chrysanthemum leucanthemum</i>
Perennial pepperweed	<i>Lepidium latifolium</i>
<del>Perennial sorghum</del>	<del><i>Sorghum almum</i></del>
Perennial sowthistle	<i>Sonchus arvensis</i>
Plumeless thistle	<i>Carduus acanthoides</i>
Poison hemlock	<i>Conium maculatum</i>
Puncturevine	<i>Tribulus terrestris</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Quackgrass	<i>Agropyron repens</i>
Rush skeleton weed	<i>Chondrilla juncea</i>
Russian knapweed	<i>Centaurea repens</i>
Scentless chamomile	<i>Matricaria perforata</i> or <i>M. milaceum</i>
<del>Scotch broom</del>	<del><i>Cytisus scoparius</i></del>
Scotch thistle	<i>Onopordum acanthium</i>
Sericea Lespedeza	<i>Lespedeza cuneata</i>
<del>Silverleaf nightshade</del>	<del><i>Solanum elaeagnifolium</i></del>

Common Name	Scientific Name
<del>Skeletonleaf bursage</del>	<del>Ambrosia tomentosa</del>
Spotted knapweed	<i>Centaurea maculosa</i>
Squarrose knapweed	<i>Centaurea virgata</i>
St. Johnswort	<i>Hypericum perforatum</i>
Sulfur cinquefoil	<i>Potentilla recta</i>
<del>Syrian beancaper</del>	<del>Zygophyllum fabago</del>
<del>Tall buttercup</del>	<del>Ranunculus acris</del>
Tansy ragwort	<i>Senecio jacobaea</i>
<del>Toothed spurge</del>	<del>Euphorbia dentata</del>
<del>Vipers bugloss/blueweed</del>	<del>Echium vulgare</del>
Wild oats	<i>Avena fatua</i>
Wild proso millet	<i>Panicum miliaceum</i>
Yellow hawkweed	<i>Hieracium pratense</i>
Yellow starthistle	<i>Centaurea solstitialis</i>
Yellow toadflax	<i>Linaria vulgaris</i>

~~(4-4-13)~~(6-1-16)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**250. CERTIFICATION MARKING.**

Each certified bale or container shall be marked by one (1) of the following: (3-19-07)

**01. North American Twine.** Only one (1) strand is required per bale. (3-19-07)

**02. Bale Tag.** The following information shall be shown on baled forage and straw: ~~(5-8-09)~~(6-1-16)T

**a.** The words - “North American Weed Free Forage Certification Program” or “Idaho State Noxious Weed Free Forage & Straw Certification Program”; (3-19-07)

**b.** Bale tag serial number; (3-19-07)

**c.** County of origin identification; (3-19-07)

**d.** ISDA emblem; (3-19-07)

**e.** ISDA telephone number; and (3-19-07)

**f.** A statement that the product is “Certified to the North American Standards” or “Certified to the Idaho State Noxious Weed Free Standards.” (3-19-07)

**g.** Year the bale tag was issued. (4-4-13)

**03. Forage Cube/Pellet Tag/Label.** Certification tags/labels shall be attached to or a statement with

the following information shall be printed on each container of noxious weed free product: (3-19-07)

- a. The words - “North American Weed Free Forage Certification Program”; (3-19-07)
- b. ISDA forage manufacturer identification number; (3-19-07)
- c. ISDA emblem; (3-19-07)
- d. ISDA telephone number; and (3-19-07)
- e. A statement that the product is “Certified to the North American Standards.” (3-19-07)

**04. Certified Compressed Forage Bale Binding Material.** The following information shall be printed in purple ink on yellow binding material. Two (2) consecutive vertical purple lines approximately one-eighth of an inch (1/8”) wide, spaced approximately one and one-quarter inches (1 1/4”) apart, placed before and after written text which includes the acronym “ISDA NWFFS” and can include the manufacturer’s name. (5-8-09)

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.31 - NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION RULES

DOCKET NO. 02-0631-1602

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413.

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

**Wednesday, July 13, 2016  
1:00 - 3:00 p.m. (MDT)**

**Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
Boise, ID 83712**

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

**METHOD OF PARTICIPATION:** Persons wishing to participate in the negotiated rulemaking must do the following: interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho State Department of Agriculture addressed to Dan Safford, Program Specialist, Invasive Species. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made. Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

The ISDA is a member of a national standards organization called the North American Invasive Species Management Association (NAISMA). NAISMA has standards for Noxious Weed Free Forage and Straw (NWFFS) products. NAISMA changed its NWFFS standards on February 1, 2016. ISDA will not be able to certify forage crops to the NAISMA standards until these rules are amended.

Idaho has multiple manufacturers of NWFFS products (forage cubes & pellets). As currently written in the rules, these products can only be certified to the previous NAISMA standards.

**CONTACT INFORMATION, WEB, ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Dan Safford, Program Specialist, Invasive Species, 208-332-8592 or email [Dan.Safford@isda.idaho.gov](mailto:Dan.Safford@isda.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA website at the following web address: [http://www.agri.idaho.gov/Categories/LawsRules/sub\\_rules/Rulemaking.php](http://www.agri.idaho.gov/Categories/LawsRules/sub_rules/Rulemaking.php).

All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
Phone: (208) 332-8503 / Fax: (208) 334-2170

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

## IDAPA 02 - DEPARTMENT OF AGRICULTURE

### 02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

#### DOCKET NO. 02-0641-1601

#### 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 22-2204, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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 incorporate by reference information and updates contained in the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review.

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

**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:

ISDA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendment.

**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 Association of American Plant Food Control Officials (AAPFCO) Official Publication and the Official Methods of Analysis (OMA) published by the Association of Official Agricultural Chemists (AOAC) International are the recognized and primary reference books of approved fertilizer terms, ingredient definitions and policies used by the industry and all state and federal soil and plant amendments control officials and regulators.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jared Stuart Agriculture Section Manager at (208) 332-8622 or [jared.stuart@isda.idaho.gov](mailto:jared.stuart@isda.idaho.gov). Anyone may submit written comments regarding this proposed rulemaking. All written comments must be delivered on or before July 27, 2015.

DATED this 2nd Day of June, 2016.

Brian J. Oakey, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
P.O. Box 790  
Boise, ID 83701  
Phone: (208) 332-8500  
Fax: (208) 334-2170

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0641-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**004. INCORPORATION BY REFERENCE.**

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.41 incorporates by reference: (4-7-11)

**01. The Association of American Plant Food Control Officials (AAPFCO) Official Publication.**

The terms, ingredient definitions and policies as published in the “2016~~7~~ Official Publication” of AAPFCO where those terms and ingredient definitions, and policy statements do not conflict with terms and ingredient definitions, and policy statements adopted under Title 22, Chapter 22, Idaho Code, and any rule promulgated thereunder. The AAPFCO Official Publication is a copyrighted publication and not available in electronic format. A copy may be purchased online from the AAPFCO website at: [http://www.aapfco.org/pdf/order\\_form\\_69.pdf](http://www.aapfco.org/pdf/order_form_69.pdf). ~~(3-25-16)~~( )

**02. The Merck Index.** The “2006 Merck Index,” 14th Edition, as published by Merck Research Laboratories Division of Merck & Co., Incorporated. The Merck Index is a copyrighted publication and not available in an electronic format. A copy may be purchased online from Merck & Co., Inc. (now hosted by the Royal Society of Chemistry) at: <http://www.rsc.org/merckindex..> (4-7-11)

**03. The Association of Official Agricultural Chemists (AOAC) International.** The “2005 Official Methods of Analysis (OMA) of the AOAC,” 18th Edition, a copyrighted publication, is maintained and published by the AOAC International. The AOAC OMA is available in electronic format at: [www.EOMA.AOAC.org](http://www.EOMA.AOAC.org). A copy may be purchased online from AOAC International. (3-29-12)

## IDAPA 08 - STATE BOARD OF EDUCATION

### 08.01.02 - RULES GOVERNING POSTSECONDARY CREDIT SCHOLARSHIP PROGRAM

#### DOCKET NO. 08-0102-1601 (NEW CHAPTER)

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant Article IX, Section 2 of the Idaho Constitution and Sections 33-101, 33-105, 33-107, and 33-4605, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

HB 477 (2016) created a new section of code, Section 33-4605, Idaho Code, which created a new state administered scholarship titled the Postsecondary Credit Scholarship, the proposed rule would set out administrative procedures to apply for the scholarship and provide clarification around the required industry matching scholarship.

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

DATED this 3rd Day of June, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582  
Fax (208) 334-2632

# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.01.04 - RESIDENCY

### DOCKET NO. 08-0104-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant Article IX, Section 2 of the Idaho Constitution and Sections 33-101, 33-105, 33-107, and 33-3717B, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

SB 1280a amended Section 33-3717B, Idaho Code streamlining the residency requirements for individuals to qualify for resident tuition at our four year postsecondary institutions and Eastern Idaho Technical College. The proposed amendments would remove, now unnecessary, language in the existing rule, add definitions for terms used in the section that are consistent with their uses in other sections of Idaho public education law and update language regarding the office location and APA appeals process that is consistent with current language in the other education related rules and consistent with APA requirements.

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

DATED this 3rd Day of June, 2016.

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

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

## **08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1602**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-116, 33-320, and 33-1212A, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

Amendments to sections 33-320 (HB 560) and 33-1212A (SB1290), Idaho Code made during the 2016 legislative session require school districts to submit additional information specific to student readiness and the transition points between specific grade bands, early reading literacy and grade 8 through grade 12 college and career advising in their continuous improvement plans. The proposed amendments would add specificity on the definitions and format the information is required to be submitted in. Additional language will provide direction on how to submit the new college and career advising and the existing literacy plans with the continuous improvement plans.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

# IDAPA 08 - STATE BOARD OF EDUCATION

## 08.02.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 08-0201-1603

### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-116, and 33-1616, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

HB 526 (2016) amended Section 33-1616, Idaho code requiring the Board set out student trajectory growth to proficiency benchmarks and timelines for early childhood literacy proficiency. The proposed rule would establish those statewide benchmarks for early literacy proficiency growth allowing state policymakers will be able to use to measure the impact of their investment in reading literacy and intervention.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

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

## **08.02.01 - RULES GOVERNING ADMINISTRATION**

**DOCKET NO. 08-0201-1604**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-116, and 33-1004, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

HB 476 (2016) made amendments to Section 33-1004, Idaho Code setting out a requirement for additional provisions in determining the statewide average class size for use in calculations related to school district staff allowances. The proposed rule will establish multiple measures for determining peer groups for school districts based on school district size, geographical location and student populations. The rule will also determine how the measures are combined to group school districts for determining the statewide average class size for each peer group.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

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

### **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1610**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-116, 33-116, 33-1612, and 33-2211 Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

The proposed changes will add the Career Technical Education (CTE) content standards to administrative rule in a similar fashion as the existing academic content standards. The standards being incorporated are the existing CTE content standards that are currently being used by our secondary CTE programs.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

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

### **08.02.03 - RULES GOVERNING THOROUGHNESS**

**DOCKET NO. 08-0203-1611**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-116, and 33-1602, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

During the 2015 legislative session changes were made to Section 33-1602, Idaho Code requiring students who graduate starting in the 2016-2017 school year show they meet our state civics and government content standards either through the "civics test" or an alternate path determined by the school district. During the 2016 legislative session the office of the State Board of Education was contacted by some school districts requesting that we clarify this provision. The proposed rule would provide additional information to school districts on how and what can be used for developing their school districts alternate path and clarify that all students, at the discretion of the school district, can meet this requirement through the districts alternate path.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

## IDAPA 09 - DEPARTMENT OF LABOR

### 09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that the Idaho Department of Labor intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-1333 Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 27, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

The rule is being changed to remove references to outdated processes for handling claims and references to local offices. The change also would remove a section no longer required of a claimant coded as attached to their employer.

This rule change removes reference to paper card reporting, reporting through a local office and local office scheduling. Claims are now handled at the claim center or over the internet. The change also removes the requirement for claimant's attached to their employer to do more than maintain contact with their employer.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Joshua McKenna (208) 332-3570, ext. 3919. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website: <http://labor.idaho.gov>.

DATED this 3rd Day of June, 2016

Joshua McKenna  
Bureau Chief  
Department of Labor  
317 West Main Street  
Boise, ID 83735  
(208) 332-3570 ext. 3919  
[joshua.mckenna@labor.idaho.gov](mailto:joshua.mckenna@labor.idaho.gov)

## IDAPA 09 - DEPARTMENT OF LABOR

### 09.01.35 - UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES

DOCKET NO. 09-0135-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that the Idaho Department of Labor intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-1333, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 27, 2016

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

To clarify that payments by a partnership to its partner or by a sole proprietorship to its owner are excluded as wages for purposes of unemployment insurance tax.

The rule adds an additional exclusion to wages. It would exclude as wages payments by a partnership to its partner or payment by a sole proprietorship to its owner. This is currently how payments by a partnership to its partners or payments by a sole proprietorship to its owner should be handled. Providing this in a rule would help clarify this for partners, partnerships and owners of a sole proprietorship business.

**ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Larry Ingram (208) 332-3570, ext. 3543. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency website: <http://labor.idaho.gov>.

DATED this 3rd Day of June, 2016

Larry Ingram  
Bureau Chief  
Department of Labor  
317 West Main Street  
Boise, ID 83735  
(208) 332-3570 ext. 3543  
[larry.ingram@labor.idaho.gov](mailto:larry.ingram@labor.idaho.gov)

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.01 - RULES OF PROCEDURE**

**DOCKET NO. 10-0101-1603**

**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 6, 2016.

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

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

The Board finds that an alternate pathway to licensure for Ph.D. faculty teaching engineering courses at Idaho Universities will assist faculty in complying with the requirement of law to obtain a Professional Engineering license. The amendments will provide a new section defining the process for applying for a Restricted PE License available to Ph.D. faculty teaching upper division engineering courses at an Idaho University.

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

The rule change will align the rules of procedure with new laws enacted by the 2016 Legislature.

The law change added a new provision that authorizes the Board to issue a Restricted License to Ph.D. faculty teaching upper division engineering courses at Idaho Universities and waives the requirement for technical testing. The rule change allows faculty to apply to the Board beginning August 3, 2016 and describes the process requirements and conditions in the application.

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

There are no fee changes as part of this rule change.

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

DATED this 9th Day of June, 2016.

Keith Simila, P.E.  
Executive Director  
Idaho Board of Professional Engineers  
and Professional Land Surveyors  
1510 E Watertower St., Ste. 110  
Meridian, ID 83642  
Phone (208) 373-7210  
Fax (208) 373-7213  
[keith.simila@ipels.idaho.gov](mailto:keith.simila@ipels.idaho.gov)

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 10-0101-1603**  
**(Only Those Sections With Amendments Are Shown.)**

**023. PROFESSIONAL ENGINEER LICENSURE FOR FACULTY APPLICANTS.**

Written examinations related to applicable laws and rules for engineering licensure based upon criteria established by the board shall be offered to Idaho college or university faculty applicants whose credentials have been approved by the board and who possess an earned doctorate degree. The credentials the board considers in this regard should include the applicant's university course work completed, the applicant's thesis and dissertation work, the applicant's peer reviewed publications, and the nature of the applicant's professional experience. A satisfactory application, along with a passing score on the examination exempts the applicant from the written technical examinations, and may qualify the applicant for a restricted license as a professional engineer. The restricted license applies only to college or university related teaching upper division design subjects. All conditions for maintaining licensure, such as compliance with the laws and rules of the Board, fees and continuing professional development are the same as required for all licensees. The restricted license is effective from the date of issuance until such time as the licensee ceases to be a faculty member of an Idaho college or university, unless not renewed, retired, suspended or revoked and is subject to renewal requirements established in 54-1216, Idaho Code. Teaching and teaching work products are exempt from the requirements of sealing and signing engineering work under 54-1215(c), Idaho Code. Restricted licensees are not required to obtain a seal. (7-6-16)T

~~0234.~~ -- 994. (RESERVED)

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

### **13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO**

#### **DOCKET NO. 13-0108-1601**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s): 36-104(b) and 36-1101(a), Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by July 27, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

On May 17, 2016, the Idaho Fish and Game Commission signed a Memorandum of Agreement with the states of Montana and Wyoming regarding the management and allocation of discretionary mortality of grizzly bears in the Greater Yellowstone Ecosystem. Included within that Memorandum of Agreement was the prohibition of the hunting of females accompanied by young, and young accompanied by females. The agreement further identified that Idaho has discretion as to how it applies its allocation of discretionary mortality pursuant to its respective regulatory processes and management plan.

Idaho Code Section 36-105(3) exempts the Idaho Fish and Game Commission from rulemaking requirements when it adopts, repeals, or amends proclamations to set seasons or limits on numbers, size, sex or species of wildlife. The Commission may nevertheless promulgate rules to set such seasons or limits as it deems appropriate to give effect to the state's wildlife policy as set forth in Idaho Code Section 36-103(a).

The negotiated rulemaking would establish seven specific rules for the taking of grizzly bears in Idaho pursuant to this agreement:

Establish that either sex grizzly bears may be taken, except adults accompanied by young, and young accompanying adult, may not be taken.

Establish that immediately after harvest of a grizzly bear, the tag must be validated and securely attached to the hide.

Add grizzly bear to the list of species for which evidence of sex must be left naturally attached to the hide until mandatory check requirement has been fulfilled.

Establish requirement that any hunter who kills a grizzly bear must report harvest within 24 hours by calling a toll free Grizzly Reporting Number.

Establish mandatory check requirement for grizzly bears whereby any harvested grizzly bear skull and hide must be presented to IDFG conservation officer or at IDFG regional office for checking within 5 days of harvest.

Add grizzly bear to the list of species that may not be hunted within 200 yards of any designated dump ground or landfill.

Establish a rule to limit harvest of a grizzly bear in Idaho to once per lifetime.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Jeff Gould, (208) 334-2920 or visit the agency website at: <http://fishandgame.idaho.gov/public/about/?getPage=33>. Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or <http://fishandgame.idaho.gov/public/about/?getPage=33>, and must be delivered on or before July 27, 2016.

DATED this 3rd Day of June, 2016

Jeff Gould  
Chief, Bureau of Wildlife  
Idaho Department of Fish and Game  
600 S. Walnut Street  
P.O. Box 25  
Boise, Idaho 83707  
Phone: (208) 334-2920  
FAX: (208) 334-2114  
[jeff.gould@idfg.idaho.gov](mailto:jeff.gould@idfg.idaho.gov)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.03.03 - RULES GOVERNING CHILD SUPPORT SERVICES**

**DOCKET NO. 16-0303-1601**

**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 7-1206, 32-1207, 32-1209, 32-1214G, 32-1217, 56-203A, and 56-1004, Idaho Code.

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

**Tuesday, July 19, 2016 at 11:00 a.m.**

**Central Idaho DHW Office  
450 W. State Street  
2nd Floor Conference Room 2-A  
Boise, ID 83720**

**Attendees also have the opportunity to attend the meeting via teleconference.  
Conference call information: 1-720-279-0026 - Participant passcode: 968743**

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

1. Attend the negotiated rulemaking meeting scheduled or participate via teleconference;
2. Provide oral recommendations, at the negotiated rulemaking meetings;
3. Submit written recommendations and comments to this address on or before July 25, 2016:

**Kandace Yearsley, Child Support Bureau Chief  
Idaho Department of Health and Welfare  
P. O. Box 83720  
Boise, ID 83720-0036**

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

The Department is holding a negotiated rulemaking meeting on this chapter to revise and clarify requirements of reporting child support payments that are in arrears to a consumer reporting agency.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking contact Kandace Yearsley at (208) 334-6535.

All written comments on the negotiated rules must be directed to the contact person above and must be delivered on or before July 25, 2016.

DATED this 2nd Day of June, 2016.

Tamara Prisock  
DHW - Administrative Rules Unit  
Phone: (208) 334-5500 / Fax: (208) 334-6558  
E-mail: [dhwrules@dhw.idaho.gov](mailto:dhwrules@dhw.idaho.gov)

450 W. State Street - 10th Floor  
P.O. Box 83720  
Boise, ID 83720-0036

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.05.06 - CRIMINAL HISTORY AND BACKGROUND CHECKS**

**DOCKET NO. 16-0506-1601 (FEE RULE)**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2016.

**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(b), 56-203(2), 56-204A, 56-1004A, 56-1007, 39-1105, 39-1107, 39-1111, 39-1210(10), 39-1211(4), 39-3520, 39-5604, 39-9109, 66-404(7), 15-5-308(4), 15-5-311(5), and 15-5-316(5), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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:

These rule changes align this chapter with rules approved by the 2016 Legislature. Changes to these rules add references and amend classification of individuals required to have the Department's criminal history and background checks. The Division of Behavioral Health, added a new chapter, renamed a classification, and deleted a chapter of rules that are referenced in these rules. The Division of Public Health added a new chapter and deleted another chapter of rules referenced in these rules. These rules are temporary to update reference for the changes that become effective on July 1, 2016.

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

The 2016 Legislature approved Department rules that amended classifications of individuals required to have a Department criminal history and background check. The final rules become effective July 1, 2016, which require this chapter of rules to be updated to reflect those changes effective on that date.

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

The fee amount for a Department fingerprint-based criminal history and background check is \$65.00 based on the actual cost. The individuals that are required to have these checks are responsible for the cost.

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

There are no additional costs to be paid for by the Department or the state general fund due to this rulemaking. It is anticipated that the individuals being checked are in the same types of classifications that currently are being checked, and the fiscal impact will be cost-neutral.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because the Department found it was not feasible to hold negotiated rule meetings in order to have temporary rules in place by July 1, 2016.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Fernando Castro, at (208) 332-7999.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

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

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT  
OF DOCKET NO. 16-0506-1601  
(Only Those Sections With Amendments Are Shown.)**

**100. INDIVIDUALS SUBJECT TO A CRIMINAL HISTORY AND BACKGROUND CHECK.**

Individuals subject to a Department criminal history and background check are those persons or classes of individuals who are required by statute, or Department rules to complete a criminal history and background check. (3-4-11)

**01. Adoptive Parent Applicants.** Individuals who must comply with IDAPA 16.06.01, "Child and Family Services," and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

~~**02. Alcohol or Substance Use Disorders Treatment Facilities and Programs.** Individuals who must comply with IDAPA 16.07.20, "Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs," and IDAPA 16.07.17, "Substance Use Disorders Services." (4-6-15)~~

~~**03. Behavioral Health Community Crisis Centers.** Individuals who must comply with IDAPA 16.07.30, "Behavioral Health Community Crisis Centers." (4-6-15)~~

~~**03. Behavioral Health Programs.** Individuals who must comply with IDAPA 16.07.15, "Behavioral Health Programs." (7-1-16)T~~

**04. Certified Family Homes.** Individuals who must comply with Section 39-3520, Idaho Code, IDAPA 16.03.19, "Rules Governing Certified Family Homes," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

**05. Children's Residential Care Facilities.** Individuals who must comply with Section 39-1210, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

**06. Children's Therapeutic Outdoor Programs.** Individuals who must comply with Section 39-1208, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)

**07. Contracted Non-Emergency Medical Transportation Providers.** Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (3-4-11)

- 08. Court Appointed Guardians and Conservators.** Individuals who must comply with the requirements of Title 15, Chapter 5, Idaho Code, and Title 66, Chapter 4, Idaho Code. Court required guardian and conservator criminal history and background checks are not provided Department clearances described in Section 180.01 of these rules. (3-20-14)
- 09. Designated Examiners and Designated Dispositioners.** Individuals who must comply with IDAPA 16.07.39, "Appointment of Designated Examiners and Designated Dispositioners." (3-4-11)
- 10. Developmental Disabilities Agencies.** Individuals who must comply with IDAPA 16.03.21, "Developmental Disabilities Agencies (DDA)," and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 11. Emergency Medical Services (EMS).** Individuals who must comply with IDAPA 16.021.035, "~~Rules Governing~~ Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements," and IDAPA 16.01.07, "Emergency Medical Services (EMS) -- Personnel Licensing Requirements." ~~(7-1-12)~~(7-1-16)T
- 12. High Risk Providers of Medicaid.** Individuals who must comply with IDAPA 16.03.09, "Medicaid Basic Plan Benefits," and the Medicaid Provider Handbook. (4-6-15)
- 13. Home and Community-Based Services (HCBS).** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," and IDAPA 16.04.17, "Rules Governing Residential Habilitation Agencies." (7-1-12)
- 14. Home Health Agencies.** Individuals who must comply with IDAPA 16.03.07, "Home Health Agencies." (3-4-11)
- 15. Idaho Behavioral Health Plan (IBHP).** Individuals who are contractors, contractor's employees, and subcontractors in accordance with IDAPA 16.03.09, "Medicaid Basic Plan Benefits." (4-6-15)
- 16. Idaho Child Care Program (ICCP).** Individuals who must comply with IDAPA 16.06.12, "Rules Governing the Idaho Child Care Program." (3-4-11)
- 17. Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID).** Individuals who must comply with IDAPA 16.03.11, "Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID)." (3-4-11)
- 18. Licensed Foster Care.** Individuals who must comply with Section 39-1211, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 19. Licensed Day Care.** Individuals who must comply with Sections 39-1105, 39-1113, and 39-1114, Idaho Code, and IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-4-11)
- 20. Mental Health Services.** Individuals who must comply with IDAPA 16.07.33, "Adult Mental Health Services," and IDAPA 16.07.37, "Children's Mental Health Services." (4-6-15)
- 21. Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units.** Individuals who must comply with IDAPA 16.07.50, "Minimum Standards for Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units." (3-4-11)
- 22. Personal Assistance Agencies.** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 23. Personal Care Service Providers.** Individuals who must comply with Section 39-5604, Idaho Code, and IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)
- 24. Residential Care or Assisted Living Facilities in Idaho.** Individuals who must comply with IDAPA 16.03.22, "Residential Care or Assisted Living Facilities in Idaho." (3-4-11)

**25. Service Coordinators and Paraprofessional Providers.** Individuals who must comply with IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." (3-4-11)

**26. Skilled Nursing and Intermediate Care Facilities.** Individuals who must comply with IDAPA 16.03.02, "Rules and Minimum Standards for Skilled Nursing and Intermediate Care Facilities." (3-4-11)

**27. Support Brokers and Community Support Workers.** Individuals who must comply with IDAPA 16.03.13, "Consumer-Directed Services." (3-4-11)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.05.07 - THE INVESTIGATION AND ENFORCEMENT OF FRAUD, ABUSE, AND MISCONDUCT**

**DOCKET NO. 16-0507-1601**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is July 1, 2016.

**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(b), 56-203(1) & (2), 56-209h, 56-227, 56-227A through D, 56-1001, and 56-1003, Idaho Code, and 42 CFR 1002.214 and 1002.215, and 2016 Senate Bill 1295.

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

<b>Wednesday, July 13, 2016 10:30 a.m. (local)</b>	<b>Thursday, July 14, 2016 11:30 a.m. (local)</b>	<b>Friday, July 15, 2016 11:30 a.m. (local)</b>
<b>Northern Idaho - DHW Office 1120 Ironwood Drive Suite 102 Coeur d'Alene, ID</b>	<b>Eastern Idaho - DHW Office 1070 Hiline Road 3rd Floor Conf. Room Pocatello, ID</b>	<b>Central Idaho - DHW Central Office 450 West State Street 7th Floor Conf. Room Boise, ID</b>

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

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

These rule changes provide for the types of conduct, frequency, and knowledge of the conduct for which the Department has the authority to assess civil monetary penalties. The rules provide the amount of the percentage, and also provides for enhanced penalties for certain types of behaviors and violations. These changes provide the methodology and percentages used for calculating civil monetary penalties.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 59-209(h), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reason:

The 2016 Legislature adopted legislation in Section 56-209(h), Idaho Code, to clarify methodology for assessing civil monetary penalties for providers of public assistance. The statute changes, effective July 1, 2016, require this chapter of rules to be updated to reflect changes effective on that date.

**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:

This rulemaking may change the amount of receipts received for Civil Monetary Penalties (CMPs) but should be considered as cost neutral and will have no fiscal impact to state general funds.

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted by the Department. The Negotiated Rulemaking Notice published in the April 6, 2016, Idaho Administrative Bulletin, **Vol. 16-4**, with meetings scheduled in Coeur d'Alene, Pocatello, and Boise. Medicaid and public assistance providers also received notification of a survey by e-mail, Medicaid newsletter, and website to

which they could respond and provide input on the civil monetary penalty rule changes.

**INCORPORATION BY REFERENCE:** No materials are being incorporated by reference into these rules.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Lori Stiles, at (208) 334-0653.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 2nd Day of June, 2016.

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

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 16-0507-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**235. CIVIL MONETARY PENALTIES.**

Under Section 56-209h, Idaho Code, the Department may assess civil monetary penalties against a provider, any officer, director, owner, and managing employee for conduct identified in Subsections 230.01 through 230.09 of these rules. The amount of penalties may be up to one thousand dollars (\$1,000) for each item or service improperly claimed, except that in the case of multiple penalties the Department may reduce the penalties to not less than ~~twenty-five~~ ten percent (~~25~~10%) of the amount of each item or service improperly claimed if an amount can be readily determined. Each line item of a claim, or cost on a cost report is considered a separate claim. These penalties are intended to be remedial, at a minimum recovering costs of investigation and administrative review, and placing the costs associated with non-compliance on the offending provider. ~~(3-30-07)~~(7-1-16)T

**236. CIVIL MONETARY PENALTY PERCENTAGES.**

The Department will determine the percentage of each penalty by the type of conduct, the frequency, and knowledge of the conduct. (7-1-16)T

**01. Conduct Resulting in No Overpayment.** The Department determines civil monetary penalties to be assessed for the following types of conduct violations that did not result in an overpayment. (7-1-16)T

**a. Participant Fees.** The provider collected or attempted to collect fees from participants that the provider was not entitled to collect. Violations for this type of conduct will result in a ten percent (10%) penalty. (7-1-16)T

**b. Minor Rule Violations.** Services were provided and properly paid but violated rule, policy, or provider agreement. Minor rule violations will result in a ten percent (10%) penalty. Minor rule violations include, but are not limited to: (7-1-16)T

**i. Incorrect date spanning:** (7-1-16)T

**ii. Failure to list required provider credentials; or** (7-1-16)T

iii. Failure to obtain required client signatures. (7-1-16)T

c. Significant Rule Violations. Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Incomplete physician referrals; or (7-1-16)T

ii. Incomplete Healthy Connection referrals. (7-1-16)T

02. Conduct Resulting in Overpayment. The Department determines civil monetary penalties to be assessed for the following types of conduct violations resulting in overpayment. (7-1-16)T

a. Significant Rule Violations. Services were provided but violated rule, policy, or provider agreement. Significant rule violations will result in a fifteen percent (15%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Billing more services than allowed; (7-1-16)T

ii. Billing non-physician services as physician services; (7-1-16)T

iii. Billing incorrect codes or modifiers; or (7-1-16)T

iv. Inadequate documentation to support services billed. (7-1-16)T

b. Significant Rule Violations Related to Participant Care. Services were provided but violated rule, policy, or provider agreement related to participant care. Significant rule violations related to participant care will result in a twenty percent (20%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Inadequate or no required Healthy Connections referrals; (7-1-16)T

ii. No required physician or practitioner signatures; (7-1-16)T

iii. No orders or inadequate orders, assessments, plans or evaluations prior to delivery of service or items; (7-1-16)T

iv. Services or items provided by unqualified staff; (7-1-16)T

v. Services or items provided by excluded individual; or (7-1-16)T

vi. Services or items not covered by program. (7-1-16)T

c. Significant Rule Violations for No Service or Refusal of Immediate Access to Documentation. Services were not provided, were not documented, or refusal to provide immediate access to documentation upon written request as required in Section 230.05 of these rules. Violations will result in a twenty-five percent (25%) penalty. Significant rule violations include, but are not limited to: (7-1-16)T

i. Billing and receiving payment multiple times for the same service or item; (7-1-16)T

ii. No documentation; (7-1-16)T

iii. Cloned documentation; (7-1-16)T

iv. Service not provided; (7-1-16)T

v. More units billed than provided; or (7-1-16)T

vi. Billing laboratory services provided by independent laboratory. (7-1-16)T

**03. Penalty Enhancements. (7-1-16)T**

**a. Error Rates. The Department determines which error rate applies by comparing the number of violations to the number of similar line items audited, or to all audited line items. Penalty percentages identified in Subsections 236.01 and 236.02 of this rule may be increased by: (7-1-16)T**

**i. Five percent (5%) when the error percentage of audited services is greater than twenty-five percent (25%); and (7-1-16)T**

**ii. Ten percent (10%) when the error percentage of audited services is greater than thirty-five percent (35%). (7-1-16)T**

**b. Fraudulently or Knowingly. When the Department determines the conduct was committed fraudulently or knowingly as defined in Subsections 010.07 and 010.08 of these rules, the penalty percentages may be increased by fifteen percent (15%). (7-1-16)T**

**237. CIVIL MONETARY PENALTIES FOR CRIMINAL HISTORY BACKGROUND CHECK VIOLATIONS.**

**The Department may assess civil monetary penalties against a provider, any officer, director, owner, or managing employee for failing to perform required background checks or failing to meet required time lines for completion of background checks. The amount of the penalty is five hundred dollars (\$500) for each month worked for each staff person or contractor for whom the background check was not performed or not performed timely. The maximum amount that may be assessed for criminal history background check violations is five thousand dollars (\$5,000) per month. A partial month is considered a full month for purposes of determining the amount of the penalty. (7-1-16)T**

**2368. -- 239. (RESERVED)**

**IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE**

**18.01.10 - PRODUCERS HANDLING OF FIDUCIARY FUNDS**

**DOCKET NO. 18-0110-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 41-211, 41-1024, and 41-1025, Idaho Code.

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

**Thursday, July 21, 2016 at 1:30 p.m.**

**Idaho Department of Insurance  
700 W. State Street – 3rd Floor  
Boise, ID 83720**

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

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

We expect to amend the existing rule at IDAPA 18.01.10 concerning bail to provide deposit rules for cash collateral similar to that of other funds that insurance producers receive from clients, namely, to treat cash collateral as fiduciary funds.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov) (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June, 2016

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

### 18.01.29 - RESTRICTIONS ON DISCRETIONARY CLAUSES IN HEALTH INSURANCE CONTRACTS

DOCKET NO. 18-0129-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 41-211 and 41-4715, Idaho Code.

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

**Thursday, July 21, 2016 at 3:00 p.m.**

**Idaho Department of Insurance  
700 W. State Street – 3rd Floor  
Boise, ID 83720**

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

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

Proposed rulemaking will address “discretionary clauses” in health insurance policies. Currently, the prohibition on the use of discretionary clauses applies to individual policies. We expect to extend the protection against a carrier using discretionary language in their policies to small employers, rather than just providing the protection to individual policy holders. The proposed change will seek to include small employer policies within the scope of the rule by adding the modifier “large” in front of “group coverage offered...” in IDAPA 18.01.29.010.05.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov) (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June, 2016

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

**IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE**

**18.01.50 - ADOPTION OF THE INTERNATIONAL FIRE CODE**

**DOCKET NO. 18-0150-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 41-211 and 41-254, Idaho Code.

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

**Thursday, July 26, 2016 at 1:30 p.m.**

**Idaho Department of Insurance  
700 W. State Street – 3rd Floor  
Boise, ID 83720**

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

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

We expect to amend the existing rule to change language indicating the adoption of the 2015 International Fire Code to match the anticipated adoption of the 2015 International Building Code by the Division of Building Safety.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov) (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June 2, 2016

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

## IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

### 18.01.54 - RULE TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS MODEL ACT

DOCKET NO. 18-0154-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 41-211 and 41-4409, Idaho Code.

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

**Monday, July 25, 2016 at 1:30 p.m.**

**Idaho Department of Insurance  
700 W. State Street – 3rd Floor  
Boise, ID 83720**

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

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing (paper or email) or by calling the phone number listed below, and/or by attending the public meeting.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

We expect that proposed rulemaking will require all Medicare Supplement (aka Medigap) carriers to offer coverage to Pre-65 Medicare eligible individuals; clarify the requirement to account for interest in projections; and clarify rating/underwriting factors that can be used and when (e.g. smoking, weight, height, Pre-65, etc.).

Twenty-five states now require insurance companies to sell Medigap to all ages enrolled in Part B. Under age 65 Medicare beneficiaries have limited options for payment of Medicare deductible and co-payments. We seek to expand Medicare beneficiaries' options.

The NAIC Medicare Supplement Guidance Manual states: "Interest must be considered in calculating the anticipated lifetime and future loss ratios, otherwise loss ratios will be overstated." Yet, carriers have not included interest because our rule does not state it is required.

Current rule disallows gender and geographic area as rating factors, but other factors are not clearly allowed/disallowed during open enrollment or outside of open enrollment, other than a broad terms of "health status, claims experience, receipt of health care, or medical condition."

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, contact Thomas A. Donovan, [tom.donovan@doi.idaho.gov](mailto:tom.donovan@doi.idaho.gov) (208) 334-4214. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Insurance website at the following web address: [www.doi.idaho.gov](http://www.doi.idaho.gov).

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the attention of the undersigned and must be delivered either by hard copy or via email to the same email address for questions set forth on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June, 2016

Dean L. Cameron, Director  
Idaho Department of Insurance  
700 W. State Street, 3rd Floor  
P.O. Box 83720  
Boise, ID 83702-0043  
Phone: (208) 334-4250  
Fax: (208) 334-4398

**IDAPA 20 - IDAHO DEPARTMENT OF LANDS**

**20.03.16 - RULES GOVERNING OIL AND GAS LEASING ON IDAHO STATE LANDS**

**DOCKET NO. 20-0316-1601**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Article 9, Sections 7 and 8 of the Idaho Constitution; Sections 58-104(1), 58-104(6), 58-104(9), 58-105, and 58-127, Idaho Code; Section 58-307, Idaho Code; Title 47, Chapter 7, Idaho Code; Title 47, Chapter 8, Idaho Code; Title 67, Chapter 52, Idaho Code.

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

**Friday, July 15, 2016 -- 9:00 a.m.**

**Wednesday, July 20, 2016 -- 9:00 a.m.**

**Idaho State Capitol Building  
Lincoln Auditorium  
(Room WW02 - Lower Level, West Wing)  
700 W. Jefferson Street  
Boise ID, 83720**

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

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

Attend as many rulemaking sessions as possible. Comments may be submitted to [oilandgasleasingrulemaking@idl.idaho.gov](mailto:oilandgasleasingrulemaking@idl.idaho.gov). You may visit our website at [www.idl.idaho.gov](http://www.idl.idaho.gov) for updates on the process and draft rule changes. You may participate by attending at any of the above listed meetings, or submitting comments during any of the allowed comment periods.

**DESCRIPTIVE SUMMARY AND STATEMENT OF PURPOSE:** Given the increase in oil and gas leasing activities in Idaho during the past decade, the Department has identified the need to update the oil and gas leasing rules (IDAPA 20.03.16) which have not been revised since 1988 in order to provide clarity to the parties impacted by these rules and to bring the rules current with today's leasing and auction practices, terms and fees.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, And SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Mike Murphy, Bureau Chief - Endowment Leasing. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>.

All written comments must be directed to the undersigned and must be delivered on or before Wednesday, July 27, 2016.

DATED this 2nd Day of June, 2016

Mike Murphy, Bureau Chief - Endowment Leasing  
Idaho Department of Lands  
300 N. 6th Street, Suite 103  
P.O. Box 83720  
Boise, ID 83720-0050  
Phone: (208) 334-0290 /Fax: (208) 334-5342

## IDAPA 23 - BOARD OF NURSING

### 23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-1601

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1404, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking is scheduled by the Idaho Board of Nursing, and will be held as follows:

**Thursday, July 21, 2016 -- 10:30 a.m. (MT)**

**Spring Hill Suites by Marriott  
424 E. Park Center Blvd.  
Boise, ID 83706**

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

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

All written comments received on or before Monday, July 11, 2016, will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

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 and made available on the agency website.

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

The Board of Nursing will be considering amendments to its administrative rules concerning address of record for notification purposes; clarification of language related to impairment due to substance use disorder and mental illness; qualifications for APRN clinical faculty and preceptors; and discontinuance of fees related to emeritus license renewal and APRN prescription and dispensing authorization.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Sandra Evans, Executive Director, at (208) 577-2482 or at [sandra.evans@ibn.idaho.gov](mailto:sandra.evans@ibn.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Nursing's web site at the following web address: <http://ibn.idaho.gov/IBNPortal/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be received on or before Monday, July 11, 2016, for inclusion in the Board's distributed meeting materials for consideration. Written comments may also be submitted in person on the day of the meeting at the location listed above.

DATED this 1st Day of June, 2016.

Sandra Evans, M.A. Ed., R.N., Executive Director  
Board of Nursing  
Phone: (208) 577-2482 / Fax: (208) 334-3262

280 N. 8th St. (8th & Bannock), Ste. 210  
P. O. Box 83720  
Boise, ID 83720-006

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**  
**31.46.02 - RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)**  
**DOCKET NO. 31-4602-1601**  
**NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is May 1, 2016.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 61-1306, Idaho Code.

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

Telecommunication Relay Services (TRS) enable a communications-impaired person to send and receive messages to and from a non-communications-impaired person, using specialized telecommunications equipment. The Commission contracts with a TRS Administrator that requests and evaluates proposals from TRS providers that wish to enter a contract to be a TRS provider for Idaho. The temporary rule was needed to enable the Administrator to proceed with securing a TRS provider, thus ensuring that TRS services could continue. Idaho's TRS program ensures the health, safety, and welfare of deaf and hearing-impaired citizens in Idaho. Without a TRS program, an emergency situation can become fatal if, for example, a hearing-impaired person cannot communicate with first-responder personnel. The Commission understands that this rule may change as a result of the later negotiated rule process.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate to ensure protection of the public health, safety and welfare, specifically Idaho's deaf and hearing-impaired community.

**FEE SUMMARY:** No fee or charge is imposed or increased by the temporary rule.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Grace Seaman at (208) 334-0352.

DATED this 2nd day of June, 2016.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, Idaho 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762  
E-mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 31-4602-1601**  
**(Only Those Sections With Amendments Are Shown.)**

**103. ESTABLISHMENT OF TELEPHONE INDUSTRY ADVISORY COMMITTEE (RULE 103).**

**01. Establishment of Committee.** The Commission hereby establishes a telephone industry advisory committee with which the administrator shall consult in ~~the formulation of a Request for Proposals (RFP) for telecommunications relay services (TRS)~~, the assessment of responses to the RFP, and ~~the review of the quality of~~ services provided. The industry committee shall have ~~seven~~ **three (3)** members, who shall be representatives of:  
(7-1-93)(5-1-16)T

**a.** ~~U S WEST Communications, Inc., (the largest provider of local exchange and intraLATA MTS services in the southern Idaho LATA and in the lower Clearwater drainage associated with the Spokane LATA), which is hereby appointed to a permanent seat on the committee;~~  
(7-1-93)(5-1-16)T

**b.** ~~GTE Northwest Incorporated, (the provider of local exchange service and intraLATA MTS in northern Idaho), which is hereby appointed to a permanent seat on the committee;~~  
(7-1-93)

**e.** ~~Two (2) An independent telephone companies~~ **that provides local exchange services and is a member of to be appointed from nominees recommended by** the Idaho Telephone Association (the trade group that includes independent telephone companies in Idaho); **and**  
(7-1-93)(5-1-16)T

**dc.** ~~AT&T Communications of the Mountain States, Inc. (the principal interLATA MTS carrier in Idaho), which is hereby appointed to a permanent seat on the Committee;~~ **The Idaho State Council for the Deaf and Hard of Hearing, or the State Council on Developmental Disabilities.**  
(7-1-93)(5-1-16)T

**e.** ~~MCI Telecommunications Corporation (an MTS carrier that has expressed great interest in the TRS rulemaking), which is hereby appointed to a permanent seat; and~~  
(7-1-93)

**f.** ~~One other MTS carrier that is not a local exchange company (e.g., Sprint, Northwest Teleco).~~  
(7-1-93)

## IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

### 31.46.02 - RULES FOR TELECOMMUNICATIONS RELAY SERVICES (TRS)

DOCKET NO. 31-4602-1602

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Sections 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 61-1306, Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Anyone may submit written comments. To participate, responses must be received by July 27, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

The Idaho Public Utilities Commission seeks to amend its Telecommunications Relay Services (TRS) Rules. TRS are services that enable a communications-impaired person to send and receive messages to and from a non-communications-impaired person, using specialized telecommunications equipment. The Commission contracts with a TRS Administrator that requests and evaluates proposals from TRS providers that wish to enter a contract to be a TRS provider for Idaho.

Proposed changes to the TRS Rules accomplish four objectives: (1) delete obsolete references; (2) correct misspellings and outdated email addresses; (3) improve the clarity or readability of rules; and (4) simplify the Administrator's process for requesting proposals from TRS providers. As to the fourth objective, the proposed changes reduce the number of members on the advisory committee that assists the Administrator in assessing TRS providers' responses to the requests, and that reviews the services provided by the selected provider.

**ASSISTANCE ON TECHNICAL QUESTIONS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking, contact Grace Seaman at (208) 334-0352. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's website at <http://www.puc.idaho.gov>.

DATED this 2nd day of June, 2016.

Jean D. Jewell, Commission Secretary  
Idaho Public Utilities Commission  
PO Box 83720  
Boise, Idaho 83720-0074  
Telephone: (208) 334-0338  
Facsimile: (208) 334-3762  
E-mail: [secretary@puc.idaho.gov](mailto:secretary@puc.idaho.gov)

Street address for express delivery:

472 W Washington  
Boise, Idaho 83702-5918

**IDAPA 35.01.02 - STATE TAX COMMISSION**

**35.01.02 - IDAHO SALES AND USE TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0102-1602**

**NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING**

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section(s) 63-105(2), 63-3624(a), 63-3635, and 63-3039, Idaho Code.

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

**Tuesday, July 19, 2016 - 9:00 a.m.**

**Idaho State Tax Commission  
800 Park Blvd,  
Plaza IV, Room 1CR5  
Boise, ID 83712**

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

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

1. Attend a meeting in person.
2. Send written comments to the address below.
3. Arrange for a telephone conference call.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

**Rule 037. AIRCRAFT AND FLYING SERVICES**

The passage of House Bill 540 during the 2016 Idaho legislative session necessitates changes to this rule. The bill added an exemption from sales tax for the sale, lease, purchase, or use of fixed-wing aircraft primarily used as an air tactical group supervisor platform for wildfire activity per Section 63-3622GG, Idaho Code. Rule changes will be discussed to conform to the new law.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking contact Douglas Harrie at (208) 334-7680. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the agency's web site at the following web address: <http://tax.idaho.gov/i-1141.cfm?com=s>

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 31, 2016.

DATED this 24th Day of May, 2016

Douglas J. Harrie, Tax Audit Manager  
Idaho State Tax Commission  
Phone: (208) 334-7680 / Fax: (208)332-6619

800 Park Blvd, Plaza IV  
PO Box 36  
Boise, ID 83722-0410

## **IDAPA 35 - STATE TAX COMMISSION**

### **35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES**

**DOCKET NO. 35-0103-1603**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105A, Idaho Code, and Section 63-802, Idaho Code.

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

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

Property Tax Rule 020 – The “Van/Truck Conversion and Limousine Appraisal Guide of the National Automobile Dealers Association” is no longer published. Delete the National Automobile Dealers Association Guides from this rule and give direction to the appraisers to value recreational vehicles at market value when the sales price is not known.

**CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: [www.tax.idaho.gov](http://www.tax.idaho.gov).

All written comments must be directed to the address below.

DATED this 24th Day of May, 2016.

Alan Dornfest  
Tax Policy Supervisor  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
(208) 334-7742

## IDAPA 35 - STATE TAX COMMISSION

### 35.01.05 - IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1602

#### 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 63-2427, Idaho Code, and Sections 63-2406 and 63-2407, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 20, 2016.

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:

Motor Fuels Tax Rule 130, Distributor's Fuel Tax Reports, outlines the procedure licensed motor fuel distributors follow to complete the monthly motor fuel distributor's report. Subsection 130.04, Supplemental Reports, will be deleted from this rule. In addition, dated material will be removed.

Motor Fuels Tax Rule 140, Deductions, is not being negotiated, however, it will be deleted. Subsections 140.01, Motor Fuels and Petroleum Products Presumed To Be Distributed, and 140.04, Exported Fuel, will be added to Rule 130.

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

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

**NEGOTIATED RULEMAKING:** Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the May 4, 2016, Idaho Administrative Bulletin, [Vol. 16-5, page 65](#).

**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: NA

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Don Williams at (208) 334-7855. Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 27, 2016.

DATED this 6th Day of July 2016.

Don W. Williams  
Tax Policy Specialist  
State Tax Commission  
P.O. Box 36  
Boise, ID 83722-0410  
Phone: (208) 334-7855  
Fax: (208) 334-7844  
[Don.williams@tax.idaho.gov](mailto:Don.williams@tax.idaho.gov)

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0105-1602  
(Only Those Sections With Amendments Are Shown.)

**130. DISTRIBUTOR'S FUEL TAX REPORTS (RULE 130).**

Sections ~~63-2406~~, ~~63-2407~~, and ~~67-402~~ Idaho Code.

**01. Monthly Reports.** Every licensed distributor shall file with the State Tax Commission a monthly tax report and supporting detailed schedules on forms prescribed by the State Tax Commission. The distributor must keep detailed inventory records. All reports which require the reporting of the number of gallons of motor fuels and other petroleum products shall be stated in gross gallons. With respect to the quantity of motor fuels and other petroleum products received during the month, the distributor shall include a listing of each person from inside and ~~or~~ outside Idaho supplying motor fuels and petroleum products to the distributor during the month and the number of gallons supplied by each supplier, on a load-by-load basis. Such reports shall contain a declaration by the person filing the report that the statements contained therein are true and are made under penalties of perjury. The report shall include the following information together with such other information as the State Tax Commission may require: ~~(3-30-01)~~( )

- a. The beginning inventory of motor fuels and other petroleum products on the first day of the month; (7-1-98)
- b. The total quantity of motor fuels ~~includes natural gasoline, gasoline blend stocks, ethanol, ethanol blended with motor fuel,~~ and other petroleum products received during the month. ~~See Rule 130.06 of these Rules;~~ (4-7-11)( )
- c. The total quantity of motor fuels and other petroleum products disbursed during the month. A disbursement is motor fuel that is: (4-7-11)
  - i. Delivered to licensed distributors tax and transfer fee not collected; (4-11-06)
  - ii. Exported tax and transfer fee exempt; (4-7-11)
  - iii. Delivered to the Idaho National Guard tax exempt; (4-7-11)
  - iv. Delivered to a tribe or an Indian-owned retail outlet fuels tax and transfer fee not collected because the fuel is the subject of an agreement authorized by Section 67-4002, Idaho Code, to the extent provided by the agreement, but only if the agreement is signed by the governor and appropriate representative of a tribe before December 1, 2007; or (4-7-11)
  - v. Delivered to an Idaho pipeline terminal and placed into storage fuels tax and transfer fee not collected. (4-7-11)
- d. The total quantity of motor fuels and other petroleum products transferred or relabeled from one (1) fuel type to another; (7-1-98)
- e. The casualty loss documented with satisfactory written explanation of proof of loss; (7-1-98)
- f. The ending inventory of motor fuels and other petroleum products on the last day of the month; (7-1-98)
- g. The gross taxable gallons of motor fuels and other petroleum products; (7-1-98)
- h. The tax-paid purchases; (7-1-98)

- i. The net taxable gallons; (7-1-98)
- ~~j.~~ *The gallons of ethanol reported in ethanol blended fuel. The deduction for ethanol is limited to ten percent (10%) of the total volume of the product that meets the definition of gasohol as defined in Section 63-2401, Idaho Code. Biodiesel reported in biodiesel and biodiesel blended fuel. The deduction for biodiesel is up to ten percent (10%) of the total volume. See Section 63-2407, Idaho Code, for other limitations to these deductions (This Subsection only applies to deductions for ethanol or biodiesel that could be made before June 1, 2009);* (3-29-10)
- ~~k.~~ *The gallons after deduction of a one percent (1%) or two percent (2%) allowance, whichever is appropriate. (This subsection only applies to receipts of motor fuels received before December 1, 2007.) See Rule 140 of these rules;* (4-2-08)
- ~~l.~~ *The gallons after deduction of a two percent (2%) allowance. (This subsection only applies to receipts of motor fuels received on and after December 1, 2007.) See Rule 140 of these rules;* (4-2-08)
- ~~m.~~ The tax computation; (7-1-98)
- ~~n.~~ *The bad debt amounts; refer to Rule 140 of these rules (This section only applies to debt from fuels taxes that have been written off for income tax purposes in the distributor's records before December 1, 2007.);* (3-29-10)
- ~~o.~~ *The gaseous fuels permit fees; and* (4-11-06)
- ~~p.~~ The net tax due. (4-11-06)
- 02. Exemption from Licensing and Monthly Reporting.** See Rule 135 for exemptions from obtaining a motor fuels distributor license and filing monthly reports. (3-29-10)
- 03. Machine Tabulated Data.** Machine tabulated data will be accepted in lieu of detailed schedules on State Tax Commission provided forms but only if the data is in the same format as shown on the required schedules. Before any other format may be used, the distributor must make a written request to the State Tax Commission with a copy of the format and must be granted written authorization to use that format. (7-1-98)
- ~~04. Supplemental Reports.~~ *In addition to a timely filed original monthly report, a supplemental report may be filed in those cases involving additional shipments of motor fuels and other petroleum products to the distributor. The supplemental report may be filed only when the distributor is diligent in reporting shipments in the monthly report. Only shipments received within the last five (5) days of the month may be reported in a supplemental report. Shipments received before that date will be subject to penalty if reported in the supplemental report. If a supplemental report is filed, the State Tax Commission will impose interest, but the report will not be subject to penalty. The supplemental report must be postmarked on or before the tenth day of the month following the month in which a report from which shipments were omitted was due.* (4-7-11)
- ~~05.4. Timely Reporting.~~ Any motor fuel and other petroleum product shipments that are: (4-7-11)
- a. Reported on a timely supplemental report shall be subject to interest but are not subject to penalty. (7-1-98)
- b. Not reported on a timely monthly or supplemental report shall be subject to interest and may be subject to penalty. (7-1-99)
- 06.5. Motor Fuels Receipts.** All gasoline, natural gasoline, gasoline blend stocks, ethanol, ethanol blended fuels, aircraft engine fuel, biodiesel, biodiesel blends, and undyed diesel fuel or other special fuels received by a distributor are subject to the fuels tax and transfer fee. All receipts of dyed diesel fuel and other petroleum products that are not subject to the special fuels tax are subject to the transfer fee. The special fuels tax is not imposed on gaseous fuels when the fuels are received. Refer to Rule 132 of these rules for the taxation and reporting of gaseous fuels used in motor vehicles. (4-7-11)

**06. Motor Fuels and Other Petroleum Products Presumed To Be Distributed.** Unless the contrary is established, it shall be presumed that all motor fuels and other petroleum products imported into this state by a distributor, which are no longer in the possession of that distributor, have been distributed. If the licensed distributor has returned to the refinery or pipeline terminal motor fuels and other petroleum products on which the tax and transfer fee has been paid or has had an accidental loss, the licensed distributor has the burden of showing the petroleum products were returned to the refinery or pipeline terminal or documenting the accidental loss. No refund of the transfer fee will be allowed for accidental losses of motor fuels or other petroleum products. ( )

**07. Exported Fuel.** Motor fuels or other petroleum products claimed as exported from Idaho must be supported by records. Records must include the following: ( )

**a.** Tax reports or other evidence that will verify that the exported product was reported to and any tax due was paid to the jurisdiction into which the product was claimed to have been exported or evidence that the purchaser is a licensed distributor in the jurisdiction to which the exported product is destined; and ( )

**b.** Common carrier shipping documents, bills of lading, manifests, and cost billings; or ( )

**c.** Invoices, manifests, bills of lading or other documentation, signed by the receiving party to acknowledge receipt of the product; or ( )

**d.** Accounts payable or receivable information for verifying payments to common carriers or payment by out-of-state parties to verify receipt of exported product. ( )

**e.** In addition to the above, for a licensed distributor who maintains operations in Idaho, as well as other jurisdictions, evidence such as product inventory and transfer records must be retained to prove the transfer of product out of Idaho. ( )

## **IDAPA 46 - BOARD OF VETERINARY MEDICINE**

### **46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE**

**DOCKET NO. 46-0101-1602**

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

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-2105, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking is scheduled by the Idaho Board of Veterinary Medicine, and will be held as follows:

**Via Teleconference - Thursday, July 14, 2016 -- 1:00 p.m.**

**Idaho Department of Agriculture Building  
2270 Old Penitentiary Road  
Conference Room LL3  
Boise, Idaho 83712**

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

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

All written comments received on or before Monday, July 11, 2016, will be included in the Board's distributed meeting materials for consideration. For those planning to attend the open, public meeting, written and verbal comments will be accepted by and/or presented before the Board.

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 and made available on the agency website.

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

The Board of Veterinary Medicine will be considering amendments to its fee schedule codified at IDAPA 46.01.01.014. The schedule includes fees for licenses, certifications, renewals, reinstatements, and other Board services.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Jodie Ellis, Executive Director, at (208) 332-8588 or at [jodie.ellis@agri.idaho.gov](mailto:jodie.ellis@agri.idaho.gov). Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Veterinary Medicine's web site at the following web address: <http://bovm.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be received on or before Monday, July 11, 2016, for inclusion in the Board's distributed meeting materials for consideration. Written comments may also be submitted in person on the day of the meeting at the location listed above.

DATED the 1st Day of June 2016.

Jodie Ellis, Executive Director  
Board of Veterinary Medicine  
Phone: (208) 332-8588 / Fax: (208) 334-2170

2270 Old Penitentiary Rd.  
P. O. Box 7249  
Boise, ID 83707

# **IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

## **48.01.01 - RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

### **DOCKET NO. 48-0101-1601 (2ND NOTICE)**

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

**AUTHORITY:** In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 54-3605(15) and 54-3610, Idaho Code.

**MEETING SCHEDULE:** A public meeting on the negotiated rulemaking has been scheduled by the Idaho Grape Growers and Wine Producers Commission, and will be held as follows:

**Thursday, July 21, 2016 at 9:00 a.m. (MDT)**

**Idaho Grape Growers and  
Wine Producers Commission Office  
821 W. State Street  
Boise, Idaho 83702**

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Commission website at <http://wine.idaho.gov/>.

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Commission. Individuals may also attend the public meeting to be conducted on the above date during which the Commission will allow oral comments or presentations to be made.

Upon conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusion reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

Through the passage of House Bill No. 456, the 2016 Idaho Legislature amended Idaho Code section 54-3610 to remove statutory assessment language that was inconsistent with and duplicative to the Idaho Grape Growers and Wine Producers Commission's administrative rules that were adopted by the Idaho Legislature in 2010 with respect to grapes and grape juice purchased from out-of-state producers for the production of wine in Idaho. Omission of this duplicative language was inadvertently overlooked by industry until prior to the 2016 legislative session. By statute, the Commission is charged with setting forth the assessment calculations by rule for Idaho's grape and wine industry. In reviewing the current assessment structure for grapes and grape juice, Idaho wineries have brought forth the request to simplify the assessment structure for future assessment cycles.

The current assessment structure has proven confusing for industry members and requires them to convert wine grapes purchased in tons into gallons produced before applying assessment payments. In turn, the Commission has to reconvert gallons to tons in order to determine total tons harvested in Idaho for that year. The temporary and proposed rulemaking streamlines the assessment process by requiring both wineries and vineyards to pay assessments based on tons rather than any conversion to gallons. This rule change will simplify and streamline the current assessment

structure removing the need for wineries to convert tons to gallons for assessment dues, as well as removing the need for the Commission to convert gallons to tons for proper harvest numbers.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES:** For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text, if available, contact Moya Dolsby, Executive Director, (208) 332-1538. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's website at the following web address: <http://wine.idaho.gov/>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 20, 2016.

DATED this 20th Day of June 2016.

Moya Dolsby  
Executive Director  
Grape Growers and Wine Producers Commission  
821 W. State St.  
Boise, ID 83702  
Phone: (208) 332-1538  
Fax: (208) 334-2505

## **IDAPA 55 - DIVISION OF CAREER TECHNICAL EDUCATION**

### **55.01.05 - RULES GOVERNING INDUSTRY PARTNER FUND**

#### **DOCKET NO. 55-0105-1601 (NEW CHAPTER)**

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

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and Section(s) 33-101, 33-105, 33-107, 33-2211, and 33-2213 Idaho Code.

**METHOD OF PARTICIPATION:** Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by July 15, 2016.

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

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

Upon the conclusion of the negotiated rulemaking, any unresolved issues, all key issues considered, and conclusions reached during the negotiated rulemaking will be addressed in a written summary and made available on the agency website.

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

SB 1332 (2016) established Section 33-2213, Idaho Code creating an Industry Partner Fund to be used by public career-technical colleges in collaboration with industry to provide a rapid response to identified skills gaps for starting programs that will meet these gaps. The proposed rule will establish the administrative procedures for accessing the fund.

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

DATED this 3rd Day of June, 2016

Tracie Bent, Chief Planning and Policy Officer  
Idaho State Board of Education  
650 W State Street  
PO Box 83720  
Boise, ID 83720-0036  
Phone (208) 332-1582 / Fax (208) 334-2632

# Sections Affected Index

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## **IDAPA 02 - DEPARTMENT OF AGRICULTURE**

### *02.02.14 - Rules for Weights and Measures*

#### **Docket No. 02-0214-1601**

004. Incorporation By Reference. ....	17
---------------------------------------	----

### *02.04.08 - Rules Governing Grade A Milk and Milk Products*

#### **Docket No. 02-0408-1601**

004. Incorporation By Reference. ....	19
---------------------------------------	----

### *02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law*

#### **Docket No. 02-0602-1601**

004. Incorporation By Reference. ....	30
---------------------------------------	----

### *02.06.12 - Rules Pertaining to the Idaho Fertilizer Law*

#### **Docket No. 02-0612-1601**

004. Incorporation By Reference. ....	32
---------------------------------------	----

### *02.06.31 - Noxious Weed Free Forage and Straw Certification Rules*

#### **Docket No. 02-0631-1601**

010. Definitions. ....	36
------------------------	----

011. Abbreviations. ....	37
--------------------------	----

100. Voluntary Noxious Weed Free Forage And Straw Certification Program.....	37
--	----

101. -- 149. (Reserved).....	41
------------------------------	----

150. North American Noxious Weed List. ....	41
---	----

250. Certification Marking. ....	43
----------------------------------	----

### *02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001*

#### **Docket No. 02-0641-1601**

004. Incorporation By Reference. ....	47
---------------------------------------	----

## **IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

### *10.01.01 - Rules of Procedure*

#### **Docket No. 10-0101-1603**

023. Professional Engineer Licensure for Faculty Applicants. ....	58
---	----

024. -- 994. (Reserved).....	58
------------------------------	----

## **IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

### *16.05.06 - Criminal History and Background Checks*

#### **Docket No. 16-0506-1601 (Fee Rule)**

100. Individuals Subject To A Criminal History And Background Check.....	63
--	----

### *16.05.07 - The Investigation and Enforcement of Fraud, Abuse, and Misconduct*

#### **Docket No. 16-0507-1601**

235. Civil Monetary Penalties.....	67
------------------------------------	----

236. Civil Monetary Penalty Percentages. ....	67
---	----

237. Civil Monetary Penalties For Criminal History Background Check Violations. ....	69
--	----

238. -- 239. (Reserved).....	69
------------------------------	----

## **IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**

### *31.46.02 - Rules for Telecommunications Relay Services (TRS)*

#### **Docket No. 31-4602-1601**

103. Establishment Of Telephone Industry Advisory Committee (Rule 103). ....	78
--	----

**IDAPA 35.01.02 - STATE TAX COMMISSION**

*35.01.05 - Idaho Motor Fuels Tax Administrative Rules*

**Docket No. 35-0105-1602**

130. Distributor's Fuel Tax Reports (Rule 130). ..... 83

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

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

*The written comment submission deadline is July 20, 2016 unless otherwise noted.  
Public hearing request deadline is July 27, 2016 unless otherwise noted.  
(Temp & Prop) indicates the rule is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

**02-0214-1601, Rules for Weights and Measures.** Incorporates by reference the 2016 edition of the National Institute of Standard and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

**02-0408-1601, Rules Governing Grade A Milk and Milk Products.** Incorporates by reference the following: 2015 edition of the Grade A Pasteurized Milk Ordinance; 2015 edition of the Evaluation of Milk Laboratories reference document; 2015 Methods of Making Sanitation Ratings of Milk Shippers reference document; and 2015 edition of Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

**02-0602-1601, Rules Pertaining to the Idaho Commercial Feed Law.** Incorporates by reference the 2017 Official Publication of the Association of American Feed Control Officials (AAFCO).

**02-0612-1601, Rules Pertaining to the Idaho Fertilizer Law.** Incorporates by reference the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO).

**02-0641-1601, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001.** Incorporates by reference the 2017 Official Publication of the Association of American Plant Food Control Officials (AAPFCO).

#### IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

**16-0506-1601, Criminal History and Background Checks.** (Temp & Prop) Aligns chapter to other amended chapters and add references and amends classification of individuals required to have the Department's criminal history and background checks.

**\*16-0507-1601, The Investigation and Enforcement of Fraud, Abuse, and Misconduct.** (Temp Prop) (\*PH) Provides the methodology and percentages used for calculating civil monetary penalties; specifies the types of conduct, frequency, and knowledge of the conduct for which the Department has the authority to assess civil monetary penalties; allows for enhanced penalties for certain types of behaviors and violations.

#### IDAPA 35 – IDAHO STATE TAX COMMISSION

**PO Box 36, Boise, ID 83722-0410**

**35-0105-1602, Idaho Motor Fuels Tax Administrative Rules.** Deletes supplemental reporting requirement and moves Subsections 140.01, Motor Fuels and Petroleum Products Presumed To Be Distributed, and 140.04, Exported Fuel, to Rule 130.

**NOTICE OF ADOPTION OF TEMPORARY RULE****IDAPA 02 – DEPARTMENT OF AGRICULTURE**

**02-0631-1601, Noxious Weed Free Forage and Straw Certification Rules** (Eff. 6/1/16)T

**IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

**10-0101-1603, Rules of Procedure** (Eff. 7/6/16)T

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

**31-4602-1601, Rules for Telecommunications Relay Services** (TRS) (Eff. 5/1/16)T

**NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS****IDAPA 02 – IDAHO DEPARTMENT OF AGRICULTURE**

**02-0414-1601, Rules Governing Dairy Waste** (2 meetings scheduled – see Bulletin)

**02-0415-1601, Rules Governing Beef Cattle Animal Feeding Operations** (Meeting scheduled 8/3/16)

**02-0416-1601, Rules Governing Agriculture Odor Management** (2 meetings scheduled – see Bulletin)

**02-0418-1601, Rules Governing CAFO Site Advisory Team** (Meetings scheduled – see Bulletin)

**02-0419-1601, Rules Governing Domestic Cervidae** (Meeting scheduled 7/27/16)

**02-0421-1601, Rules Governing the Importation of Animals** (Meeting scheduled 7/27/16)

**02-0430-1601, Rules Governing Nutrient Management** (2 meetings scheduled – see Bulletin)

**02-0431-1601, Rules Governing the Stockpiling of Agricultural Waste** (2 meetings scheduled – see Bulletin)

**02-0432-1601, Rules Governing Poultry Operations** (2 meetings scheduled – see Bulletin)

**02-0621-1601, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories** (Meeting scheduled 7/26/16)

**02-0622-1601, Noxious Weed Rules** (Meeting scheduled 7/13/16)

**02-0631-1602, Noxious Weed Free Forage and Straw Certification Rules** (Meeting scheduled 7/13/16)

**IDAPA 08 – STATE BOARD OF EDUCATION/DEPARTMENT OF EDUCATION**

**08-0102-1601, Rules Governing Postsecondary Credit Scholarship Program** (New Chapter) (To Participate Respond by 7/15/16)

**08-0104-1601, Residency** (To Participate Respond by 7/15/16)

**08-0201-1602, Rules Governing Administration** (To Participate Respond by 7/15/16)

**08-0201-1603, Rules Governing Administration** (To Participate Respond by 7/15/16)

**08-0201-1604, Rules Governing Administration** (To Participate Respond by 7/15/16)

**08-0203-1610, Rules Governing Thoroughness** (To Participate Respond by 7/15/16)

**08-0203-1611, Rules Governing Thoroughness** (To Participate Respond by 7/15/16)

**IDAPA 09 – IDAHO DEPARTMENT OF LABOR**

**09-0130-1601, Unemployment Insurance Benefits Administration Rules** (To Participate Respond by 7/27/16)

**09-0135-1601, Unemployment Insurance Benefits Tax Administration Rules** (To Participate Respond by 7/27/16)

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

**13-0108-1601, Rules Governing the Taking of Big Game Animals in the State of Idaho** (To Participate Respond by 7/24/16)

**IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16-0303-1601, Rules Governing Child Support Services** (Meeting scheduled 7/19/16)

**IDAPA 18 – DEPARTMENT OF INSURANCE**

*18-0110-1601*, Producers Handling of Fiduciary Funds (Meeting scheduled 7/21/16)

*18-0129-1601*, Restrictions on Discretionary Clauses in Health Insurance Contracts (Meeting scheduled 7/21/16)

*18-0150-1601*, Adoption of the International Fire Code (Meeting scheduled 7/26/16)

*18-0154-1601*, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act (Meeting scheduled 7/25/16)

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

*20-0316-1601*, Rules Governing Oil and Gas Leasing on Idaho State Lands (Meetings scheduled – see Bulletin)

**IDAPA 23 – BOARD OF NURSING**

*23-0101-1601*, Rules of the Idaho Board of Nursing (Meeting scheduled 7/21/16)

**IDAPA 31 – IDAHO PUBLIC UTILITIES COMMISSION**

*31-4602-1602*, Rules for Telecommunications Relay Services (TRS) (To Participate Respond by 7/27/16)

**IDAPA 35 – STATE TAX COMMISSION**

*35-0102-1602*, Idaho Sales and Use Tax Administrative Rules (Meeting scheduled 7/19/16)

**IDAPA 46 - BOARD OF VETERINARY MEDICINE**

*46-0101-1602*, Rules of the State of Idaho Board of Veterinary Medicine (Meeting scheduled 7/14/16 - teleconference available)

**IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION**

*48-0101-1601*, Rules of the Idaho Grape Growers and Wine Producers Commission (2<sup>nd</sup> meeting scheduled 7/21/16)

**IDAPA 55 – DIVISION OF CAREER TECHICAL EDUCATION**

*55-0105-1601*, Rules Governing Industry Partner Fund (To Participate Respond by 7/15/16)

Please refer to the Idaho Administrative Bulletin, [July 6, 2016, Volume 16-7](#), for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [adminrules.idaho.gov](http://adminrules.idaho.gov).*

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306  
Phone: 208-332-1820; Fax: 332-1896; Email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)

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

*Office of the Administrative Rules Coordinator  
Idaho Department of Administration*

*July 1, 1993 -- Present*

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

*This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.*

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## **ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES (Index of Current Rulemakings)**

*Office of the Administrative Rules Coordinator  
Idaho Department of Administration*

*March 25, 2016 -- July 6, 2016*

*(eff. PLR) - Final Effective Date Is Pending Legislative Review And Approval*

*(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 rules promulgated before April 11, 2015 that are still in process and all current rulemakings promulgated after March 25, 2016 - Sine Die, 2015 Legislative Session.)*

***IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE***

***02.02.14, Rules for Weights and Measures***

**02-0214-1601** Proposed Rulemaking, Bulletin Vol. 16-7

***02.04.08, Rules Governing Grade A Milk and Milk Products***

**02-0408-1601** Proposed Rulemaking, Bulletin Vol. 16-7

***02.04.14, Rules Governing Dairy Waste***

**02-0414-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.15, Rules Governing Beef Cattle Animal Feeding Operations***

**02-0415-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.16, Rules Governing Agriculture Odor Management***

**02-0416-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.18, Rules Governing CAFO Site Advisory Team***

**02-0418-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.19, Rules Governing Domestic Cervidae***

**02-0419-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.21, Rules Governing the Importation of Animals***

**02-0421-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.30, Rules Governing Nutrient Management***

**02-0430-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.31, Rules Governing the Stockpiling of Agricultural Waste***

**02-0431-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.04.32, Rules Governing Poultry Operations***

**02-0432-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.02, Rules Pertaining to the Idaho Commercial Feed Law***

**02-0602-1601** Proposed Rulemaking, Bulletin Vol. 16-7

***02.06.12, Rules Pertaining to the Idaho Fertilizer Law***

**02-0612-1601** Proposed Rulemaking, Bulletin Vol. 16-7

***02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories***

**02-0621-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.22, Noxious Weed Rules***

**02-0622-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.31, Noxious Weed Free Forage and Straw Certification Rules***

**02-0631-1601** Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 6-1-16)T

**02-0631-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001***

**02-0641-1601** Proposed Rulemaking, Bulletin Vol. 16-7

***IDAPA 07 -- DIVISION OF BUILDING SAFETY***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12  
(Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

***07.01.06, Rules Governing the Use of National Electrical Code***

**07-0106-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***07.02.06, Rules Concerning the Idaho State Plumbing Code***

**07-0206-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

***07.03.01, Rules of Building Safety***

**07-0301-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-3

***07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems***

**07-0701-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

(Rulemaking affects all Chapters under Title 08 - "Idaho Minimum Safety Standards and Practices for Logging")

***07.08.01, Idaho Minimum Safety Standards and Practices for Logging - General Provisions***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.02, Idaho Minimum Safety Standards and Practices for Logging - Health, Safety, and Sanitation***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.03, Idaho Minimum Safety Standards and Practices for Logging - Explosives and Blasting***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.04, Idaho Minimum Safety Standards and Practices for Logging - Garages, Machine Shops,  
and Related Work Areas***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.05, Idaho Minimum Safety Standards and Practices for Logging - Signals and Signal Systems***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.06, Idaho Minimum Safety Standards and Practices for Logging - Truck Road Standards***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.07, Idaho Minimum Safety Standards and Practices for Logging - Transportation of Employees***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.08, Idaho Minimum Safety Standards and Practices for Logging - Falling and Bucking***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.09, Idaho Minimum Safety Standards and Practices for Logging - Rigging, Lines, Blocks, and Shackles***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

***07.08.10, Idaho Minimum Safety Standards and Practices for Logging - Canopy and Canopy Construction  
for Logging Equipment***

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.11, Idaho Minimum Safety Standards and Practices for Logging - Skidding and Yarding**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.12, Idaho Minimum Safety Standards and Practices for Logging - Road Transportation**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.13, Idaho Minimum Safety Standards and Practices for Logging - Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.14, Idaho Minimum Safety Standards and Practices for Logging - Helicopter Logging**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.15, Idaho Minimum Safety Standards and Practices for Logging - Commonly Used Logging Terms**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**07.08.16, Idaho Minimum Safety Standards and Practices for Logging - Recommended Safety Program**

**07-0800-1501** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 15-12

**IDAHO 08 -- IDAHO STATE BOARD OF EDUCATION  
AND STATE DEPARTMENT OF EDUCATION**

**08.01.02, Rules Governing Postsecondary Credit Scholarship Program**

**08-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-7

**08.01.04, Residency**

**08-0104-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

**08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program**

**08-0109-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

**08.02.01, Rules Governing Administration**

**08-0201-1601\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6 (*\*Rulemaking Terminated*)

**08-0201-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

**08-0201-1603** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

**08-0201-1604** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

**08.02.02, Rules Governing Uniformity**

**08-0202-1601** Adoption of Temporary Rule, Bulletin Vol. 16-4 (eff. 2-18-16)T

**08-0202-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

**08-0202-1603** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

**08-0202-1604** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

**08-0202-1605** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

**08-0202-1606** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6 (*docket pulled prior to publication*)

**08-0202-1607** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

**08.02.03, Rules Governing Thoroughness**

**08-0203-1504\*** Temporary and Proposed Rulemaking, Bulletin Vol. 15-6 (4-16-15)T (*\*Temporary rule expires Sine Die 2016*)

**08-0203-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

**08-0203-1602\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4 (*Rulemaking terminated, promulgated incorrectly under wrong chapter, replaced by docket number 08-0202-1605*)

- 08-0203-1603** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1604** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1605** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1606** Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 4-14-16)T
- 08-0203-1607\*** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6 (*\*Rulemaking Terminated*)
- 08-0203-1608** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1609** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1610** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1611** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***08.02.05, Rules Governing Pay for Success Contracting***

- 08-0205-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 09 -- IDAHO DEPARTMENT OF LABOR***

***09.01.30, Unemployment Insurance Benefits Administration Rules***

- 09-0130-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***09.01.35, Unemployment Insurance Tax Administration Rules***

- 09-0135-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 10 -- IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS***

***10.01.01, Rules of Procedure***

- 10-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1603** Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 7-6-16)T

***10.01.02, Rules of Professional Responsibility***

- 10-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***IDAPA 12 -- DEPARTMENT OF FINANCE***

***12.01.08, Rules Pursuant to the Uniform Securities Act (2004)***

- 12-0108-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***IDAPA 13 -- IDAHO FISH AND GAME COMMISSION***

***13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho***

- 13-0108-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 15 -- OFFICE OF THE GOVERNOR***

***Executive Orders of the Governor***

- Executive Order No. **2015-13** Bulletin Vol. 16-2
- Executive Order No. **2016-01** Bulletin Vol. 16-6

***Idaho Emergency Communications Commission - Idaho Military Division***

***15.06.02, Rules Governing the Idaho Emergency Communications Commission Grants***

**15-0602-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

***16.01.01, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC)***

**16-0101-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16-0101-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0101-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

**16-0102-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16-0102-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0102-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements***

**16-0103-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16-0103-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0103-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

**16-0103-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***16.01.05, Emergency Medical Services (EMS) -- Education, Instructor, & Examination Requirements***

**16-0105-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-3

**16-0105-1501** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-4

**16-0105-1501** (Third) Notice of Intent to Promulgate Rules - Negotiated Rulemaking (New Chapter), Bulletin Vol. 15-5

**16-0105-1501** Proposed Rulemaking (New Chapter), Bulletin Vol. 15-8

**16-0105-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0105-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.01.07, Emergency Medical Services (EMS) -- Personnel Licensing Requirements***

**16-0107-1501** Temporary and Proposed Rulemaking, Bulletin Vol. 15-1 (eff. 1-1-15)T

**16-0107-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4

**16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5 (eff. 1-1-15)T

**16-0107-1502** (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5

**16-0107-1501** Vacation of Proposed Rulemaking, Bulletin Vol. 15-8

**16-0107-1502** Proposed Rulemaking, Bulletin Vol. 15-8

**16-0107-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0107-1501** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 1-1-15)T

**16-0107-1502** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.01.12, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions***

**16-0112-1501** Proposed Rulemaking, Bulletin Vol. 15-8

**16-0112-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0112-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission***

**16-0202-1501** Proposed Rulemaking, Bulletin Vol. 15-10

**16-0202-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)

**16-0202-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.02.03, Emergency Medical Services***

- 16-0203-1501 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-8
- 16-0203-1501 Adoption of Pending Rule (Repeal), Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0203-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)***

- 16-0219-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-4
- 16-0219-1501 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0219-1501 Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0219-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0219-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.03.03, Rules Governing Child Support Services***

- 16-0303-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***16.03.04, Rules Governing the Food Stamp Program in Idaho***

- 16-0304-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0304-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0304-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program***

- 16-0308-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***16.03.09, Medicaid Basic Plan Benefits***

- 16-0309-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0309-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0309-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0309-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.03.10, Medicaid Enhanced Plan Benefits***

- 16-0310-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0310-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0310-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0310-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)
- 16-0310-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T

***16.03.13, Consumer-Directed Services***

- 16-0313-1501 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-6
- 16-0313-1501 Proposed Rulemaking, Bulletin Vol. 15-10
- 16-0313-1501 Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0313-1501 OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.03.18, Medicaid Cost-Sharing***

- 16-0318-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 7-1-16)T

***16.03.19, Rules Governing Certified Family Homes***

- 16-0319-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0319-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***16.03.22, Residential Care or Assisted Living Facilities in Idaho***

- 16-0322-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0322-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***16.04.17, Rules Governing Residential Habilitation Agencies***

- 16-0417-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0417-1601 (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***16.05.01, Use and Disclosure of Department Records***

- 16-0501-1501** Proposed Rulemaking, Bulletin Vol. 15-8
- 16-0501-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0501-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.05.06, Criminal History and Background Checks***

- 16-0506-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6
- 16-0506-1601** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-7 (eff. 7-1-16)T

***16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct***

- 16-0507-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4
- 16-0507-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-7 (eff. 7-1-16)T

***16.06.02, Rules Governing Standards for Child Care Licensing***

- 16-0602-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0602-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0602-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.06.12, Rules Governing the Idaho Child Care Program (ICCP)***

- 16-0612-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***16.07.01, Behavioral Health Sliding Fee Schedules***

- 16-0701-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0701-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0701-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.07.10, Behavioral Health Development Grants***

- 16-0710-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0710-1501** Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 15-12 (eff. PLR 2016)
- 16-0710-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.07.15, Behavioral Health Programs***

- 16-0715-1501** Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 15-9
- 16-0715-1501** Adoption of Pending Fee Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0715-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Fee Rule by SCR 153, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.07.17, Alcohol and Substance Use Disorders Services***

- 16-0717-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0717-1501** Proposed Rulemaking, Bulletin Vol. 15-9
- 16-0717-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0717-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification***

- 16-0719-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***16.07.20, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs***

- 16-0720-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 16-0720-1501** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 15-9
- 16-0720-1501** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 16-0720-1501** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)

***IDAPA 17 -- INDUSTRIAL COMMISSION***

***17.02.09, Medical Fees***

- 17-0209-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-5
- 17-0209-1503** Adoption of Temporary Rule, Bulletin Vol. 15-7 (eff. 7-1-15)T (Expires 7-1-16)
- 17-0209-1502** Proposed Rulemaking, Bulletin Vol. 15-10
- 17-0209-1502** Adoption of Pending Rule, Bulletin Vol. 16-1 (eff. PLR 2016)
- 17-0209-1502** OAR Omnibus Notice of Legislative Action - Approval of Pending Rule, Bulletin Vol. 16-5 (eff. 7-1-16)
- 17-0209-1503** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 7-1-15)T

***IDAPA 18 -- DEPARTMENT OF INSURANCE***

***18.01.10, Producers Handling of Fiduciary Funds***

- 18-0110-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***18.01.29, Restrictions on Discretionary Clauses in Health Insurance Contracts***

- 18-0129-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***18.01.50, Adoption of the International Fire Code***

- 18-0150-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act***

- 18-0154-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 19 -- BOARD OF DENTISTRY***

***19.01.01, Rules of the Idaho State Board of Dentistry***

- 19-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 20 -- DEPARTMENT OF LANDS***

***20.02.14, Rules for Selling Forest Products on State-Owned Endowment Lands***

- 20-0214-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands***

- 20-0316-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***20.07.02, Rules Governing Conservation of Crude Oil and Natural Gas in the State of Idaho***

- 20-0702-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***IDAPA 23 -- BOARD OF NURSING***

***23.01.01, Rules of the Idaho Board of Nursing***

- 23-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES***

***24.18.01, Rules of the Real Estate Appraiser Board***

- 24-1801-1601** Adoption of Temporary Rule, Bulletin Vol. 16-5 (eff. 4-1-16)T

***IDAPA 27 -- BOARD OF PHARMACY***

***27.01.01, Rules of the Idaho State Board of Pharmacy***

**27-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 31 -- PUBLIC UTILITIES COMMISSION***

***31.46.02, Rules for Telecommunications Relay Services (TRS)***

**31-4602-1601** Notice of Adoption of Temporary Rule, Bulletin Vol. 16-7 (eff. 5-1-16)T

**31-4602-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 35 -- STATE TAX COMMISSION***

***35.01.01, Income Tax Administrative Rules***

**35-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***35.01.02, Idaho Sales and Use Tax Administrative Rules***

**35-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

**35-0102-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***35.01.03, Property Tax Administrative Rules***

**35-0103-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

**35-0103-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

**35-0103-1603** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***35.01.05, Motor Fuels Tax Administrative Rules***

**35-0105-1601** Proposed Rulemaking, Bulletin Vol. 16-5

**35-0105-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

**35-0105-1602** Proposed Rulemaking, Bulletin Vol. 16-7

***35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules***

**35-0110-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***IDAPA 37 -- DEPARTMENT OF WATER RESOURCES***

***37.03.13, The Water Management Rules***

**37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 97-12

**37-0313-9701** Proposed Rulemaking, Bulletin Vol. 98-10

**37-0313-9701** Notice of Intent to Promulgate Rules - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 00-11

***IDAPA 38 -- IDAHO DEPARTMENT OF ADMINISTRATION***

***38.05.01, Rules of the Division of Purchasing***

**38-0501-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 39 -- IDAHO TRANSPORTATION DEPARTMENT***

**39-0300-1601** Omnibus Notice of Intent to Promulgate - Negotiated Rulemaking, Bulletin Vol. 16-5

(Rulemaking may affect Chapters under Title 03 - "Vehicles and/or Loads Required to Operate Under an Overlegal Permit")

***IDAPA 42 -- IDAHO WHEAT COMMISSION***

***42.01.01, Rules of the Idaho Wheat Commission***

**42-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 46 -- BOARD OF VETERINARY MEDICAL EXAMINERS***

***46.01.01, Rules of the State of Idaho Board of Veterinary Medicine***

**46-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

**46-0101-1602** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 47 -- DIVISION OF VOCATIONAL REHABILITATION***

***47.01.01, Rules of the Idaho Division of Vocational Rehabilitation***

**47-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***47.01.02, Rules and Minimum Standards Governing Extended Employment Services***

**47-0102-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***IDAPA 48 -- GRAPE GROWERS AND WINE PRODUCERS COMMISSION***

***48.01.01, Rules of Procedure of the Idaho Grape Growers and Wine Producers Commission, IAC Vol. 8***

**48-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

**48-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7 (2nd Notice)

***IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION***

***55.01.03, Rules for Professional-Technical Schools***

**55-0103-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-6

***55.01.05, Rules Governing Industry Partner Fund***

**55-0105-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-7

***IDAPA 58 -- DEPARTMENT OF ENVIRONMENTAL QUALITY***

**58-0000-1601** Paradise Creek Total Maximum Daily Load (TMDL): 2015 Bacteria Addendum (HUC ID 17060108) Bulletin Vol. 16-1

**58-0000-1602** Little Lost River Total Maximum Daily Load (TMDL): 2015 Temperature Addendum (HUC ID 17040217) Bul. Vol. 16-2

**58-0000-1603** Medicine Lodge Creek Total Maximum Daily Load (TMDL): 2016 Addendum and Five-Year Review (HUC ID 17040215) Bulletin Vol. 16-4

***58.01.01, Rules for the Control of Air Pollution in Idaho***

**58-0101-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

***58.01.02, Water Quality Standards***

**58-0102-1502** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10

**58-0102-1502** Notice of Rescheduling - Negotiated Rulemaking Meeting, Bulletin Vol. 15-11

***58.01.03, Individual/Subsurface Sewage Disposal Rules***

**58-0103-1501** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 15-10

**58-0103-1501** Proposed Rulemaking, Bulletin Vol. 16-1

**58-0103-1601** Adoption of Pending Rule, Bulletin Vol. 16-6 (eff. PLR 2017)

***58.01.07, Rules Regulating Underground Storage Tank Systems***

**58-0107-1601** Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-4

***IDAPA 59 -- PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)***

***59.02.01, Rules for the Judges' Retirement Fund***

**59-0201-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-1 (eff. 12-1-15)T

**59-0201-1601** Adoption of Pending Rule, Bulletin Vol. 16-4 (eff. PLR 2017)

**59-0201-1601** OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 154, Bulletin Vol. 16-5 (eff. 12-1-15)T

**59-0201-1602** Proposed Rulemaking, Bulletin Vol. 16-5

# Subject Index

- A**  
Abbreviations 37  
ISDA, The Idaho State Department of Agriculture 37  
NAISMA, North American Invasive Species Management Association 37  
NWFF&S, Noxious Weed Free Forage & Straw 37
- C**  
Certification Marking 43  
Bale Tag 43  
Certified Compressed Forage Bale Binding Material 44  
Forage Cube/Pellet Tag/Label 43  
North American Twine 43  
Civil Monetary Penalties 67  
Conduct Resulting in No Overpayment 67  
Conduct Resulting in Overpayment 68  
Penalty Enhancements 69  
Civil Monetary Penalties For Criminal History Background Check Violations 69
- D**  
Definitions, IDAPA 02.06.31 36  
Agent 36  
Approved Inspector 36  
Bale 36  
Bale Tag 36  
Certificate of Inspection 36  
Certification 36  
Certification Markings 36  
Certified Compressed Forage Bale Binding Material 36  
Compressed Forage Bale 36  
Department 36  
Field 36  
Field Certification Inspection 36  
Forage 36  
Forage Cube/Pellet Tag 37  
Forage Cubes 36  
Idaho State Noxious Weed Free 37  
Idaho State Noxious Weed Free Standards 37  
North American Noxious Weed Free 37  
North American Standards 37  
North American Twine 37  
North American Weed Free Forage Certification Program 37  
Noxious Weed Free 37  
Pellets 37  
Straw 37  
Transit Certificate 37  
Distributor's Fuel Tax Reports 83  
Distributor's Fuel Tax Reports Exemption from Licensing and Monthly Reporting 84  
Exported Fuel 85
- Machine Tabulated Data 84  
Monthly Reports 83  
Motor Fuels & 85  
Motor Fuels Receipts 84  
Timely Reporting 84
- E**  
Establishment Of Telephone Industry Advisory Committee 78  
Establishment of Committee 78  
Exports 40
- I**  
Incorporation By Reference 17, 19, 30, 32, 47  
The Association of American Feed Control Officials (AAFCO) Official Publication 30  
The Association of American Plant Food Control Officials (AAPFCO) Official Publication 32, 47  
The Association of Official Agricultural Chemists (AOAC) International 32, 47  
The Merck Index 30, 32, 47  
Individuals Subject To A Criminal History & Background Check 63  
Adoptive Parent Applicants 63  
Behavioral Health Community Crisis Centers 63  
Certified Family Homes 63  
Children's Residential Care Facilities 63  
Children's Therapeutic Outdoor Programs 63  
Contracted Non-Emergency Medical Transportation Providers 63  
Court Appointed Guardians & Conservators 64  
Designated Examiners & Designated Dispositioners 64  
Developmental Disabilities Agencies 64  
Emergency Medical Services (EMS) 64  
High Risk Providers of Medicaid 64  
Home & Community-Based Services (HCBS) 64  
Home Health Agencies 64  
Idaho Behavioral Health Plan (IBHP) 64  
Idaho Child Care Program (ICCP) 64  
Intermediate Care Facilities for Persons with Intellectual Disabilities (ICF/ID) 64  
Licensed Day Care 64  
Licensed Foster Care 64  
Mental Health Services 64  
Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units 64  
Personal Assistance Agencies 64  
Personal Care Service Providers 64
- Residential Care or Assisted Living Facilities in Idaho 64  
Service Coordinators & Paraprofessional Providers 65  
Skilled Nursing & Intermediate Care Facilities 65  
Support Brokers & Community Support Workers 65
- N**  
North American Noxious Weed List 41
- P**  
Professional Engineer Licensure for Faculty Applicants 58
- R**  
Reciprocity 40
- V**  
Voluntary Noxious Weed Free Forage & Straw Certification Program 37  
Application for Certification 38  
Cancellation for Failure to Comply 41  
Certification Fees 41  
Certification Program 38  
Certification Standards 40  
Certification Training 38  
Certifying Authority 38  
Copy of Inspections & a List of Approved Inspectors 40  
Enforcement & Cancellation 41  
Field Inspection Procedures 39  
Misuse of Transit Certificate & Certification Markings 41  
Post-Certification & Distribution Requirements 40  
Purpose 37  
Voluntary Posting 40