# IDAHO ADMINISTRATIVE BULLETIN

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Preface

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

1. NEGOTIATED RULEMAKING

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

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

**Last day to submit a proposed rule in order to have the rulemaking completed and submitted for review by legislature.
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|          | 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, State  
| IDAPA 59 | Public Employee Retirement System of Idaho (PERSI)  
| IDAPA 31 | Public Utilities Commission  
| IDAPA 56 | Rangeland Resources Commission, Idaho  
| IDAPA 33 | Real Estate Commission, Idaho  
| IDAPA 34 | Secretary of State, Office of the  
| IDAPA 57 | Sexual Offender Management Board  
| IDAPA 49 | Shorthand Reporters Board, Idaho Certified  
| IDAPA 60 | Soil and Water Conservation Commission, Idaho State  

<table>
<thead>
<tr>
<th>IDAPA Number</th>
<th>Agency Name</th>
<th>Corresponding IDAPA Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>IDAPA 36</td>
<td>Tax Appeals, Board of</td>
<td></td>
</tr>
<tr>
<td>IDAPA 35</td>
<td>Tax Commission, State</td>
<td></td>
</tr>
<tr>
<td>IDAPA 39</td>
<td>Transportation Department, Idaho</td>
<td></td>
</tr>
<tr>
<td>IDAPA 54</td>
<td>Treasurer, Office of the State</td>
<td></td>
</tr>
<tr>
<td>IDAPA 21</td>
<td>Veterans Services, Division of</td>
<td></td>
</tr>
<tr>
<td>IDAPA 46</td>
<td>Veterinary Medical Examiners, Board of</td>
<td></td>
</tr>
<tr>
<td>IDAPA 47</td>
<td>Vocational Rehabilitation, Division of</td>
<td></td>
</tr>
<tr>
<td>IDAPA 37</td>
<td>Water Resources, Department of</td>
<td></td>
</tr>
<tr>
<td>IDAPA 42</td>
<td>Wheat Commission</td>
<td></td>
</tr>
</tbody>
</table>
EFFECTIVE DATE: The effective date of the temporary rule is February 8, 2017.

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 22-103(21) and 22-2006, Idaho Code.

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

There is a need to relax the cull onion disposal rule because of severe weather and heavy snowfall which collapsed onion storage sheds and packing buildings. The volume of onions to be disposed of across the onion growing region is significant and flexibility is needed in order to accommodate the challenges facing packing sheds and growers. Governor Otter declared an emergency in Washington County. Onion sheds have collapsed in Owyhee, Canyon, and Payette counties as well. The rule is limited to temporarily suspending the March 15 disposal deadline. All other disposal requirements remain in place. ISDA intends to rescind the temporary rule once the emergency is over.

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

Protection of the public health, safety, or welfare.

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 Lloyd Knight, Plant Industries, (208) 332-8664.

Dated this 8th day of February, 2017.

Brian Oakey
Deputy Director
Idaho Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701-0790
Phone: (208) 332-8552
Fax: (208) 334-2710
THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 02-0617-1701
(Only Those Sections With Amendments Are Shown.)

070. DISPOSITION OF CULL ONIONS.
All cull onions existing in the control area shall be disposed of by a method approved of in Section 071 of this rule, to prevent sprouting. Disposal of all existing cull onions and debris must be completed prior to March 15th of each year; provided, however, that in the case of onions sorted on or after March 15th of each year, the cull onions resulting therefrom shall be disposed of within one (1) week after such sorting regardless of the disposal method. The Department shall only enforce the cull onion disposal portions of this rule from March 15th through July 1st of each year as soon as reasonably possible.

071. DISPOSAL METHODS.
The intent of Section 071 of the rule is to control the spread of the onion maggot and related onion diseases. All disposal methods listed in Section 071 must be carried out to the extent that control of the regulated pest(s) is achieved in order to be in compliance with this rule.

01. Disposal by Covering in Dumps or Pits.
   a. Cull onions disposed of by being dumped in pits shall be managed and covered as recommended by the University of Idaho Agricultural Extension Service.
   b. Covering shall be accomplished by March 15th of each year as soon as reasonably possible or as provided in Section 070 of this rule.

02. Disposal by Feeding After March 15th of Each Year.
   a. Sheep or goats shall be fed no more than fifty-three (53) pounds of cull onions per individual animal per day. Cull onions shall be fed from either bunks or by spreading throughout the pasture or feedlot. Cull onions shall not be fed from piles.
   b. Cattle shall be fed a ration containing no more than twenty-five percent (25%) cull onions on a dry matter basis.
   c. Onion debris shall be completely removed from feeding areas and buried under twelve (12) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible.
   d. In the case of residues of onion debris two (2) inches or less in depth, or onions tramped into the soil so that they cannot be removed, such areas shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible.
   e. Feeding areas and areas where onions are buried shall be treated in the manner set out in Section 071.
   f. Cattle and sheep being finished for market or dairy cattle shall not be fed forage or grains grown on feeding areas treated in the manner set forth in Section 071.

03. Disposal by Composting. Cull onions being composted shall be covered by twelve (12) inches or more of onion-free soil or composting material until the onions have turned to compost.

04. Disposal of Residue in Onion Producing Fields.
   a. Commercial onion fields where sort-out bulbs are left at harvest shall be disked and plowed as deep
as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

b. Following final seed harvest, seed bulbs shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year. (4-11-06)

05. Disposal by Chopping or Shredding. Cull onions that have been chopped or shredded to the point that they are incapable of sprouting, shall be disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil by March 15th of each year as soon as reasonably possible. (4-11-06) (2-8-17)

06. Disposal by Spreading. Cull Onions may be disposed of by being spread on agricultural fields destined to be planted to a crop other than onions provided the onions are disked and plowed as deep as possible, and such that all onions and debris are buried under eight (8) inches or more of onion-free soil. (4-11-06)
AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 39-4107 and 39-4109, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Building Code Board, and are scheduled as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, April 25, 2017</td>
<td>9:30 a.m. (MDT)</td>
<td>Idaho Division of Building Safety</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1090 E. Watertower, Suite 150 Meridian, ID 83642</td>
</tr>
<tr>
<td>Tuesday, June 27, 2017</td>
<td>9:30 a.m. (MDT)</td>
<td>Idaho Division of Building Safety via VIDEO-TELECONFERENCE</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Same Dates and Times as Above) at the Following Division of Building Safety Locations:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Coeur d’Alene Regional Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1250 Ironwood Drive, Suite 220 Coeur d’Alene, Idaho 83814</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pocatello Regional Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2055 Garrett Way, Bldg. 1, Suite 4 Pocatello, Idaho 83201</td>
</tr>
</tbody>
</table>

During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Division of Building Safety website [http://dbs.idaho.gov/](http://dbs.idaho.gov/).

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Building Code Board on designated forms available at the Division of Building Safety website [http://dbs.idaho.gov/](http://dbs.idaho.gov/) and at the DBS offices in Meridian, Coeur d’Alene, and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Building Code Board will allow oral comments or presentations to be made. The Division is also aware of a collaborative group working on ideas for submission to the Board. You may contact the group by contacting Ron Whitney at the Division of Building Safety. Mr. Whitney's email address is Ron.Whitney@dbs.idaho.gov.

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

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

Pursuant to Sections 39-4107 and 39-4109, Idaho Code, the Idaho Building Code Board has the authority through the promulgation of rules to adopt and amend building codes which establish the building construction and
safety standards in the state of Idaho. These codes include the International Building Code, Idaho Residential Code, Idaho Energy Conservation Code, and the International Existing Building Code. The Building Code Board desires to amend provisions of these codes or adopt new editions of such codes as it determines necessary through the negotiated rulemaking process. The Board seeks the participation of the affected industry, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption and amendments to these codes for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, if available, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Building Code Board by April 17, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 17th day of February, 2017.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
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 addressing cable assisted logging systems in the State of Idaho. The Division of Building Safety desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-2601A, Idaho Code.

MEETING SCHEDULE: A public meeting on the negotiated rulemaking will be held by the Idaho Division of Building Safety, and is scheduled as follows:

<table>
<thead>
<tr>
<th>Wednesday, April 19, 2017 - 3:00 p.m. (PDT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>via VIDEO-TELECONFERENCING at the following locations:</td>
</tr>
<tr>
<td>DEQ Coeur d’Alene Regional Office</td>
</tr>
<tr>
<td>2110 Ironwood Parkway</td>
</tr>
<tr>
<td>Coeur d’Alene, ID 83814</td>
</tr>
<tr>
<td>DEQ Lewiston Regional Office</td>
</tr>
<tr>
<td>1118 F Street</td>
</tr>
<tr>
<td>Lewiston, ID 83501</td>
</tr>
</tbody>
</table>

Participation in the meeting will also be made available throughout the state via teleconference at a telephone number provided on the Division of Building Safety website: http://dbs.idaho.gov/. During the public meeting on April 19, 2017, additional negotiated rulemaking meetings may be established by the Division, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website http://dbs.idaho.gov/.

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Division of Building Safety, Logging Safety Program on designated forms available at the Division of Building Safety website http://dbs.idaho.gov/ and at the DBS offices in Meridian, Coeur d’Alene, and Pocatello, Idaho. Individuals may also attend the public meeting to be conducted on the above date during which the Division will allow oral comments or presentations to be made. You may contact the Division by contacting Ron Whitney at the Division of Building Safety. Mr. Whitney’s email address is Ron.Whitney@dbs.idaho.gov.

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

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

Pursuant to Section 67-2601A, Idaho Code, the Administrator of the Idaho Division of Building Safety has the authority to promulgate rules adopting minimum logging safety standards and procedures for conducting logging inspections and safety training. The Division desires to establish a new chapter of rules related to cable assisted (or tethered) logging systems, also known as steep-slope logging, as well as amend provisions of the existing logging safety rules as it determines necessary through the negotiated rulemaking process. Specifically, the Division seeks to
establish machine and equipment, line, and operational safety standards applicable to the practice of cable-assisted logging in Idaho. The Division seeks the participation of the affected industry, interested parties, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of logging safety rules for application in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety by April 7, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 1st day of February, 2017.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 55-2203, 55-2208 and 55-2211, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held by the Idaho Damage Prevention Board, and are scheduled as follows:

<table>
<thead>
<tr>
<th>Thursday, March 23, 2017 9:30 a.m. (MDT)</th>
<th>Thursday, May 25, 2017 9:30 a.m. (MDT)</th>
<th>Thursday, July 13, 2017 9:30 a.m. (MDT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Division of Building Safety</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1090 E. Watertower, Suite 150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meridian, ID 83642</td>
<td></td>
<td></td>
</tr>
<tr>
<td>via VIDEO-TELECONFERENCE (Same Dates and Times as Above) at the Following Division of Building Safety Locations:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coeur d'Alene Regional Office</td>
<td>Pocatello Regional Office</td>
<td></td>
</tr>
<tr>
<td>1250 Ironwood Drive, Suite 220</td>
<td>2055 Garrett Way, Bldg. 1, Suite 4</td>
<td></td>
</tr>
<tr>
<td>Coeur d’Alene, Idaho 83814</td>
<td>Pocatello, Idaho 83201</td>
<td></td>
</tr>
</tbody>
</table>

During the scheduled public meetings, additional negotiated rulemaking meetings may be established by the Board, if necessary. Adequate notice of the dates, locations, and manner of participation of any such meeting will be posted on the Division of Building Safety website [http://dbs.idaho.gov/](http://dbs.idaho.gov/).

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

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Idaho Damage Prevention Board on designated forms available at the Division of Building Safety website [http://dbs.idaho.gov/](http://dbs.idaho.gov/) and at the DBS offices in Meridian, Coeur d’Alene and Pocatello, Idaho. Individuals may also attend the public meetings to be conducted on the above dates during which the Idaho Damage Prevention Board will allow oral comments or presentations to be made.

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

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principle issues involved:
Pursuant to Sections 55-2203, 55-2208 and 55-2211, Idaho Code, the Idaho Damage Prevention Board has the authority through the promulgation of rules to provide for the following: the adoption of training programs on pertinent underground facility damage topics for general use and remedial training pursuant to Section 55-2211, Idaho Code; a process for reviewing the adequacy of facility owners internal performance measures; a process for reviewing and improving technologies and analyzing data related to underground facilities; the forms and procedures to be used for submitting complaints related to damage to underground facilities; the fines to be paid for civil penalties imposed for violations of Title 55, Chapter 22, Idaho Code; a procedure for processing claims of underground facility damage; and the reporting of information to the Board related to damage to underground facilities or excavator downtime. The Board seeks the participation of the affected industry, all interested stakeholders, enforcement jurisdictions, and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules related to the prevention of damage to underground facilities in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a copy of the preliminary draft of the text of the proposed rule, contact Ron Whitney, Deputy Administrator – Division of Building Safety (208) 332-7150. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the DBS website at http://dbs.idaho.gov/.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments, questions, recommendations, and ideas must be directed to the undersigned and must be submitted on the appropriate form to the Division of Building Safety or the Idaho Damage Prevention Board by March 20, 2017. Forms may be submitted via email to neg.rules@dbs.idaho.gov.

DATED this 30th day of January, 2017.

Ron Whitney, Deputy Administrator
Division of Building Safety
1090 E. Watertower St., Ste. 150
P. O. Box 83720
Meridian, ID 83642
Phone: (208) 332-7150
Fax: (877) 810-2840
IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME
13.01.09 – RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO
DOCKET NO. 13-0109-1701
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: 36-104(b)(5), Idaho Code.

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

<table>
<thead>
<tr>
<th>Tuesday, March 7th, 2017</th>
<th>6:00 p.m. (MST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best Western Inn</td>
<td>800 N. Overland Ave</td>
</tr>
<tr>
<td>Burley, ID 83318</td>
<td></td>
</tr>
</tbody>
</table>

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:

Respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To be considered, responses must be received by March 22, 2017.

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

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

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

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

Decades ago the Department closed several areas around the state to goose hunting. These areas were designed to give migrating goose populations a place to stop over and not be hunted (i.e., refuge), to meet a management objective to keep migrating geese around longer for hunting. Goose populations at the time were much lower than current populations.

The Department proposes to eliminate the goose hunting closure in the area upstream of Milner Dam. The area currently closed to goose hunting in the area up stream of Milner Dam is open for duck hunting and has been for decades.

The number of migrating geese throughout the Snake River Valley has increased substantially over the past several decades; therefore, a goose closure is no longer warranted. Removing this closure may provide additional goose hunting opportunities.
The purpose of the proposed rule is to increase goose hunting opportunities in the area upstream of Milner Dam.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to obtain a preliminary draft copy of the rule text (if available), contact Jeff Knetter (208) 334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Department of Fish and Game web site at the following web address: https://idfg.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 March 22, 2017.

DATED this 30th day of January, 2017.

Jeff Knetter
Upland Game and Migratory Game Bird Coordinator
Idaho Department of Fish and Game
600 S. Walnut
Boise, ID 83707
Phone: (208) 334-2920
Fax: (208) 334-2114
jeff.knetter@idfg.idaho.gov
AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 63-105A, Idaho Code, and Section 63-802, Idaho Code.

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

1. Attend the negotiated rulemaking meeting(s) and participate in the negotiation process,
2. Attend through a teleconference,
3. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting, and/or
4. Submit written recommendations and comments to the address below.

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

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

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

Property Tax Rule 509 – This rule amendment will define the term “abstract” and will explain the verification process by clarifying the requirement that the abstract(s) be signed by the county auditor and assessor.

Property Tax Rule 609 – The examples of partial ownership relative to the homeowner’s exemption will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 619 - The application due date (March 15) listed in Rule 619 conflicts with the application due date (April 15) in I. C. 63-602 for the air or water pollution control equipment exemption for properties assessed by the county assessor. It is proposed in the rule that the application due date in Rule 619 be changed to April 15.

Property Tax Rule 700 - The examples of partial ownership relative to the property tax reduction program (circuit breaker program) will be clarified depending upon the ultimate determination of whether a community property ownership represents 66 2/3% or 50% share when a property is owned by a husband and wife and other person(s).

Property Tax Rule 804 - This is an issue with respect to determining when there is a “new” bond that does not generate revenue for an urban renewal agency. There is a need to clarify how the refinancing of debt is to be handled in the levy setting process when the refinancing replaces bonded debt which existed as of December 31, 2007. A new paragraph will be added stating that when debt which existed as of December 31, 2007 is refinanced, the refinanced debt is not to be treated as new debt for levy setting purposes.

Property Tax Rule 995 - The rule will provide consistency to the process of paying taxing districts that were not in compliance, but are now in compliance, for withheld sales tax funds under Section 67-450E(d) Idaho Code. This rule adds the time frame for when the payment of withheld sales tax funds will be paid to the now complying taxing district. The payments will be made by no later than the next quarterly sales tax distribution.
CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

All written comments must be directed to the address below.

DATED this 7th day of February, 2017.

Alan Dornfest
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7742
Sections Affected Index

IDAPA 02 – DEPARTMENT OF AGRICULTURE
02.06.17 – Rules Governing the Disposal of Cull Onions and Potatoes

Docket No. 02-0617-1701

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

There are no proposed rules being promulgated or published in this month’s Bulletin.

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: (208) 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

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
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(Index of Current and Active Rulemakings)

Office of the Administrative Rules Coordinator
Idaho Department of Administration

March 25, 2016 -- March 1, 2017

(ef. PLR) - Final Effective Date Is Pending Legislative Review
(ef. date)L - Denotes Adoption by Legislative Action
(ef. date)T - Temporary Rule Effective Date
SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)
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