

IDAHO ADMINISTRATIVE BULLETIN

November 2, 2016 -- Volume 16-11

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C.L. "Butch" Otter, Governor
Robert L. Geddes, Director, Department of Administration
Dennis Stevenson, Administrative Rules Coordinator
Bradley Hunt, Administrative Rules Specialist
Jason Shaw, Regulatory Analyst and Publishing Specialist

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

November 2, 2016 - Vol. 16-11

PREFACE	5
IDAPA 02 – DEPARTMENT OF AGRICULTURE	
02.06.22 – <i>Rules Governing Noxious Weeds</i> Docket No. 02-0622-1601 Notice of Rulemaking - Adoption of Pending Rule	15
02.06.31 – <i>Rules Governing Noxious Weed Free Forage and Straw Certification</i> Docket No. 02-0631-1602 Notice of Rulemaking - Adoption of Pending Rule	16
IDAPA 07 – DIVISION OF BUILDING SAFETY	
07.10.01 – <i>Rules Governing the Damage Prevention Board, Division of Building Safety</i> Docket No. 07-1001-1601 (New Chapter, Fee) Notice of Rulemaking – Temporary and Proposed Rule.....	17
IDAPA 09 – IDAHO DEPARTMENT OF LABOR	
09.01.30 – <i>Unemployment Insurance Benefits</i> Docket No. 09-0130-1601 Notice of Rulemaking - Adoption of Pending Rule	21
09.01.35 – <i>Unemployment Insurance Tax Administration Rules</i> Docket No. 09-0135-1601 Notice of Rulemaking - Adoption of Pending Rule	22
IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS	
10.01.02 - <i>Rules of Professional Responsibility</i> Docket No. 10-0102-1701 Notice of Intent to Promulgate Rules - Negotiated Rulemaking.....	23
IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE	
18.01.10 – <i>Producers Handling of Fiduciary Funds</i> Docket No. 18-0110-1601 Notice of Rulemaking - Adoption of Pending Rule	24
18.01.50 – <i>Adoption of the International Fire Code</i> Docket No. 18-0150-1601 Notice of Rulemaking - Adoption of Pending Rule	25
18.01.54 – <i>Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act</i> Docket No. 18-0154-1601 Notice of Rulemaking - Adoption of Pending Rule	27

IDAPA 20 – DEPARTMENT OF LANDS

20.07.01 - Rules of Practice and Procedure Before the Idaho Oil and Gas Conservation Commission
Docket No. 20-0701-1601 (Chapter Repeal)
 Notice of Rulemaking - Adoption of Pending Rule28

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities
Docket No. 26-0120-1601
 Notice of Rulemaking - Proposed Rule29

IDAPA 35 – IDAHO STATE TAX COMMISSION

35.01.03 - Property Tax Administrative Rules
Docket No. 35-0103-1606
 Notice of Rulemaking - Adoption of Temporary Rule34

IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01 – Rules of the Idaho Wheat Commission
Docket No. 42-0101-1601
 Notice of Rulemaking – Proposed Rule37
Docket No. 42-0101-1602
 Notice of Rulemaking – Proposed Rule39

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – Rules of the State of Idaho Board of Veterinary Medicine
Docket No. 46-0101-1601
 Notice of Rulemaking - Adoption of Pending Rule41
Docket No. 46-0101-1603
 Notice of Rulemaking - Adoption of Pending Fee Rule and Amendment to Temporary42

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

*Upper Salmon River Subbasin Assessment and Total Maximum Daily Load (TMDL):
 2016 Addendum and Five-year Review (HUC ID 17060201)*
Docket No. 58-0000-1604
 Notice of Final Decision.....45
Teton River Subbasin 2016 Total Maximum Daily Load (TMDL)and Five-year Review - (HUC ID 17040204)
Docket No. 58-0000-1605
 Notice of Final Decision.....46
58.01.01 – Rules for the Control of Air Pollution in Idaho
Docket No. 58-0101-1602
 Notice of Rulemaking – Adoption of Pending Rule47
Docket No. 58-0101-1603
 Notice of Rulemaking – Adoption of Pending Rule48
58.01.05 - Rules and Standards for Hazardous Waste
Docket No. 58-0105-1601
 Notice of Rulemaking – Adoption of Pending Rule49
58.01.07 – Rules Regulating Underground Storage Tank Systems
Docket No. 58-0107-1601
 Notice of Rulemaking – Adoption of Pending Fee Rule.....50

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.02.01 – Rules for the Judges’ Retirement Fund

Docket No. 59-0201-1602

Notice of Rulemaking - Adoption of Pending Rule	51
SECTIONS AFFECTED INDEX	52
LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS	53
CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES	54
SUBJECT INDEX	71

Preface

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

1. NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested persons and the agency seek consensus on the content of a rule through dialogue. Agencies are required to conduct negotiated rulemaking whenever it is feasible to do so.

The agency files a “Notice of Intent to Promulgate - Negotiated Rulemaking” for publication in the Administrative Bulletin inviting interested persons to contact the agency if interested in discussing the agency’s intentions regarding the rule changes. This process is intended to result in the formulation of a proposed rule and the initiation of regular rulemaking procedures. One result, however, may also be that regular (proposed) rulemaking is not initiated and no further action is taken by the agency.

1. 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.

1. 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.

1. 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.

1. 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

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

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.

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

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

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

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

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

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

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

DOCKET NUMBERING SYSTEM

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

“DOCKET NO. 38-0501-1401”

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

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

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

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

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2016

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
16-1	January 2016	*November 27, 2015	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	**September 2, 2016	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

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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	**September 1, 2017	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.***

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 55	Career-Technical Education , Division of
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , State Board of and State Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration for Professional

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

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

IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) 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)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 61	Public Defense Commission
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Management Board
IDAPA 49	Shorthand Reporters Board, Idaho Certified
IDAPA 60	Soil and Water Conservation Commission, Idaho State

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.22 – RULES GOVERNING NOXIOUS WEEDS

DOCKET NO. 02-0622-1601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

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

Specific changes including: (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) Defining "sub taxa" in IDAPA 02.06.22.010.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016, Idaho Administrative Bulletin, [Vol. 16-9, pages 22-26](#).

IDAHO CODE SECTION 22-101A STATEMENT: This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

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

There is no fiscal impact anticipated as a result of this proposed rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd Knight, Administrator, Division of Plant Industries, (208) 332-8620 or Lloyd.knight@isda.idaho.gov.

DATED this 6th day of October, 2016.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2280 Old Penitentiary Road
P.O. Box 790
Boise, ID 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.31 – RULES GOVERNING NOXIOUS WEED FREE FORAGE AND STRAW CERTIFICATION

DOCKET NO. 02-0631-1602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-101(3), 22-2403, 22-2411, 22-2412, and 22-2413, Idaho Code.

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

The 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 without the proposed changes, these products can only be certified to the previous NAISMA standards.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 27-36](#).

IDAHO CODE SECTION 22-101A STATEMENT: This rule does not regulate an activity not already regulated by the federal government, nor is it broader in scope or more stringent than the federal regulations.

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

There is no fiscal impact anticipated as a result of this proposed rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lloyd Knight, Administrator, Division of Plant Industries, (208) 332-8620 or Lloyd.knight@isda.idaho.gov.

DATED this 6th day of October, 2016.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2280 Old Penitentiary Road
P.O. Box 790
Boise, ID 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

IDAPA 07 – DIVISION OF BUILDING SAFETY
07.10.01 – RULES GOVERNING THE DAMAGE PREVENTION BOARD,
DIVISION OF BUILDING SAFETY
DOCKET NO. 07-1001-1601 (NEW CHAPTER, FEE RULE)
NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is December 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 Section 55-2203, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking is scheduled by the Idaho Damage Prevention Board and will be held as follows:

Thursday, November 10, 2016 – 9:30 AM (MST)

Idaho Division of Building Safety
1090 E. Watertower, Suite 150
Meridian, Idaho 83642

via Teleconferencing at:

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

2055 Garrett Way, Bldg. 1, Ste. 4
Pocatello, ID 83201

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

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

The Idaho legislature during the 2016 session established the Damage Prevention Board and amended the statutory scheme in Title 55, Chapter 22, Idaho Code, related to the prevention of damage of underground facilities throughout the state. In accordance with Section 55-2203, Idaho Code, the activities of the Board shall be funded by a fee established by the Board and promulgated in rule. The fee is to be imposed on an underground facility owner required by the provision of Title 55, Chapter 22, Idaho Code, to participate and cooperate with the one-number notification system each time the owner receives notice from the one-number notification service that a proposed excavation may occur within the area of their underground facility. The fee is to be collected by a one-number notification service and is payable to the Board in accordance with a schedule and in a manner established by rule of the Board. The fee is to be imposed uniformly on all owners, and is intended to defray the expenses of the Board and the Division of Building Safety in supervising, regulating and administering the provisions of Title 55, Chapter 22, Idaho Code.

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:

Section 55-2203, Idaho Code, requires the Idaho Damage Prevention Board to establish a fee to fund the activities of the Board and the Division of Building Safety in supervising, regulating and administering the provisions of Title 55, Chapter 22, Idaho Code. The fee is required to be established by the Board and promulgated in rule. The Board was just established in statute effective July 2016, and currently there is no mechanism to fund the activities of the Board or the damage prevention program within the Division. Without the fee established pursuant to this temporary rule the Board and Division are limited in their ability to operate.

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

A fee of ten cents (\$.10) will be imposed on the owner of an underground facility required by the provision of Title 55, Chapter 22, Idaho Code to participate and cooperate with the one-number notification system each time the owner receives notice from a one-number notification service that a proposed excavation may occur within the area of their underground facility.

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the rulemaking is simple in nature. Section 55-2203, Idaho Code, requires that the Board establish a fee imposed uniformly on all facility owners required to participate in the one-number notification service, and promulgated in rule to fund the activities of the Board. This rulemaking was discussed at several Damage Prevention Board meetings since the inception of the Board in July 2016.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Steve Keys, Deputy Administrator – Operations, (208) 332-8986.

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 November 23, 2016.

DATED this 12th day of October, 2016.

Steve Keys, Deputy Administrator – Operations
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83542
Phone: (208) 332-8986
Fax: (877) 810-2840

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 07-1001-1601 (FEE RULE - NEW CHAPTER)**

**IDAPA 07
TITLE 10
CHAPTER 01**

**07.10.01 - RULES GOVERNING THE DAMAGE PREVENTION BOARD,
DIVISION OF BUILDING SAFETY**

000. LEGAL AUTHORITY.

The Idaho Damage Prevention Board of the Division of Building Safety is authorized under Section 55-2203, Idaho Code, to promulgate rules consistent with the act for the administration of Title 55, Chapter 22, Idaho Code, to effectuate the purposes thereof. (12-1-16)T

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 07.10.01, "Rules Governing the Damage Prevention Board, Division of Building Safety." (12-1-16)T

02. Scope. These rules shall be applicable to underground facilities, and facility owners as established in Title 55, Chapter 22, Idaho Code. (12-1-16)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of this chapter, or to compliance with the rules of this chapter. Any such documents are available for public inspection and copying at cost at the Idaho Division of Building Safety offices. (12-1-16)T

003. ADMINISTRATIVE APPEALS.

IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General," Section 100, et seq., shall apply to contested cases, in addition to the provisions of Title 55, Chapter 22, Idaho Code. (12-1-16)T

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference into these rules. (12-1-16)T

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

The principal place of business of the Damage Prevention Board is at the Division of Building Safety office located at 1090 E. Watertower Street, Suite 150, Meridian, Idaho 83642. The Damage Prevention Board may also be contacted at 1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho 83814, and at 2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho 83201. All locations are open from 8:00 a.m. to 5:00 p.m., except Saturday, Sunday and legal holidays. The telephone number of the office is (208) 334-3950. The facsimile number of the office is 1-877-810-2840. The Department website is <http://dbs.idaho.gov>. (12-1-16)T

006. PUBLIC RECORDS ACT COMPLIANCE.

The rules contained herein have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. (12-1-16)T

007. FUNDING OF BOARD ACTIVITIES.

Each owner of an underground facility shall pay a fee of ten cents (\$.10) each time such owner receives notice from a one-number notification service as required by Section 55-2205, Idaho Code. The fee assessed upon the underground facility owner shall be collected by the one-number notification service, and shall be payable to the board in accord with the following schedule: (12-1-16)T

01. Fee Assessed. The fee shall be assessed on an underground facility owner for each notification issued by the one-number notification service to the underground facility owner, with the one-number notification service required to submit a summary of the number of notices issued in a given month to the board no later than fifteen (15) days following the end of the month in which the notices were issued. (12-1-16)T

02. Payment Submission. The one-number notification service shall submit payment to the board for all payments received from underground facility owners no later than seventy (70) days following the end of the month in which the notices were issued to the facility owners. In those cases where the payment from the underground utility owner is received after the seventy (70) day period, the one-number service shall include late payments in its next payment to the board. (12-1-16)T

03. Notices Issued. The one-number notification service shall also submit a detailed list of notices issued, including the facility owner's contact information, for which payment has not been received within the

seventy (70) day period following the end of the month in which the notices were issued. Such list shall be updated on a monthly basis to reflect the status of all past-due payments due from underground utility owners that have not been received. (12-1-16)T

04. Civil Penalties. Underground facility owners failing to submit payment to the one-number notification service in a timely manner shall be subject to the imposition of civil penalties and other remedies referenced in Title 55, Chapter 22, Idaho Code. (12-1-16)T

008. AUDIT OF ONE-NUMBER SERVICE RECORDS.

The board shall have the right to review and audit the payment records of any one-number notification service relating to the collection of the ten cent (\$.10) fee imposed on underground facility owners. In the event the board wishes to conduct a review and/or audit of a one-number notification service, the board shall provide no less than a five (5) business day advance notice of the intended action. The board may delegate any responsibilities contained herein this chapter to the Division of Building Safety. (12-1-16)T

009. -- 999. (RESERVED)

IDAPA 09 – IDAHO DEPARTMENT OF LABOR

09.01.30 – UNEMPLOYMENT INSURANCE BENEFITS

DOCKET NO. 09-0130-1601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 72-1333, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9 page 49-57](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joshua McKenna (208) 332-3570, ext. 3919.

DATED this 13th day of October, 2016

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

IDAPA 09 – IDAHO DEPARTMENT OF LABOR
09.01.35 – UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES
DOCKET NO. 09-0135-1601
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 72-1333, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9 page 58-61](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Larry Ingram (208) 332-3570, ext. 3543.

DATED this 13th day of October, 2016.

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

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

10.01.02 – RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1701

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 54-1208, Idaho Code.

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

Tuesday, January 10, 2017 - 10:00 AM

**1510 E. Watertower Street, Suite 110
Meridian, ID 83642**

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: attend the meeting and present your views and thoughts on the draft amendments or submit your views and thoughts in writing not later than January 9, 2017.

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 draft amendments will clarify that licensed professional engineer's or land surveyor's ethical obligations preclude the submission bids for professional services on public projects per Section 67-2320, Idaho Code. The current rule disallows the submission of bids. The amendment clarifies that licensees include both consultants and sub-consultants.

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 Keith Simila, P.E., (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the board's web site at the following web address: <http://www.ipels.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 January 9, 2017.

DATED this 12th day of October, 2016.

Keith Simila, Executive Director
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

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.10 – PRODUCERS HANDLING OF FIDUCIARY FUNDS

DOCKET NO. 18-0110-1601

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211, 41-1024, and 41-1025, Idaho Code.

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

The pending rule seeks to add language amending a rule concerning insurance producers handling fiduciary funds. The rule specifically relates to bail bonds 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.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 138-142](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Thomas A. Donovan at (208) 334-4214, or at tom.donovan@doi.idaho.gov.

DATED this 5th day of October, 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 RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-253, Idaho Code.

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

The pending rule seeks to amend the 2015 International Fire Code to match the anticipated adoption of the 2015 International Building Code by the Division of Building Safety. The pending rule adds new Section 020 (and renumbers current Section 020 as 019). The new section addresses the subject of sky lanterns by replacing the current prohibition on release of untethered sky lanterns with new language requiring a permit for their release and authorizing the local fire jurisdiction to restrict or place conditions on their release.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 143-147](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Knute Sandahl at (208) 334-4377, or at Knute.Sandahl@doi.idaho.gov.

DATED this 5th Day of October, 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

DOCKET NO. 18-0150-1601 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized red text that is double underscored is new text that has been added to the pending rule.

Only those sections or subsections that have changed from the original proposed text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Vol. 16-9, pages 143-147.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.

THE FOLLOWING IS THE TEXT OF THE AMENDED PENDING RULE FOR
DOCKET NO. 18-0150-1601

[Codified Section 020 is being moved to Proposed Section 019 and new text for Section 020 is being introduced.]

~~019. (RESERVED)~~

~~02019. DEFINITION OF CODE OFFICIAL, SECTION 202, INTERNATIONAL FIRE CODE.~~

~~01. Fire Code Official. Add “or as appropriate the Idaho State Fire Marshal” to the end of the definition for FIRE CODE OFFICIAL in Section 202 of the International Fire Code. (3-20-14)()~~

~~02. Driveway. Add “DRIVEWAY. A vehicular ingress and egress route that serves no more than five (5) single family dwellings, not including accessory structures.” ()~~

~~03. Fire Station. Add “FIRE STATION, A building, or portion of a building that provides, at a minimum, all weather protection for fire apparatus. Temperatures inside the building used for this purpose must be maintained at above thirty-two (32) degrees Fahrenheit.” ()~~

~~020. SKY LANTERNS, SECTION 308.1.6.3, INTERNATIONAL FIRE CODE.~~

~~01. Untethered Sky lanterns. To section 308.1.6.3 delete the sentence: “A person shall not release or cause to be released an untethered sky lantern.” ()~~

~~02. Sky lantern permit. To section 308.1.6.3 add the following: “A person shall not release or cause to be released a sky lantern, tethered or untethered without obtaining a permit, if required by the fire code or jurisdiction. When, in the opinion of the fire code official, the release of sky lanterns, tethered or untethered, constitutes a danger to persons or property, based on the current weather conditions, knowledge of topography, vegetation, or any other reasonable factor, is authorized to require additional safeguards prior to the release of sky lanterns. The fire code official may suspend, revoke, postpone, or prohibit the release of any sky lantern at any time.” ()~~

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 RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 41-211 and 41-4409, Idaho Code.

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

The pending rule seeks to amend the existing rule to 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; require experience and rate increases to be pooled among all plans offered by a company; and clarify rating/underwriting factors that can be used and when (e.g. smoking and pre-65).

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 148-158](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Thomas A. Donovan at (208) 334-4214, or at Tom.Donovan@doi.idaho.gov.

DATED this 5th day of October, 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 – DEPARTMENT OF LANDS

20.07.01 – RULES OF PRACTICE AND PROCEDURE BEFORE THE IDAHO OIL AND GAS CONSERVATION COMMISSION

DOCKET NO. 20-0701-1601 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 47-317(8), Idaho Code, and 47-319(8), Idaho Code.

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

This rulemaking will repeal the entire rule. The Rules of Practice and Procedure before the Idaho Oil and Gas Conservation Commission have an effective date of 1992. They have been superseded by the Idaho Administrative Procedures Act, which was passed after 1992. In addition, several changes to administrative proceedings were signed into law with Senate Bill 1339 during the 2016 legislative session. As a result, 20.07.01 no longer governs actions by the Idaho Oil and Gas Conservation Commission. IDL may bring forward a new set of rules in the future that would govern proceedings before the Idaho Oil and Gas Conservation Commission.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was not published as it is being repealed. Notice of Proposed Rulemaking was published in the August 3rd, 2016 Idaho Administrative Bulletin, [Vol. 16-8, page 118](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Eric Wilson at 208-334-0261. Materials pertaining to the rulemaking can be found on the Idaho Department of Lands web site at the following web address: <http://www.idl.idaho.gov/rulemaking/index.html>. Please note that this rule is proposed to be repealed, therefore no draft changes are available.

DATED this 30th day of September, 2016.

Eric Wilson
Resource Protection and Assistance Bureau Chief
PO Box 83720
Boise, Idaho 83720
(208) 334-0261

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES

DOCKET NO. 26-0120-1601

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 Sections 67-4210, 67-4223, and 67-4249, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking has been scheduled and will be held by the Department. Participation in this public hearing will be available as follows:

- Attend the scheduled public hearing on November 21, 2016 at the address and time posted below to provide verbal comment, as well as via telephone during this same time.

Monday, November 21, 2016 – 6:00 to 7:00 PM (MST)

**Idaho Department of Parks & Recreation
5657 Warm Springs Avenue
Boise, ID 83716**

via telephone during this established public hearing time

**(208) 514-2259
Port Line: 7414**

- Provide written comment by November 21, 2016, by mailing to the P.O. Box address posted at the end of this notice.

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

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

The Idaho Department of Parks and Recreation proposes changes to IDAPA 26, Title 1, Chapter 20, Section 010.05(a) to increase the maximum capacity of motorcycles permitted on Idaho State Park campsites from two (2) to four (4).

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, page 181](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Keith Hobbs, (208) 514-2450.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 23, 2016.

DATED this 17th day of October, 2016.

Keith Hobbs, Operations Division Administrator
Idaho Department of Parks and Recreation
PO Box 83720
Boise 83720-0065
Phone: (208) 514-2450
Fax: (208) 334-5232

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 26-0120-1601
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. ADA Campsites and Facilities. (3-30-06)

a. ADA Designated Campsites. Campsites that have been designated and built to meet ADA accessibility requirements. These campsites are not managed exclusively for ADA use. (3-27-13)

b. ADA Accessible Facilities. IDPR offers some facilities that provide for ADA accessibility. These facilities are not managed exclusively for ADA use. (3-30-06)

02. Annual Motor Vehicle Entrance Fee. A sticker that allows a single motor vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)

a. The Annual Motor Vehicle Entrance Fee sticker expires December 31 of the year issued. (3-27-13)

b. The Annual Motor Vehicle Entrance Fee sticker may be purchased at any Idaho State Park, the Idaho Department of Parks and Recreation central or regional offices, or online. (3-27-13)

c. Automobiles, Trucks, Motorhomes. The sticker must be permanently affixed on the lower corner of the driver's side windshield. (3-27-13)

d. All-Terrain Vehicles (ATVs), Utility Type Vehicles (UTVs), Speciality Off-Highway Vehicles (SOHVs). The sticker must be permanently affixed on the rear fender. (3-27-13)

e. Motorbikes. The sticker must be permanently affixed on the rider's right fork. (3-27-13)

f. Snowmobiles. The sticker must be permanently affixed to the right side of the cowling located just below the hood, to the right of the validation sticker. It must be visible and legible at all times. (4-11-15)

03. Annual Motor Vehicle Entrance Fee Replacement. Replacement due to a motor vehicle sale or

- damage to an existing annual motor vehicle entrance fee sticker. (3-27-13)
- a. The applicant must apply at any Idaho State Park, at the Idaho Department of Parks and Recreation central or regional offices, or online for replacement sticker. (3-27-13)
 - b. Proof of purchase must be established. (3-27-13)
 - c. Display and placement of the replacement sticker will comply with Subsections 010.02.c. through 010.02.f. of this Chapter. (3-27-13)
- 04. Board.** The Idaho Park and Recreation Board, a bipartisan, six (6) member Board, appointed by the Governor. (3-13-97)
- 05. Camping Unit.** A camping unit is the combined equipment and people capacity that a site or facility will accommodate. (3-30-06)
- a. Campsites. Maximum capacity limits on each campsite are subject to each site's design and size. Unless otherwise specified, and provided the combined equipment and people fit within the designated camping area of the site selected, the maximum capacity will be one (1) family unit or a party of no more than eight (8) persons, two (2) tents and two (2) motor vehicles, or No more than one (1) RV or may occupy a site. Two (2) motorcycles, and up to two (2) tents, provided the combined equipment and people fit within the designated camping area of the site selected are the equivalent of one (1) motor vehicle when determining campsite capacity. Each motorcycle will be subject to the MVEF. (4-13)()
 - b. Facilities. Maximum capacity limits on each facility are subject to each facility's design and size. The combined equipment and people occupying a facility must fit within the designated areas of the facility selected. (3-30-06)
- 06. Camping Day.** (3-30-06)
- a. For individual and group campsites the period between 2 p.m. of one (1) calendar day and 1 p.m. of the following calendar day. (3-30-06)
 - b. For individual and group camping facilities, the period between 3 p.m. of one (1) calendar day and 12 noon of the following calendar day. (3-30-06)
- 07. Campsite.** (3-30-06)
- a. Individual. An area within an IDPR managed campground designated for camping use by an individual camping unit or camping party. (3-30-06)
 - b. Group. An area within an IDPR managed campground designated for group camping use or a block of individual campsites designated for group use within a campground primarily managed for individual use. (3-30-06)
 - c. Facility, Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)
 - d. Facility, Group. A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)
- 08. Day Use.** Use of any non-camping lands and/or facilities between the hours of 7 a.m. and 10 p.m. unless otherwise posted. (3-30-06)
- 09. Department.** The Idaho Department of Parks and Recreation. (1-1-94)
- 10. Designated Beach.** Waterfront areas designated by the park manager or designee for water-based

recreation activities. The length and width of each designated beach shall be visibly identified with signs. (3-30-06)

- 11. Designated Roads and Trails.** Facilities recognizable by reasonable formal development, signing, or posted rules. (3-7-03)
- 12. Director.** The Director and chief administrator of the Department, or the designee of the Director. (1-1-94)
- 13. Dock and Boating Facility.** Floats, piers, and mooring buoys owned or operated by the Department. (3-13-97)
- 14. Encroachments.** Non-recreational uses of lands under the control of the Board including any utilization for personal, commercial, or governmental use by a non-Department entity. (4-4-13)
- 15. Extra Vehicle.** An additional motor vehicle without built in sleeping accommodations registered to a camp site. (3-27-13)
- 16. Facilities.** (3-30-06)

 - a.** Individual. A camping structure within an IDPR managed campground or area designated for camping use by an individual camping party. (3-30-06)
 - b.** Group. A camping structure within an IDPR managed campground or area designated for group use. (3-30-06)
- 17. Group Use.** Twenty-five (25) or more people, or any group needing special considerations or deviations from normal Department rules or activities. (1-1-94)
- 18. Idaho State Parks Passport.** A sticker, purchased from any county Department of Motor Vehicles' office in the state of Idaho, that matches a particular motor vehicle license number and expiration date, allowing that vehicle to enter Idaho State Parks without being charged a motor vehicle entrance fee. (3-27-13)

 - a.** Idaho State Parks Passport sticker expires concurrent with the expiration of that vehicle's registration. (3-27-13)
 - b.** Display and placement of the Idaho State Parks Passport will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 19. Idaho State Parks Passport Replacement.** Replacement due to a motor vehicle registration transfer or damage to an existing passport. (3-27-13)

 - a.** The applicant must apply in person to their county Department of Motor Vehicles' office for this replacement sticker. (3-27-13)
 - b.** Display and placement of the replacement sticker will comply with Subsections 010.02.c. through 010.02.f. of this rule. (3-27-13)
- 20. Motor Vehicle.** Every vehicle that is self-propelled except for vehicles moved solely by human power and motorized wheelchairs. (3-27-13)
- 21. Motor Vehicle Entrance Fee (MVEF).** A fee charged for entry to or operation of a motor vehicle in an Idaho State Park. Day use expires at 10 p.m. on date of purchase or as posted; overnight camping use expires upon checkout which is 1 p.m. for a campsite and 12 noon for a facility. (3-27-13)
- 22. Overnight Use.** Use of any non-camping lands for the parking of motor vehicles or trailers not associated with a campsite between the hours of 10 p.m. and 7 a.m. unless otherwise posted. (4-4-13)

- 23. Overnight Use Fee.** A fee charged for overnight use of non-camping lands between the hours of 10 p.m. and 7 a.m. (4-4-13)
- 24. Park or Program Manager.** The person, designated by the Director, responsible for administering and supervising particular lands, facilities, and staff that are under the jurisdiction of the Department. (3-7-03)
- 25. Recreational Vehicle (RV).** A “recreational vehicle” means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are travel trailer, camping trailer, truck camper, fifth-wheel trailer, and motorhome. It does not include pickup hoods, shells, or canopies designed, created, or modified for occupational use. (Section 39, Idaho Code) (3-27-13)
- 26. Standard Amenities.** Campsite with no serviced amenities. (3-30-06)
- 27. Serviced Amenities.** Serviced campsite amenities includes water, electricity, or sewer. (3-30-06)
- 28. Primary Season.** The time of the year when the majority of use occurs at a park facility. (3-7-03)
- 29. Vessel.** Every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water, but not including float houses, diver’s aids operated and designed primarily to propel a diver below the surface of the water, and non-motorized devices not designed or modified to be used as a means of transportation on the water such as inflatable air mattresses, single inner tubes, and beach and water toys as defined in Section 67-7003(22), Idaho Code. (3-7-03)
- 30. Vessel Length.** The distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment. (3-13-97)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1606

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

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

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 67-5224 and 67-5291, Idaho Code.

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

Rule 995 - Certification of Sales Tax Distribution. The rule is changed to provide a consistent time frame for making the distribution to taxing districts once they become compliant with their reporting requirements under Idaho Code 67-450E(4)d.

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

Compliance with deadlines in amendments to governing law or federal programs, and confers a benefit to taxpayers.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alan Dornfest (208) 334-7742.

DATED this 5th day of October, 2016.

Alan Dornfest
Tax Policy Supervisor
Idaho State Tax Commission
800 Park Blvd., Plaza IV
PO Box 36
Boise, ID 83722-0410
(208) 334-7742

**THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 35-0103-1606
(Only Those Sections With Amendments Are Shown.)**

This rule has been adopted as a temporary rule by the Agency and is effective October 1, 2016.

995. CERTIFICATION OF SALES TAX DISTRIBUTION (RULE 995).
Section 63-3638, Idaho Code

01. Most Current Census. Population shall be from the most current population census or estimate of incorporated city populations available from "Table 4, Annual Estimates of the Resident Population for Incorporated Places in Idaho" and estimate of county populations from "Table 1, Annual Estimates of the Resident Population for

Counties of Idaho” available from the Bureau of the Census during the quarter of the year for which any distribution of sales tax money is to be made. If the State Tax Commission is notified that the Bureau of the Census has revised any city or county population estimates, the revised estimates shall be used for the distribution of sales tax money.

(4-4-13)

02. Market Value for Assessment Purposes. Market value for assessment purposes shall mean the market value certified to the State Tax Commission pursuant to Section 63-510, Idaho Code, and shall include homeowner’s exemptions and the value of personal property exempt pursuant to Section 63-602KK(2), Idaho Code, as determined for tax year 2013, and the amount of real and personal property value which exceeds the assessed value shown on the base assessment roll for a revenue allocation area as defined in Section 50-2903(15), Idaho Code, for the calendar year immediately preceding the current fiscal year.

(4-11-15)

03. Current Fiscal Year. For the purposes of this section, current fiscal year shall mean the current fiscal year of the state of Idaho. For distribution purposes, the current fiscal year shall begin with the distribution made in October, following collection of sales taxes in July, August, and September.

(3-30-01)

04. Incorporated City. Incorporated city shall, for the current fiscal year, have a duly elected mayor and city council.

(4-4-13)

05. Valuation Estimates. Valuation estimates for distribution of revenue sharing monies shall be updated at least annually. Updated estimates shall be used beginning with the October distribution.

(4-4-13)

06. Determination Date and Eligibility.

(4-11-15)

a. General eligibility. Except as provided in Paragraph 995.06.b. of this rule, the eligibility of each city for revenue sharing monies pursuant to Section 63-3638(10)(a), Idaho Code, shall be determined as of July 1 of the current year. Cities formed after January 1, 2001, shall also be entitled to a share of the money pursuant to the provisions of Section 63-3638(10)(c), Idaho Code.

(4-11-15)

b. Ineligibility as a result of non-compliance. Otherwise eligible taxing districts that are found to be out of compliance with the requirements of Section 67-450B, Idaho Code, or Section 67-450E, Idaho Code, shall be ineligible for distributions provided under Section 63-3638(10), Idaho Code, commencing with the next scheduled quarterly distribution following the tax commission's receipt of notification of non compliance and continuing until the distribution following the tax commission's receipt of notification of compliance. At that time the tax commission shall add to the current quarterly distribution any amount previously withheld under these provisions.

(4-11-15)

07. Quarterly Certification. Except if shares are required to be withheld pursuant to Sections 67-450B and 67-450E, Idaho Code, the State Tax Commission shall certify quarterly to each county clerk the base and excess shares of the distributions required pursuant to Section 63-3638(10)(c) and 63-3638(10)(d), Idaho Code, and the distributions to cities and counties required pursuant to Section 63-3638(10)(a) and 63-3638(10)(b), Idaho Code. Each county clerk shall calculate and certify the distribution of these monies to the eligible taxing districts based on the directives of the State Tax Commission.

(4-11-15)

a. City and County Base Shares. For cities and counties, the initial base share shall be the amount of money to which they were entitled for the fourth calendar quarter of 1999, based on the provisions of Section 63-3638(e), Idaho Code, as such section existed prior to July 1, 2000. In addition, the initial base share shall be adjusted proportionally to reflect increases that become available or decreases that occur, unless increases exceed five percent (5%) of the initial base share.

(3-30-01)

b. Special Purpose Taxing District Base Shares. For special purpose taxing districts the initial base share shall be the amount of money to which they were entitled for the fourth calendar quarter of 1999, based on the provisions of Section 63-3638(e), Idaho Code, as such section existed prior to July 1, 2000. Special purpose taxing district initial base shares shall be proportionally reduced to reflect decreases in the amount of sales tax available to be distributed.

(3-30-01)

c. Excess Shares. Excess shares shall be any amounts above the base share that any city, county or special purpose taxing district is entitled to receive pursuant to Section 63-3638(10)(c) or 63-3638(10)(d), Idaho

Code. These amounts shall not be subject to redistribution provisions of Section 40-801, Idaho Code. (4-6-05)

d. Shares Pursuant to Section 63-3638(10)(a) or 63-3638(10)(b), Idaho Code. Shares to be distributed pursuant to Section 63-3638(10)(a) or 63-3638(10)(b), Idaho Code, shall be termed “revenue sharing.” Such shares shall be subject to quarterly distribution and for this purpose, the one million three hundred twenty thousand dollars (\$1,320,000) distribution pursuant to Section 63-3638(10)(b)(i), Idaho Code, shall be considered an annual amount and shall be divided into four (4) equal shares. (4-6-05)

e. Amounts authorized to be paid to counties for redistribution to taxing districts shall be withheld if necessary to comply with the requirements of Sections 67-450B and 67-450E, Idaho Code. The tax commission shall identify the district for which amounts are being withheld and the amount being withheld. The county should notify the district accordingly and notify them that they will receive the withheld funds following a determination by the legislative services office that they are in compliance with the provisions of these statutes. Withheld funds will be distributed by the tax commission no later than the next quarterly sales tax distribution due date following receipt by the tax commission of a determination by the legislative services office that a previously non compliant taxing district is in compliance. ~~(4-11-15)~~(10-1-16)T

08. Notification of Value. The county auditor shall notify the State Tax Commission of the value of each taxing district and unit as specified in Section 63-510, Idaho Code. (3-30-01)

09. Corrections. (3-30-01)

a. When distributions have been made erroneously, corrections shall be made to the following quarterly distribution(s) so as to provide the quickest practicable restitution to affected taxing districts. Corrections shall be made to reconcile erroneous distributions made for the current fiscal year. Errors made in distributions for the last quarter of the current fiscal year shall be corrected as soon as practicable in distributions made for the following fiscal year. (4-6-05)

b. The State Tax Commission shall notify affected county clerks when the State Tax Commission becomes aware of an error in the distribution of the base or excess shares. (3-30-01)

c. The State Tax Commission shall notify affected cities or county clerks when the State Tax Commission becomes aware of an error in the distribution of city or county revenue sharing monies. (3-30-01)

IDAPA 42 – IDAHO WHEAT COMMISSION
42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION
DOCKET NO. 42-0101-1601
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 22-3309, Idaho Code.

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

Tuesday, November 8, 2016 - 3:00 PM

**CHS Primeland
1200 Snake River Avenue
Lewiston, ID**

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

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

The changes clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 – June 30). The report shall include the name and address of the grower and seller.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the June 1, 2016 Idaho Administrative Bulletin, **Vol. 16-6, pages 53-54**, and in the October 5, 2016 Administrative Bulletin, **Vol. 16-10, pages 750-751**.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Blaine Jacobson, Executive Director, at (208) 332-1612 or at blaine@idahowheat.org.

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 November 23, 2016.

DATED 20th day of October, 2016.

Blaine Jacobson, Executive Director
Idaho Wheat Commission
821 W. State St.
P. O. Box 82720
Boise, ID 83720-0099
Phone: (208) 334-2353 / Fax: (208) 334-2505

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 42-0101-1601
(Only Those Sections With Amendments Are Shown.)

300. WHEAT UNDER COMMODITY CREDIT CORPORATION LOANS.

01. Payee. The Commission will be named as payee to receive three and one half cents (\$.3½) per bushel when the producer's note and loan agreement is executed by the Farm Service Agency (FSA). In such cases, the lending agency will send the tax directly to the Commission. When the producer's note and loan agreement shows that the tax has been deducted and sent to the Commission, it will not be necessary for the buyer to deduct the tax when the wheat is purchased. (3-14-16)

02. Tax. Since the legislature has made the tax a lien prior to all other liens and encumbrances of the wheat, it is necessary for the grain buyer to make sure the tax has been paid in order to obtain clear title to the wheat. The tax should be deducted in all cases where there is not evidence that the tax was previously paid by a lending agency. In case errors occur and the tax is deducted by a lending agency and again deducted by a grain buyer, refund will be made by the Commission. (3-14-16)

03. Delivery of Documents to Commission. The first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 through June 30). The report shall be due on the same date as the final quarter wheat tax as specified in Section 22-3315(1), Idaho Code, and shall include the following: ()

a. Name or names of the grower and seller: and ()

b. Address or addresses of the grower and seller. ()

IDAPA 42 – IDAHO WHEAT COMMISSION
42.01.01 – RULES OF THE IDAHO WHEAT COMMISSION
DOCKET NO. 42-0101-1602
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 Section 22-3309, Idaho Code.

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

Tuesday, November 8, 2016 - 3:00 PM

**CHS Primeland
1200 Snake River Avenue
Lewiston, ID**

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

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

The changes clarify how the first purchaser of wheat reports compliance with the statute and the amount of wheat tax collected. The rulemaking clarifies that the first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 – June 30). The report shall include the number of bushels of wheat purchased, and the total wheat tax withheld from each purchase.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published under Docket No. 42-0101-1601 in the June 1, 2016 Idaho Administrative Bulletin, [Vol. 16-6, pages 53-54](#), and under Docket No. 42-0101-1601 in the October 5, 2016 Administrative Bulletin, [Vol. 16-10, pages 750-751](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Blaine Jacobson, Executive Director, at (208) 332-1612 or at blaine@idahowheat.org.

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 November 23, 2016.

DATED 20th day of October, 2016.

Blaine Jacobson, Executive Director
Idaho Wheat Commission
821 W. State St.
P. O. Box 82720
Boise, ID 83720-0099
Phone: (208) 334-2353 / Fax: (208) 334-2505

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 42-0101-1602
(Only Those Sections With Amendments Are Shown.)

300. WHEAT UNDER COMMODITY CREDIT CORPORATION LOANS.

01. Payee. The Commission will be named as payee to receive three and one half cents (\$.3½) per bushel when the producer's note and loan agreement is executed by the Farm Service Agency (FSA). In such cases, the lending agency will send the tax directly to the Commission. When the producer's note and loan agreement shows that the tax has been deducted and sent to the Commission, it will not be necessary for the buyer to deduct the tax when the wheat is purchased. (3-14-16)

02. Tax. Since the legislature has made the tax a lien prior to all other liens and encumbrances of the wheat, it is necessary for the grain buyer to make sure the tax has been paid in order to obtain clear title to the wheat. The tax should be deducted in all cases where there is not evidence that the tax was previously paid by a lending agency. In case errors occur and the tax is deducted by a lending agency and again deducted by a grain buyer, refund will be made by the Commission. (3-14-16)

03. Delivery of Documents to Commission. The first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission office at the end of each production year (July 1 through June 30). The report shall be due on the same date as the final quarter wheat tax as specified in Section 22-3315(1), Idaho Code, and shall include the following: ()

- a.** The number of bushels of wheat purchased; and ()
- b.** The total wheat tax withheld from each purchase. ()

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1601

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

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

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 276-280](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jodie Ellis, Executive Director, at (208) 332-8588.

DATED this 12th day of October, 2016.

Jodie Ellis
Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
Fax: (208) 332-8645

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-1603

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 11, 2016. This pending rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The pending rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution unless the rule is rejected.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

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

The rulemaking implements statutory authority for imposing a process and a fee for veterinary technicians to move their certifications from active to inactive, and back again; as well as establishing a renewal fee for an inactive certificate. The proposed rule has been changed to delete unnecessary and inaccurate citations to Idaho Code, and to add a verification fee applicable to technicians.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2016 Idaho Administrative Bulletin, [Vol. 16-9, pages 281-284](#).

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. The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-2105 and 54-2112, Idaho Code.

The rulemaking will impose a \$25 fee for a certified veterinary technician to remain on inactive status, and a \$50 fee to convert from inactive to active status. The \$25 renewal fee for an inactive certification is a reduction from the \$75 fee for active status. The \$50 reactivation fee is new. Also being added is a \$20 fee for a person to obtain written verification from the Board of a technician's certification.

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

The Board is a dedicated fund agency; there will be no impact on the state general fund. Any minimal reduction in renewal fees will likely be offset by those CVTs that go on inactive status versus not renewing their licenses. Therefore, the Board estimates that there will likely be no fiscal impact on the Board's dedicated fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, and amendment to temporary rule, contact Jodie Ellis, Executive Director, at (208) 332-8588.

DATED this 12th day of October, 2016.

Jodie Ellis, Executive Director
Board of Veterinary Medicine
Phone: (208) 332-8588 / Fax: (208) 332-8645

P. O. Box 7249
2270 Old Penitentiary Rd.
Boise, ID 83707

**DOCKET NO. 46-0101-1603- ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
Italicized red text that is ***double underscored*** is new text that has been added to the pending rule.
This is also an amendment to the pending rule text.

Only those sections or subsections that have changed from the original temporary/proposed text are printed in this Bulletin following this notice.

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, Volume 16-9, September 7, 2016, pages 281 through 284.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and final approval by the 2017 Idaho State Legislature.

[Section 014 is being reprinted in its entirety]

014. FEES.

Fees are established as authorized under Title 54, Chapter 21, Idaho Code, by action of the Board as follows:

- (7-1-97)
- 01. Veterinarian:** (3-18-99)
- a.** Application and Original License Fee (~~Section 54-2107, Idaho Code~~) - Two hundred seventy-five dollars (\$275). (~~3-21-12~~)(10-11-16)T
- b.** Annual Renewal Fee (~~Section 54-2112, Idaho Code~~). (~~3-18-99~~)(10-11-16)T
- i.** Active License -- One hundred seventy-five dollars (\$175); (3-21-12)
- ii.** Inactive License -- Fifty dollars (\$50). (3-18-99)
- c.** License Without Clinical Competency Test Fee (~~Section 54-2110, Idaho Code~~): (~~3-30-01~~)(10-11-16)T
- i.** Application and Original License Fee -- Two hundred seventy-five dollars (\$275); (3-21-12)
- ii.** Annual Renewal Fee: (3-30-01)
- (1)** Active License -- One hundred seventy-five dollars (\$175); (3-21-12)
- (2)** Inactive License -- Fifty dollars (\$50). (3-30-01)
- d.** Reinstatement/Late Fee (~~Section 54-2112, Idaho Code~~) -- Two hundred dollars (\$200). (~~3-21-12~~)(10-11-16)T
- e.** Reactivation Fee (restore inactive license to active status) – One hundred fifty dollars (\$150); (3-21-12)
- f.** Temporary Permit Fee (~~Section 54-2111, Idaho Code~~) -- One hundred fifty dollars (\$150).

- ~~(3-21-12)~~(10-11-16)T
- g. License Verifications ~~(Sections 54-2105(6) and 54-2112, Idaho Code)~~ -- Twenty dollars (\$20).
~~(3-21-12)~~(10-11-16)T
- 02. Veterinary Technician Certification Fee.** ~~(Section 54-2105(6)(d), Idaho Code).~~
~~(3-30-01)~~(10-11-16)T
- a. Application and Original Certification Fee -- One hundred twenty-five dollars (\$125). (3-21-12)
- b. Annual Renewal Fee ~~—Seventy-five dollars (\$75).~~ ~~(3-21-12)~~(7-1-16)T
- i. Active Certificate – Seventy-five dollars (\$75); (7-1-16)T
- ii. Inactive Certificate – Twenty-five dollars (\$25). (7-1-16)T
- c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- d. Reactivation Fee (restore inactive certificate to active status) – Fifty dollars (\$50). (7-1-16)T
- ~~e.~~ Temporary Permit Fee -- Fifty dollars (\$50). (3-18-99)
- f. Certificate Verifications – Twenty dollars (\$20). (10-11-16)T
- 03. Certified Euthanasia Agency Certification Fee.** ~~(Section 54-2105(6)(d), Idaho Code).~~
~~(3-30-01)~~(10-11-16)T
- a. Application and Original Certification Fee -- One hundred dollars (\$100). (3-30-01)
- b. Annual Renewal Fee -- Two hundred dollars (\$200). (3-21-12)
- c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- 04. Certified Euthanasia Technician Certification Fee.** ~~(Section 54-2105(6)(d), Idaho Code).~~
~~(3-30-01)~~(10-11-16)T
- a. Training and Certification Fee -- One hundred dollars (\$100). (3-30-01)
- b. Annual Renewal Fee -- One hundred dollars (\$100). (3-21-12)
- c. Reinstatement/Late Fee -- Fifty dollars (\$50). (3-21-12)
- 05. Duplicate License and Certificate Fee -- Twenty-Five Dollars (\$25).** When a new license, wall certificate or certification is issued for the purpose of changing the license or certificate holder's name, the request for name change must be accompanied by a copy of the court order or marriage license authorizing the name change and the current license, certification or original wall certificate shall be returned to the Board office. (3-30-01)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

UPPER SALMON RIVER SUBBASIN ASSESSMENT AND TOTAL MAXIMUM DAILY LOAD (TMDL): 2016 ADDENDUM AND FIVE-YEAR REVIEW (HUC ID 17060201)

DOCKET NO. 58-0000-1604

NOTICE OF FINAL DECISION

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Upper Salmon River Subbasin Assessment and Total Maximum Daily Load (TMDL): 2016 Addendum and Five-year Review.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Upper Salmon River Subbasin Assessment and TMDL: 2016 Addendum and Five-year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Upper Salmon River Subbasin Assessment and TMDL: 2016 Addendum and Five-year Review (Hydrologic Unit Code 17060201) establishes sixteen (16) temperature TMDLs, four (4) sediment TMDLs and one (1) E. coli TMDL on water quality impaired stream reaches (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls/salmon-river-upper-subbasin/> or by contacting Mark Shumar, TMDL Program Coordinator, (208) 373-0132, mark.shumar@deq.idaho.gov.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
TETON RIVER SUBBASIN 2016 TOTAL MAXIMUM DAILY LOAD (TMDL)
AND FIVE-YEAR REVIEW - (HUC ID 17040204)**

**DOCKET NO. 58-0000-1605
NOTICE OF FINAL DECISION**

AUTHORITY: In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Teton River Subbasin 2016 Total Maximum Daily Load (TMDL) and Five-year Review.

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Teton River Subbasin 2016 TMDL and Five-year Review. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality." The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Teton River Subbasin 2016 TMDL and Five-year Review (Hydrologic Unit Code 17040204) establishes ten (10) temperature TMDLs, six (6) sediment TMDLs and three (3) E. coli TMDLs on water quality impaired stream reaches (assessment units). DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

AVAILABILITY OF THE TMDL: Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/water-quality/surface-water/tmdls/table-of-sbas-tmdls/teton-river-subbasin>/or by contacting Mark Shumar, TMDL Program Coordinator, (208) 373-0132, mark.shumar@deq.idaho.gov.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1602

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2016, [Vol. 16-8, pages 130-133](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1602 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1603

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code. This rulemaking updates federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of Idaho's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act. It also updates citations to other federal regulations necessary to retain state primacy of Clean Air Act programs.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2016, [Vol. 16-8, pages 134-136](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0101-1603 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Carl Brown at carl.brown@deq.idaho.gov or (208) 373-0206.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 – RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-1601

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Sixty-fourth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2016, [Vol. 16-8, pages 137-143](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0105-1601 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Matt Alvarado at matt.alvarado@deq.idaho.gov or (208) 373-0554.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.07 – RULES REGULATING UNDERGROUND STORAGE TANK SYSTEMS

DOCKET NO. 58-0107-1601

NOTICE OF RULEMAKING – ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2017 Idaho State Legislature for final approval. Pursuant to Sections 67-5224(5)(c) and 67-5291, Idaho Code, this pending fee rule will not become final and effective until it has been approved by concurrent resolution of the legislature. If approved, the rule will become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Chapters 1 and 88, Title 39, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 3, 2016, [Vol. 16-8, pages 144-155](#). DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0107-1601 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it more stringent than federal regulations. This rule is broader in scope than federal regulations with respect to the collection of fees. In 2016, the Idaho Legislature revised Idaho Code § 39-8802(2)(d) to allow for collection of UST fees under Idaho Code § 39-119 (Senate Bill 1244).

FEE SUMMARY: DEQ must negotiate a fee structure to ensure there is sufficient funding to maintain an underground storage tank program and retain state program approval. Fees would not exceed one hundred dollars (\$100.00) per tank per year. Collection of UST fees is authorized by Idaho Code § 39-119. In 2016, the Idaho Legislature revised Idaho Code § 39-8802(2)(d) to allow for collection of UST fees under Idaho Code § 39-119 (Senate Bill 1244).

FISCAL IMPACT STATEMENT: 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 when the pending rule will become effective: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Kristi Lowder at kristi.lowder@deq.idaho.gov or (208) 373-0347.

Dated this 2nd day of November, 2016.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
(208) 373-0418 / Fax No. (208) 373-0481
paula.wilson@deq.idaho.gov

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.02.01 – RULES FOR THE JUDGES' RETIREMENT FUND

DOCKET NO. 59-0201-1602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2017 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session unless the rule is approved or rejected in part by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved or rejected in part by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 1-2012, Idaho Code.

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

Add new Subsection .05 to rule 101 to make clear that the IRC section 415 limitation on benefits applies to the combined benefits from all plans if a member participates in two or more qualified defined benefit plans maintained by the employer (or a predecessor employer). This change is being made pursuant to requirement of the IRS pursuant to the receipt of the determination letter received in December of 2015. The current section 415(b) limit (for 2016) is \$210,000.

There are no changes to the pending rule and it is being adopted as originally proposed. The complete text of the proposed rule was published in the May 4, 2016 Idaho Administrative Bulletin, [Vol. 16-5, pages 79-80](#).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cheryl George, (208) 287-9271.

DATED this 14th day of October, 2016.

Don Drum
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th Street, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: (208) 287-9230
Fax: (208) 334-3408

Sections Affected Index

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.10.01 – Rules Governing the Damage Prevention Board, Division of Building Safety

Docket No. 07-1001-1601 (New Chapter, Fee Rule)

000. Legal Authority.....	19
001. Title And Scope.....	19
002. Written Interpretations.....	19
003. Administrative Appeals.....	19
004. Incorporation By Reference.....	19
005. Office – Office Hours – Mailing Address And Street Address.....	19
006. Public Records Act Compliance.....	19
007. Funding Of Board Activities.....	19
008. Audit Of One-Number Service Records.....	20
009. -- 999. (Reserved).....	20

IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE

18.01.50 – Adoption of the International Fire Code

Docket No. 18-0150-1601

019. Section 202, International Fire Code.....	26
020. Sky Lanterns, Section 308.1.6.3, International Fire code.....	26

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION

26.01.20 – Rules Governing the Administration of Park and Recreation Areas and Facilities

Docket No. 26-0120-1601

010. Definitions.....	30
-----------------------	----

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - Property Tax Administrative Rules

Docket No. 35-0103-1606

995. Certification Of Sales Tax Distribution (Rule 995).....	34
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IDAPA 42 – IDAHO WHEAT COMMISSION

42.01.01 – Rules of the Idaho Wheat Commission

Docket No. 42-0101-1601

300. Wheat Under Commodity Credit Corporation Loans.....	38
--	----

Docket No. 42-0101-1602

300. Wheat Under Commodity Credit Corporation Loans.....	40
--	----

IDAPA 46 – BOARD OF VETERINARY MEDICINE

46.01.01 – Rules of the State of Idaho Board of Veterinary Medicine

Docket No. 46-0101-1603

014. Fees.....	43
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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The written comment submission deadline is November 2, 2016 unless otherwise noted.
Public hearing request deadline is November 23, 2016 unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 07 – DIVISION OF BUILDING SAFETY PO Box 83720, Meridian, ID 83542

07-1001-1601, Rules Governing the Damage Prevention Board. (Temp & Prop) Establishes new rules to prevent damage to underground facilities throughout the state and imposes a fee on underground facility owners for participation in a one-number notification system that provides notice to facility owner of proposed excavation; fees offset costs for regulation and administration of program. (Eff. 12-1-16)T

IDAPA 26 – IDAHO DEPARTMENT OF PARKS AND RECREATION PO Box 83720, Boise, ID 83720-0065

26-0120-1601, Rules Governing the Administration of Park and Recreation Areas and Facilities. Increases the maximum capacity of motorcycles permitted on Idaho State Park campsites from two to four and clarifies campsite capacity limits.

IDAPA 42 – IDAHO WHEAT COMMISSION 821 W. State St., Boise, ID 83702

42.01.01 - Rules of the Idaho Wheat Commission

***42-0101-1601, (*PH)** Clarifies that the first purchaser of wheat shall complete and return the Report of Tax on Wheat, or equivalent, to the Commission at the end of each production year (July 1 – June 30); the report shall include the name and address of the grower and seller.

***42-0101-1602, (*PH)** Requires to Report of Tax to include the number of bushels of wheat purchased, and the total wheat tax withheld from each purchase.

NOTICES OF ADOPTION OF TEMPORARY RULE

Idaho State Tax Commission

35-0103-1606, Property Tax Administrative Rules (eff. 10-1-16)T

NOTICE OF INTENT TO PROMULGATE A RULE – NEGOTIATED RULEMAKING

Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors

10-0102-1701, Rules of Professional Responsibility (Mtg scheduled for 1-10-17)

Please refer to the Idaho Administrative Bulletin, [November 2, 2016, Volume 16-11](#), for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at adminrules.idaho.gov.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Fax: 332-1896; Email: rulescoordinator@adm.idaho.gov

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

July 1, 1993 -- Present

[CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES](#)

This online index provides a history of all agency rulemakings beginning with the first Administrative Bulletin in July 1993 to the most recent Bulletin publication. It tracks all rulemaking activities on each chapter of rules by the rulemaking docket numbers and includes negotiated, temporary, proposed, pending and final rules, public hearing notices, vacated rulemaking notices, notice of legislative actions taken on rules, and executive orders of the Governor.

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

*Office of the Administrative Rules Coordinator
Idaho Department of Administration*

March 25, 2016 -- November 2, 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 01 -- IDAHO BOARD OF ACCOUNTANCY

01.01.01, Idaho Accountancy Rules

01-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9

IDAPA 02 -- IDAHO DEPARTMENT OF AGRICULTURE

02.02.14, Rules for Weights and Measures

02-0214-1601 Proposed Rulemaking, Bulletin Vol. 16-7

02-0214-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (eff. PLR 2017)

02.04.08, Rules Governing Grade A Milk and Milk Products

02-0408-1601 Proposed Rulemaking, Bulletin Vol. 16-7

02-0408-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

02.04.14, Rules Governing Dairy Waste

02-0414-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0414-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.04.15, Rules Governing Beef Cattle Animal Feeding Operations

02-0415-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0415-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.04.16, Rules Governing Agriculture Odor Management

02-0416-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0416-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.04.18, Rules Governing CAFO Site Advisory Team

02-0418-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02.04.19, Rules Governing Domestic Cervidae

02-0419-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0419-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.04.21, Rules Governing the Importation of Animals

02-0421-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0421-1602 Adoption of Temporary Rule, Bulletin Vol. 16-8 (Eff. 7-1-16)T

02-0421-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.04.30, Rules Governing Nutrient Management

02-0430-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02.04.31, Rules Governing the Stockpiling of Agricultural Waste

02-0431-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02.04.32, Rules Governing Poultry Operations

02-0432-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02-0432-1601 Proposed Rulemaking, Bulletin Vol. 16-10

02.06.02, Rules Pertaining to the Idaho Commercial Feed Law

02-0602-1601 Proposed Rulemaking, Bulletin Vol. 16-7

02-0602-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

02.06.12, Rules Pertaining to the Idaho Fertilizer Law

- 02-0612-1601** Proposed Rulemaking, Bulletin Vol. 16-7
02-0612-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

02.06.21, Rules for Voluntary Public Services of the Idaho Department of Agriculture Laboratories

- 02-0621-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

02.06.22, Noxious Weed Rules

- 02-0622-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
02-0622-1601 Proposed Rulemaking, Bulletin Vol. 16-9
02-0622-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
02-0631-1602 Proposed Rulemaking, Bulletin Vol. 16-9
02-0631-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (PLR 2017)

02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

- 02-0641-1601** Proposed Rulemaking, Bulletin Vol. 16-7
02-0641-1601 Adoption of Pending Rule, Bulletin Vol. 16-9 (PLR 2017)

IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS***05.01.03, Rules of the Custody Review Board***

- 05-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9

IDAPA 06 -- STATE BOARD OF CORRECTION***06.01.02, Rules of Correctional Industries***

- 06-0102-1601** Notice of Proclamation of Rulemaking, Bulletin Vol. 16-9 (eff. 10-7-16)

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
07-0106-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07.02.02, Rules Governing Plumbing Permits

- 07-0202-1601** Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

07.02.05, Rules Governing Plumbing Safety Licensing

- 07-0205-1601** Proposed Rulemaking, Bulletin Vol. 16-9

07.02.06, Rules Concerning the Idaho State Plumbing Code

- 07-0206-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
07-0206-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07.02.07, Rules Governing Civil Penalties

07-0207-1601 Proposed Rulemaking, Bulletin Vol. 16-9

07.03.01, Rules of Building Safety

07-0301-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-3

07-0301-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07.05.01, Rules of the Public Works Contractors License Board

07-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems

07-0701-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

07-0701-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07-0701-1602 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

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

07-0801-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0802-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0803-1601 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10

**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

07-0804-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0805-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0806-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0807-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0808-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

07-0809-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0810-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0811-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0812-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0813-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0814-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0815-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
07-0816-1601 Proposed Rulemaking, Bulletin Vol. 16-10

07.10.01, Rules Governing the Damage Prevention Board

- 07-1001-1601** Temporary and Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 16-11 (eff. 12-1-16)T

***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 a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-7
08-0102-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T

08.01.04, Residency

- 08-0104-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
08-0104-1601 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10 (eff. 8-11-16)T

08.01.09, Rules Governing the GEAR UP Idaho Scholarship Program

- 08-0109-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
08-0109-1601 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-10

08.02.01, Rules Governing Administration

- 08-0201-1601*** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*Rulemaking Terminated)
08-0201-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

- 08-0201-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0201-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0201-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0201-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0201-1604 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1603 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0202-1605 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 08-0202-1606 *Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (docket pulled prior to publication)*
- 08-0202-1607 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0202-1602 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1603 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1604 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1605 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0202-1607 Proposed Rulemaking, Bulletin Vol. 16-10

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*)
- 08-0203-1504 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1602* *Notice of Intent to Promulgate a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1604 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 08-0203-1605 Notice of Intent to Promulgate a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6 (*Rulemaking Terminated)*
- 08-0203-1608 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1609 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0203-1610 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1611 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 08-0203-1604 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1605 Proposed Rulemaking, Bulletin Vol. 16-8
- 08-0203-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1603 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T
- 08-0203-1608 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1609 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1610 Proposed Rulemaking, Bulletin Vol. 16-10
- 08-0203-1611 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-11-16)T

08.02.05, Rules Governing Pay for Success Contracting

- 08-0205-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 08-0205-1601 Proposed Rulemaking (New Chapter), Bulletin Vol. 16-10

08.05.01, Rules Governing Seed and Plant Certification - Regents of the University of Idaho

- 08-0501-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 09 -- IDAHO DEPARTMENT OF LABOR**09.01.30, Unemployment Insurance Benefits Administration Rules**

- 09-0130-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

- 09-0130-1601 Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0130-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

09.01.35, Unemployment Insurance Tax Administration Rules

- 09-0135-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 09-0135-1601 Proposed Rulemaking, Bulletin Vol. 16-9
- 09-0135-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

***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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0101-1603 Adoption of Temporary Rule, Bulletin Vol. 16-7 (Eff. 7-6-16)T
- 10-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
- 10-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

10.01.02, Rules of Professional Responsibility

- 10-0102-1601 Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5
- 10-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-8
- 10-0102-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)
- 10-0102-1701 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-11

IDAPA 11 -- IDAHO STATE POLICE***Idaho State Racing Commission******11.04.02, Rules Governing Simulcasting***

- 11-0402-1601 Proposed Rulemaking, Bulletin Vol. 16-10

11.04.03, Rules Governing Licensing and Fees

- 11-0403-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-10

Peace Officer Standards and Training (POST) Council***11.11.01, Rules of the Idaho Peace Officer Standards and Training Council***

- 11-1101-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 11-1101-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T

11.11.02, Rules of the Idaho POST Council for Juvenile Detention Officers

- 11-1102-1601 Proposed Rulemaking, Bulletin Vol. 16-10

11.11.04, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers

- 11-1104-1601 Proposed Rulemaking, Bulletin Vol. 16-10

Idaho State Police Commercial Vehicle Safety***11.13.01, The Motor Carrier Rules***

- 11-1301-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-15-16)T
- 11-1301-1602 Proposed Rulemaking, Bulletin Vol. 16-10

11-1301-1603 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 12 -- DEPARTMENT OF FINANCE

12.01.08, Rules Pursuant to the Uniform Securities Act (2004)

- 12-0108-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 12-0108-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8
- 12-0108-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act

- 12-0110-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 13 -- IDAHO FISH AND GAME COMMISSION

13.01.02, Rules Governing Hunter Education and Mentored Hunting

- 13-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-10

13.01.07, Rules Governing the Taking of Upland Game Animals

- 13-0107-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10

13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho

- 13-0108-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 13-0108-1602 Notice of Proclamation of Rulemaking, Bulletin Vol. 16-8
- 13-0108-1601 Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0108-1603 Proposed Rulemaking, Bulletin Vol. 16-10

13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho

- 13-0109-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
- 13-0109-1602 Proposed Rulemaking, Bulletin Vol. 16-10
- 13-0109-1603P Notice of Proposed Proclamation, Bulletin Vol. 16-10

13.01.11, Rules Governing Fish

- 13-0111-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-8-16)T
- 13-0111-1602P Notice of Proposed Proclamation, Bulletin Vol. 16-10

13.01.13, Rules Governing the Taking of American Crow in the State of Idaho

- 13-0113-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10

13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

- 13-0116-1601P Notice of Proposed Proclamation, Bulletin Vol. 16-10

13.01.17, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

- 13-0117-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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

Division of Human Resources and Personnel Commission***15.04.01, Rules of the Division of Human Resources and Idaho Personnel Commission***

15-0401-1601 Proposed Rulemaking, Bulletin Vol. 16-10

Idaho Military Division***Idaho Public Safety Communications Commission******15.06.01, Rules Governing the Idaho Public Safety Communications Commission***

15-0601-1601* Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission*”
to: “*Rules Governing the Idaho Public Safety Communications Commission*”

15-0601-1601* Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

15.06.02, Rules Governing the Idaho Public Safety Communications Commission Grants

15-0602-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

15-0602-1601 Proposed Rulemaking, Bulletin Vol. 16-8

15-0602-1602* Temporary and Proposed Rulemaking, Bulletin Vol. 16-8 (eff. 7-1-16)T

*Rulemaking changes name of chapter from: “*Rules Governing the Idaho Emergency Communications Commission Grants*”
to: “*Rules Governing the Idaho Public Safety Communications Commission Grants*”

15-0602-1601 Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

15-0602-1602* Adoption of Pending Rule, Bulletin Vol. 16-10 (eff. PLR 2017)

Idaho Office of Emergency Management***15.06.06, Rules Governing Use of Disaster Emergency Account Funds***

15-0606-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8

15-0606-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***16.01.02, Emergency Medical Services (EMS) - Rule Definitions***

16-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16.01.03, Emergency Medical Services (EMS) -- Agency Licensing Requirements

16-0103-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

16-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16-0103-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 8-18-16)T

16.01.06, Emergency Medical Services (EMS) -- Date Collection and Submission Requirements

16-0106-1601 Proposed Rulemaking, Bulletin Vol. 16-9

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

16-0107-1501 OAR Omnibus Notice of Legislative Action - Extension of Temporary Rule by SCR 127, Bulletin Vol. 15-5

16-0107-1501 Vacation of Proposed Rulemaking, Bulletin Vol. 15-8

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

16-0107-1601 Proposed Rulemaking, Bulletin Vol. 16-9

16.02.01, Rules of the Idaho Time Sensitive Emergency System Council

16-0201-1601 Proposed Rulemaking, Bulletin Vol. 16-10

16.02.02, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission

[16-0202-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.02.19, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code)

[16-0219-1601](#) Proposed Rulemaking, Bulletin Vol. 16-9

16.03.03, Rules Governing Child Support Services

[16-0303-1601](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

[16-0303-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.03.04, Rules Governing the Food Stamp Program in Idaho

[16-0304-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

[16-0305-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.03.08, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program

[16-0308-1601](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

[16-0308-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.03.09, Medicaid Basic Plan Benefits

[16-0309-1601](#) Proposed Rulemaking, Bulletin Vol. 16-10

[16-0309-1602](#) Proposed Rulemaking, Bulletin Vol. 16-10

16.03.10, Medicaid Enhanced Plan Benefits

[16-0310-1601](#) Temporary and Proposed Rulemaking, Bulletin Vol. 16-6 (eff. 1-1-16)T

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4

[16-0319-1601](#) (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

[16-0319-1601](#) Proposed Rulemaking, Bulletin Vol. 16-9

16.03.22, Residential Care or Assisted Living Facilities in Idaho

[16-0322-1601](#) Notice of Intent to Promulgate a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4

[16-0417-1601](#) (Second) Notice of Intent to Promulgate Rules - Negotiated Rulemaking, Bulletin Vol. 16-5

16.05.06, Criminal History and Background Checks

[16-0506-1602](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

[16-0506-1601](#) Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-7 (eff. 7-1-16)T

[16-0506-1602](#) Proposed Rulemaking, Bulletin Vol. 16-9

16.05.07, The Investigation and Enforcement of Fraud, Abuse, and Misconduct

[16-0507-1601](#) Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4

[16-0507-1601](#) Temporary and Proposed Rulemaking, Bulletin Vol. 16-7 (eff. 7-1-16)T

16.06.01, Child and Family Services

[16-0601-1601](#) Proposed Rulemaking, Bulletin Vol. 16-9

16.06.12, Rules Governing the Idaho Child Care Program (ICCP)

- 16-0612-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
16-0612-1601 Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 10-1-16)T

16.07.19, Behavioral Health Peer Specialist and Family Support Partner Certification

- 16-0719-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
16-0719-1601 Proposed Rulemaking, Bulletin Vol. 16-10

16.07.37, Children's Mental Health Services

- 16-0737-1601** Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 18 -- DEPARTMENT OF INSURANCE***18.01.10, Producers Handling of Fiduciary Funds***

- 18-0110-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
18-0110-1601 Proposed Rulemaking, Bulletin Vol. 16-9
18-0110-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

18.01.29, Restrictions on Discretionary Clauses in Health Insurance Contracts

- 18-0129-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7.

18.01.48, Rule to Implement the Privacy of Consumer Financial Information

- 18-0148-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 9-1-16)T

18.01.50, Adoption of the International Fire Code

- 18-0150-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
18-0150-1601 Proposed Rulemaking, Bulletin Vol. 16-9
18-0150-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

- 18-0154-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
18-0154-1601 Proposed Rulemaking, Bulletin Vol. 16-9
18-0154-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

18.01.56, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules

- 18-0156-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8
18-0156-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 19 -- BOARD OF DENTISTRY***19.01.01, Rules of the Idaho State Board of Dentistry***

- 19-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
19-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
20-0214-1601 Proposed Rulemaking, Bulletin Vol. 16-8

20.03.16, Rules Governing Oil and Gas Leasing on Idaho State Lands

- 20-0316-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
20-0316-1601 Proposed Rulemaking, Bulletin Vol. 16-10

20.07.01, Rules of Practice and Procedure Before the Idaho Oil And Gas Conservation Commission

- 20-0701-1601** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 16-8
20-0701-1601 Adoption of Pending Rule (Chapter Repeal), Bulletin Vol. 16-11 (eff. PLR 2017)

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
20-0702-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 22 -- BOARD OF MEDICINE

22.01.03, Rules for the Licensure of Physician Assistants

- 22-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 23 -- BOARD OF NURSING

23.01.01, Rules of the Idaho Board of Nursing

- 23-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
23-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-10
23-0101-1602 Temporary and Proposed Rulemaking, Bulletin Vol. 16-10 (eff. 8-1-16)T

IDAPA 24 -- BUREAU OF OCCUPATIONAL LICENSES

24.01.01, Rules of the Board of Architectural Examiners

- 24-0101-1601** Proposed Rulemaking, Bulletin Vol. 16-10

24.03.01, Rules of the State Board of Chiropractic Physicians

- 24-0301-1601** Proposed Rulemaking, Bulletin Vol. 16-10

24.08.01, Rules of the State Board of Morticians

- 24-0801-1601** Temporary and Proposed Rulemaking, Bulletin Vol. 16-9 (eff. 7-12-16)T

24.10.01, Rules of the State Board of Optometry

- 24-1001-1601** Proposed Rulemaking, Bulletin Vol. 16-10

24.12.01, Rules of the State Board of Psychologist Examiners

- 24-1201-1601** Proposed Rulemaking, Bulletin Vol. 16-10

24.16.01, Rules of the State Board of Dentistry

- 24-1601-1601** Proposed Rulemaking, Bulletin Vol. 16-10

24.17.01, Rules of the State Board of Acupuncture

- 24-1701-1601** Proposed Rulemaking, Bulletin Vol. 16-10

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
24-1801-1602 Proposed Rulemaking, Bulletin Vol. 16-10

24.19.01, Rules of the Board of Residential Care Facility Administrators

24-1901-1601 Proposed Rulemaking, Bulletin Vol. 16-10

24.22.01, Rules of the Idaho State Liquefied Petroleum Gas Safety Board

24-2201-1601 Proposed Rulemaking, Bulletin Vol. 16-10

24.23.01, Rules of the Speech and Hearing Services Licensure Board

24-2301-1601 Proposed Rulemaking, Bulletin Vol. 16-10

24.25.01, Rules of the Idaho Driving Businesses Licensure Board

24-2501-1601 Proposed Rulemaking, Bulletin Vol. 16-10

24.27.01, Rules of the Idaho State Board of Massage Therapy

24-2701-1601 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 26 -- DEPARTMENT OF PARKS AND RECREATION

26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities

26-0120-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-9

26-0120-1601 Proposed Rulemaking, Bulletin Vol. 16-11

IDAPA 27 -- BOARD OF PHARMACY

27.01.01, Rules of the Idaho State Board of Pharmacy

27-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

27-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9

27-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-9

27-0101-1603 Proposed Rulemaking, Bulletin Vol. 16-9

27-0101-1604 Proposed Rulemaking, Bulletin Vol. 16-9

27-0101-1605 Adoption of Temporary Rule, Bulletin Vol. 16-9 (eff. 8-13-16)T

27-0101-1606 Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 28 -- DEPARTMENT OF COMMERCE

28.02.07, Rules Governing the Administration of the IGEN Grant Program

28-0207-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

31-4602-1601 Proposed Rulemaking, Bulletin Vol. 16-9

IDAPA 35 -- STATE TAX COMMISSION

35.01.01, Income Tax Administrative Rules

35-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

35-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-10

35.01.02, Idaho Sales and Use Tax Administrative Rules

- 35-0102-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0102-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 35-0102-1601** Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0102-1602** Proposed Rulemaking, Bulletin Vol. 16-10
- 35-0102-1603** Proposed Rulemaking, Bulletin Vol. 16-10

35.01.03, Property Tax Administrative Rules

- 35-0103-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
- 35-0103-1602** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0103-1603** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7
- 35-0103-1604** Adoption of Temporary Rule, Bulletin Vol. 16-8 (eff. 7-1-16)T
- 35-0103-1601** Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1602** Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1603** Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1605** Proposed Rulemaking, Bulletin Vol. 16-9
- 35-0103-1606** Adoption of Temporary Rule, Bulletin Vol. 16-11 (eff. 10-1-16)T

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 a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
- 35-0110-1601** Proposed Rulemaking, Bulletin Vol. 16-10

35.02.01, Tax Commission Administration and Enforcement Rules

- 35-0201-1601** Proposed Rulemaking, Bulletin Vol. 16-10

IDAPA 37 -- DEPARTMENT OF WATER RESOURCES***37.03.13, The Water Management Rules***

- 37-0313-9701** Notice of Intent to Promulgate a Rule - 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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
- 38-0501-1601** Proposed Rulemaking, Bulletin Vol. 16-10

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")

39.03.06, Rules Governing Allowable Vehicle Size

- 39-0306-1601** Proposed Rulemaking, Bulletin Vol. 16-9

39.03.11, Rules Governing Overlegal Permittee Responsibility and Travel Restrictions

39-0311-1601 Proposed Rulemaking, Bulletin Vol. 16-9

39.03.12, Rules Governing Safety Requirements of Overlegal Permits

39-0312-1601 Proposed Rulemaking, Bulletin Vol. 16-9

39.03.15, Rules Governing Excess Weight Permits for Reducible Loads

39-0315-1601 Proposed Rulemaking, Bulletin Vol. 16-10

39.03.22, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up To 129,000 Pound Vehicle Combinations

39-0322-1601 Proposed Rulemaking, Bulletin Vol. 16-9

39.03.23, Rules Governing Revocation of Overlegal Permits

39-0323-1601 Proposed Rulemaking, Bulletin Vol. 16-9

IDAPA 42 -- IDAHO WHEAT COMMISSION

42.01.01, Rules of the Idaho Wheat Commission

42-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

42-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (2nd Notice), Bulletin Vol. 16-10

42-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-11

42-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-11

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

46-0101-1602 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

46-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9

46-0101-1603 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-9 (eff. 7-1-16)T

46-0101-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

46-0101-1603 Adoption of Pending Fee Rule and Amendment to Temporary, Bulletin Vol. 16-11 (eff. 10-11-16)T (eff. PLR 2017)

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

47-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-10

47.01.02, Rules and Minimum Standards Governing Extended Employment Services

47-0102-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

47-0102-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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 a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6

48-0101-1601 Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7 (2nd Notice)

48-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9

IDAPA 50 -- COMMISSION FOR PARDONS AND PAROLE***50.01.01, Rules of the Commission of Pardons and Parole***

- 50-0101-1601** Proposed Rulemaking (Rulemaking pulled and not published)
50-0101-1602 Adoption of Temporary Rule, Bulletin Vol. 16-10 (eff. 8-8-16)T

IDAPA 55 -- DIVISION OF CAREER TECHNICAL EDUCATION

(Senate Bill 1210 enacted 7/1/16 changed the name of the Division from Professional Technical Education to Career Technical Education)

55.01.03, Rules for Career-Technical Schools

- 55-0103-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-6
55-0103-1601 Proposed Rulemaking, Bulletin Vol. 16-10

55.01.05, Rules Governing Industry Partner Fund

- 55-0105-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-7

IDAPA 57 -- SEXUAL OFFENDER MANAGEMENT BOARD***57.01.01, Rules of the Sexual Offender Management Board***

- 57-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-8
57-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-10

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
58-0000-1604 Upper Salmon River Subbasin Assessment and Total Maximum Daily Load (TMDL): 2016 Addendum and Five-Year Review (HUC ID 17060201) Bulletin Vol. 16-11
58-0000-1605 Teton River Subbasin 2016 Total Maximum Daily Load (TMDL) and Five-year Review - (HUC ID 17040204) Bulletin Vol. 16-11

58.01.01, Rules for the Control of Air Pollution in Idaho

- 58-0101-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-5
58-0101-1602 Proposed Rulemaking, Bulletin Vol. 16-8
58-0101-1603 Proposed Rulemaking, Bulletin Vol. 16-8
58-0101-1601 Proposed Rulemaking, Bulletin Vol. 16-9
58-0101-1604 Proposed Rulemaking, Bulletin Vol. 16-9
58-0101-1602 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)
58-0101-1603 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

58.01.02, Water Quality Standards

- 58-0102-1502** Notice of Intent to Promulgate a Rule - 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)

58.01.05, Rules and Standards for Hazardous Waste

- 58-0105-1601** Proposed Rulemaking, Bulletin Vol. 16-8
58-0105-1601 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

58.01.07, Rules Regulating Underground Storage Tank Systems

- 58-0107-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking, Bulletin Vol. 16-4
58-0107-1601 Proposed Rulemaking (Fee Rule), Bulletin Vol. 16-8
58-0107-1601 Adoption of Pending Fee Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

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
59-0201-1602 Adoption of Pending Rule, Bulletin Vol. 16-11 (eff. PLR 2017)

IDAPA 61 -- STATE PUBLIC DEFENSE COMMISSION

61.01.01, Rules Governing the Administration of Training Funds Allocation for Defending Attorneys

- 61-0101-1601** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 16-8 (eff. 7-1-16)T

61.01.07, Rules Governing the Standards for Defending Attorneys that Utilize Idaho's Principles of an Indigent Defense Delivery System

- 61-0107-1601** Notice of Intent to Promulgate a Rule - Negotiated Rulemaking (New Chapter), Bulletin Vol. 16-8
61-0107-1601 Proposed Rulemaking, Bulletin Vol. 16-10

Subject Index

A

Audit Of One-Number Service
Records 20

C

Camping Day, Definitions 31
Certification Of Sales Tax
Distribution 34
Corrections 36
Current Fiscal Year 35
Determination Date & Eligibility 35
Incorporated City 35
Market Value for Assessment
Purposes 35
Most Current Census 34
Notification of Value 36
Quarterly Certification 35
Valuation Estimates 35

D

Definitions, IDAPA 26.01.20 30
ADA Accessible Facilities 30
ADA Campsites & Facilities 30
Board 31
Camping Day 31
Camping Unit 31
Campsite 31
Day Use 31
Department 31
Designated Beach 31
Designated Roads & Trails 32
Director 32
Dock & Boating Facility 32
Encroachments 32
Extra Vehicle 32
Facilities 32
Group Use 32
Motorized Vehicle 32
Overnight Use 32
Overnight Use Fee 33
Park or Program Manager 33
Primary Season 33
Serviced Amenities 33
Standard Amenities 33
Vessel 33
Vessel Length 33

F

Fees 43
Certified Euthanasia Agency
Certification Fee 44
Certified Euthanasia Technician
Certification Fee 44
Duplicate License and Certificate Fee
-- Twenty-Five Dollars (\$25) 44
Veterinarian 43
Veterinary Technician Certification
Fee 44
Funding Of Board Activities 19
Civil Penalties 20
Fee Assessed 19
Notices Issued 19
Payment Submission 19

S

Section 202, International Fire
Code 26
Driveway 26
Fire Code Official 26
Fire Station 26
Sky Lanterns, Section 308.1.6.3,
International Fire Code 26
Sky lantern permit 26
Untethered Sky lanterns 26

W

Wheat Under Commodity Credit
Corporation Loans 38, 40
Delivery of Documents to
Commission 38, 40
Payee 38, 40
Tax 38, 40