

IDAHO ADMINISTRATIVE BULLETIN

June 6, 2018 – Vol. 18-6

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IDAHO ADMINISTRATIVE BULLETIN

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PREFACE

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

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

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

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

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

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

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

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

THE DIFFERENT RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

1. NEGOTIATED RULEMAKING

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

2. PROPOSED RULEMAKING

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

3. TEMPORARY RULEMAKING

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

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

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

4. PENDING RULEMAKING

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

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

5. FINAL RULEMAKING

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

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

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

IDAPA 38.05.01.200.02.c.ii.

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

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

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

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

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

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

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

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

DOCKET NUMBERING SYSTEM

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

“DOCKET NO. 38-0501-1401”

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

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

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

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

(BREAK IN CONTINUITY OF SECTIONS)

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2018

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

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2019

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

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

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

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IDAPA 42	Wheat Commission

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2018-04

THE PACIFIC NORTHWEST ECONOMIC REGION IDAHO COUNCIL

WHEREAS, the Pacific Northwest Economic Region (PNWER) was established by statute in 1991 within the organization's seven original legislative districts of Idaho, Washington, Oregon, Montana, Alaska in the United States, and British Columbia and Alberta in Canada, including the additions of Saskatchewan and the Yukon Territory and the Northwest Territories;

WHEREAS, the vision of the PNWER was to establish a collaborative region-wide bi-national organization to address common issues and interests;

WHEREAS, the Governors and Premiers were added to the governance structure in 1993, with the private sector, nonprofit organizations and nongovernmental organizations added to the working group structure in 1994;

WHEREAS, the PNWER Working Groups currently include many areas essential to Idaho's economy and social structure, including: agriculture, Arctic caucus, cross-border livestock health, border issues, security and disaster resilience, energy transmission, renewable energy, environment, health care, innovation, invasive species, sustainable development, telecom, trade and economic development, transportation, tourism, water policy, workforce development; and

WHEREAS, the public and private sectors of Idaho could significantly benefit from a designated council to coordinate the efforts of and establish regular communications amongst and between the Idaho entities and the PNWER entities.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby create the Pacific Northwest Economic Region Idaho Council.

1. *The Idaho Council shall consist of the following members:*
 - a. *The Lieutenant Governor or their designee;*
 - b. *Two representatives from the Department of Commerce, including the Director or their designee;*
 - c. *Two representatives from the Idaho Department of Transportation, including the Director or their designee;*
 - d. *Two representatives of the Idaho Department of Agriculture, including the Director or their designee;*
 - e. *The Director of the Idaho Office of Emergency Management, or their designee;*
 - f. *The Administrator of the Idaho Office of Energy and Mineral Resources;*
 - g. *Three members of the Idaho Senate, including representation by the minority party, as chosen by the President Pro Tempore;*
 - h. *Three members of the Idaho House of Representatives, including representation by the minority party, as chosen by the Speaker of the House;*
 - i. *Up to ten members representing the private sector as chosen by PNWER subject to the approval of the Governor;*
 - j. *Designees of Idaho's Universities as chosen by PNWER subject to the approval of the Governor.*
2. *The Idaho Council's responsibilities including the following:*
 - a. *Design and develop an Idaho agenda of programs of interest in PNWER;*
 - b. *Provide leadership regarding Idaho's needs and opportunities related to domestic and international trade and business and government relations amongst PNWER participating entities;*

- c. *Encourage the participation of Idaho's private, nonprofit and nongovernmental sector in PNWER initiatives;*
 - d. *Strengthen relations with other PNWER entities by participating in and recognizing, to the extent possible, significant events and milestones such as elections, commemorations and awards.*
3. *Unless stated otherwise, members of the Council shall be appointed by and serve at the pleasure of the Governor.*
 4. *The Lieutenant Governor or their designee shall serve as the Chair of the PNWER Idaho Council subject to the approval of the Governor.*
 5. *The PNWER Idaho Council shall be coordinated by a Director, chosen and remunerated by PNWER subject to the approval of the Governor.*
 6. *The PNWER Idaho Council shall have regular communications as determined by the majority of the Committee and bi-annual meetings called by the Chair and organized by the Director.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 19th day of April, in the year of our Lord two thousand and eighteen and of the Independence of the United States of America the two hundred forty-second and of the Statehood of Idaho the one hundred twenty-eighth.

C.L. "BUTCH" OTTER
GOVERNOR

LAWRENCE DENNEY
SECRETARY OF STATE

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.01.04 – RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-112, Idaho Code.

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

PUBLIC MEETING
Tuesday, June 26, 2018 – 1:00 to 5:00 p.m.

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

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

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

Interested individuals may attend the public meeting to be conducted on the above date during which the Idaho State Department of Agriculture will allow oral comments or presentations to be made. Individuals or organizations may also submit written comments, questions or recommendations to the Idaho State Department of Agriculture addressed to Leah M. Clark, Trade Specialist, Market Development Division.

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

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

The Idaho Wine Commission has requested that the requirements for wineries to qualify for Idaho Preferred® be changed from 95% Idaho grapes to 75% Idaho grapes.

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 Leah M. Clark, Trade Specialist, Market Development Division (208) 332-8684. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the ISDA website at the following web address: www.agri.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 1st day of May, 2018.

Brian Oakey
Deputy Director
Phone: (208) 332-8550
Fax: (208) 334-2710

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.02.14 – RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 71-111, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

To incorporate by reference the 2019 edition of the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices. And, to incorporate by reference the 2019 edition of the National Institute of Standards and Technology Handbook 133, Checking the Net Contents of Packaged Goods. NIST documents are available online at <https://www.nist.gov/pml/weights-and-measures/publications>.

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

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: IDSA does not anticipate any fiscal impact from the changes to be made to the Rule during this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because of the simple nature of the proposed amendments. These incorporations by reference are routinely updated to reflect the most current versions.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: These documents are recognized nationally as primary reference documents. Incorporating the most current versions promotes uniformity throughout the United States.

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

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 30th day of April, 2018.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0214-1801
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 201~~8~~⁹ edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, “Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices,” hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (3-28-18)()

02. Required Reference Materials for Checking Prepackaged Commodities. The ~~4th~~ 2019 ~~E~~^e edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, “Checking the Net Contents of Packaged Goods,” hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)()

03. Specifications for Diesel Fuel and Biodiesel Fuel. American Society of Testing and Materials (ASTM) D975-16a, “Standard Specification for Diesel Fuel Oils,” and ASTM D6751-15ce¹, “Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels,” intended for blending with diesel fuel are hereby incorporated by reference and are the specifications for diesel fuel and biodiesel fuel blend stock (B100 biodiesel). (3-28-18)

04. Specifications for Gasoline. American Society of Testing and Materials (ASTM) D4814-16ce¹, “Standard Specification for Automotive Spark-Ignition Engine Fuel”, dated November 15, 2016, is hereby incorporated by reference and is the specification for gasoline. (3-28-18)

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.09 – RULES GOVERNING MILK AND CREAM PROCUREMENT AND TESTING

DOCKET NO. 02-0409-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Title 37, Chapter 5, Idaho Code.

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

PUBLIC MEETINGS		
Monday, June 18, 2018 1:00 - 5:00 p.m. (MDT)	*Tuesday, July 10, 2018 1:00 - 5:00 p.m. (MDT)	*Tuesday, July 24, 2018 1:00 - 5:00 p.m. (MDT)
Idaho State Department of Agriculture 2270 Old Penitentiary Road Boise, ID 83712		

**The second and third meeting will only be convened if rule negotiations are not completed in the first meeting.*

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

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

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

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

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

This rule change is a result of a joint petition received from the Milk Producers of Idaho, Idaho Dairymen’s Association and the Idaho Milk Processors Association to clarify language in the rule regarding the definition of terms, sample tolerance standards, enforcement protocols and the recertification process for labs that fail to meet performance standards.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 1st day of May, 2018.

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.04.14 – RULES GOVERNING DAIRY BYPRODUCT

DOCKET NO. 02-0414-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

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

PUBLIC MEETINGS		
Wednesday, June 27, 2018 1:00 - 5:00 p.m. (MDT)	Wednesday, July 11, 2018 1:00 - 5:00 p.m. (MDT)	Wednesday, July 25, 2018 1:00 - 5:00 p.m. (MDT)

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

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

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

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

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

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

This rule change is a result of two petitions submitted to amend this rule. The first petition, received from the Milk Producers of Idaho and Idaho Farm Bureau, seeks to remove the sunset clause from Section 004.31 and allow dairy producers the option to select either phosphorus indexing or phosphorus threshold to monitor dairy nutrient management. The second petition, received from the Idaho Dairymen’s Association, seeks for a margin of error to be provided for in the enforcement standards for phosphorus levels permitted in the soil. The margin of error is meant to compensate for the variability of current laboratory soil testing methods. Incorporation of the NRCS Nutrient Management Code 590 reference document for phosphorus regulation will also be addressed in this negotiation.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 4th day of May, 2018.

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.02 – RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 27, 2018.

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

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

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

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

The proposed changes incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Feed Control Officials (AAFCO) as they pertain to the methodology and practice of conducting regulatory commercial feed registration and label review and will update standards, ingredients and definitions in the current rule and publication to make them congruent with the new publication.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email jared.stuart@isda.idaho.gov.

DATED this 2nd day of May, 2018.

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

02.06.12 – RULES PERTAINING TO THE IDAHO FERTILIZER LAW

DOCKET NO. 02-0612-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 27, 2018.

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

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

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

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

The proposed changes incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory fertilizer registration and label review and will update standards, ingredients and definitions in the current rule and publication to make them congruent with the new publication.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email jared.stuart@isda.idaho.gov.

DATED this 2nd day of May, 2018.

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

IDAPA 02 – DEPARTMENT OF AGRICULTURE

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

DOCKET NO. 02-0641-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 22-2204, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 27, 2018.

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

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

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

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

The proposed changes incorporate by reference information and updates contained in the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) as they pertain to the methodology and practice of conducting regulatory soil and plant amendment registration and label review and will update standards, ingredients and definitions in the current rule and publication to make them congruent with the new publication.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Jared Stuart, Agriculture Section Manager at (208) 332-8622 or email jared.stuart@isda.idaho.gov.

DATED this 2nd day of May 2018.

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

IDAPA 07 – DIVISION OF BUILDING SAFETY

07.05.01 – RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1907 and 54-1910, Idaho Code.

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

PUBLIC MEETING
Monday, July 9, 2018 – 9:30 a.m. (MDT)

1090 E. Watertower St., Suite 150
Meridian, ID 83642

via VIDEO-TELECONFERENCE (Same Dates and Times as Above)
at the Following Division of Building Safety Locations:

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

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

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

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

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

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

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

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

Pursuant to Sections 54-1907 and 54-1910, Idaho Code, the Board or Division has the authority, through the promulgation of rules, to require a public works contractor to be connected to an individual qualified by examination (QI) and suspend the license of a contractor without a QI. The Board desires to amend provisions of the existing rules of the Public Works Contractors License Board in Idaho through the negotiated rulemaking process. Specifically, the Board would like to define a QI and determine, in rule, the “reasonable length of time” a contractor’s license will

remain in force under section 54-1910(a), Idaho Code. In addition, the Board would like to clarify, in rule, that notice that a contractor's QI has ceased to be connected with the contractor must be provided to the administrator on forms prescribed by the administrator. The Board seeks the participation of the affected industry, other interested parties and the public at large in this rulemaking process to ensure that due consideration is given to the varying views about the adoption of rules of the Public Works Contractors License Board for application in Idaho.

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

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered by July 2, 2018.

DATED this 3rd day of May, 2018.

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

IDAPA 08 – STATE BOARD OF EDUCATION

08.01.13 – RULES GOVERNING THE OPPORTUNITY SCHOLARSHIP PROGRAM

DOCKET NO. 08-0113-1801

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 19, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 33-4303, Idaho Code.

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

SB1279 (2018) amended Section 33-4303, Idaho Code, allowing the Board to award up to 20% of the funds appropriated for the Idaho Opportunity Scholarship to students with 24 or more postsecondary credits. In order to make awards to this population of students for the 2018-2019 school year (in FY 2019), amendments need to be made to the existing student eligibility requirements and deadlines for the Opportunity Scholarship. Identified changes necessary for making awards during this first academic year include amendments to the application deadline and FAFSA completion deadline, minimum grade point average, and establishing the amount of time this population of students needs to be out of school prior to being eligible for the scholarship.

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

This temporary rule will convey a benefit by allowing scholarship funds to be awarded to “Adult Learners” during FY 2019 and will bring the rule into conformance with the new scholarship provisions created in SB1279 (2018).

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 4th day of May, 2018.

Tracie Bent
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0113-1801
(Only Those Sections With Amendments Are Shown.)

010. DEFINITIONS.

01. Adult Learner. Means an individual who: (4-19-18)T

a. Is not currently enrolled in a postsecondary institution accredited by a body recognized by the State Board of Education; (4-19-18)T

b. Has not attended a postsecondary institution at any time during the twenty-four (24) month period immediately prior to application for the Opportunity Scholarship; and (4-19-18)T

c. Has earned twenty-four (24) or more transferable credits from a postsecondary institution accredited by a body recognized by the State Board of Education. (4-19-18)T

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

03. Graduation Plan. Means a plan developed by the postsecondary student in consultation with the postsecondary institution that identifies the certificate or degree the student is pursuing, the course and credit requirements necessary for earning the certificate or degree, how the application of previously earned credits and credits granted through prior learning assessments will be applied to the certificate or degree, the estimated number of terms remaining to complete the certificate or degree and the proposed courses to be taken during each term. (4-19-18)T

011. -- 100. (RESERVED)

101. ELIGIBILITY.

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

01. Undergraduate Student. An eligible student must be pursuing their first undergraduate certificate or degree. Other than an Adult Learner, A student may have received multiple certificates or degrees as part of the natural progression towards a recognized baccalaureate degree program. A student who is enrolled in a graduate program, but who has not yet earned a baccalaureate degree, is not eligible for an opportunity scholarship. A student enrolled in an undergraduate program is eligible for consideration for an opportunity scholarship, even if some of the student's courses are at the graduate level. A student meeting the definition of an Adult Learner must be pursuing their first undergraduate certificate or degree. (3-20-14)(4-19-18)T

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

a. A student who has not yet graduated from secondary school or its equivalent in the state of Idaho must have an un-weighted minimum cumulative grade point of average of ~~three two point zero seven (32.07)~~ or better on a scale of four point zero (4.0) to be eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. Home schooled students must provide a transcript of subjects taught and grades received signed by the parent or guardian of the student; or (3-28-18)(4-19-18)T

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

c. A student currently enrolled in an eligible Idaho postsecondary educational institution must have a minimum cumulative grade point average of ~~three two~~ point ~~zero seven~~ (~~32.07~~) or better on a scale of four point zero (4.0) at such institution in order to be academically eligible to apply for an opportunity scholarship. Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) place. (~~3-28-18~~)(4-19-18)T

d. An Adult Learner must have a minimum cumulative grade point average of two point seven (2.7) or higher on a scale of four point zero (4.0). Cumulative grade point averages of more than one (1) decimal place shall be rounded to one (1) decimal place. (4-19-18)T

03. Financial Eligibility. Applicants for the opportunity scholarship are selected as recipients, in part, based on of demonstrated financial need. The tool used to determine financial need is the Free Application for Federal Student Aid (FAFSA), used by the United States Department of Education. The financial need of an applicant for an opportunity scholarship will be based upon the verified expected family contribution, as identified by the FAFSA Student Aid report. The Student Aid report used to calculate financial need will be the report generated on the ~~March 1~~ application deadline. (~~3-28-18~~)(4-19-18)T

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

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

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

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

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

iii. Upon review of the student's academic transcript(s), the student cannot complete their degree/certificate in the major they have identified within two (2) semesters based on normal academic course load unless a determination by the executive director or designee has been made that there are extenuating circumstances and the student has a plan approved by the executive director or designee outlining the courses that will be taken and the completion date of the degree or certificate. (3-28-18)

102. -- 201. (RESERVED)

202. APPLICATION PROCESS.

01. Initial Applications. An eligible student must complete and submit the opportunity scholarship program application to the Board electronically on or before the date specified in the application, but not later than three (3) weeks prior to the term in which they plan to enroll if an Adult Learner and not later than March 1 for all other students. An applicant without electronic capabilities may request a waiver of this requirement and if granted submit an application on the form established by the Board through the United States Postal Service, which must be postmarked not later than ~~March 1~~ the applicable application deadline. All applicants must complete and submit the FAFSA on or prior to ~~March 1~~ the applicable application deadline. (~~3-28-18~~)(4-19-18)T

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

03. Communication with State Officials. Applicants must respond by the date specified to any

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

203. -- 299. (RESERVED)

300. SELECTION OF SCHOLARSHIP RECIPIENTS.

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

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

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

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

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

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

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

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

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

iv. The eligible maximum award amount for Adult Learners enrolled in less than twenty-four (24) credit hours or its equivalent in an academic year attending an eligible four-year postsecondary institution or less than eighteen (18) credit hours or its equivalent in an academic year attending an eligible two-year institution will be prorated as follows: (4-19-18)T

(1) Enrolled in six (6) to eight (8) credits or its equivalent per term, fifty percent (50%) of the maximum award amount; (4-19-18)T

(2) Enrolled in nine (9) to eleven (11) credits or its equivalent per term, seventy-five percent (75%) of the maximum award amount; and (4-19-18)T

(3) Enrolled in twelve (12) or more credits or its equivalent per term, one-hundred percent (100%) of the maximum award amount. (4-19-18)T

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

(BREAK IN CONTINUITY OF SECTIONS)

302. CONTINUING ELIGIBILITY.

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

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

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

03. Satisfactory Academic Progress. To remain eligible for renewal of an opportunity scholarship, the scholarship recipient must have maintained a minimum cumulative grade point average of three point zero (3.0) on a scale of four point zero (4.0) during the time that the recipient received an opportunity scholarship award, and must be maintaining satisfactory academic progress, consistent within federal financial aid regulations as implemented at the eligible Idaho postsecondary educational institution at which the scholarship recipient was enrolled. Students receiving an Opportunity Scholarship award must make satisfactory progress on the student's graduation plan established with the eligible institution at the time of admission. (~~3-28-18~~)(4-19-18)T

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

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

303. -- 399. (RESERVED)

400. RESPONSIBILITIES OF ELIGIBLE IDAHO POSTSECONDARY EDUCATIONAL INSTITUTIONS.

01. Statements of Continuing Eligibility. An eligible Idaho postsecondary educational institution participating in this Opportunity Scholarship Program must submit statements of continuing student eligibility to the Board by the 30th day after the end of each academic year. Such statements must include verification that the

scholarship recipient is still enrolled, attending part-time if an Adult Learner and full-time for all other scholarship recipients, maintaining satisfactory academic progress, and has not exceeded the award eligibility terms.

~~(3-9-16)~~(4-19-18)T

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

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

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

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

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

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

(4-19-18)T

IDAPA 08 – STATE BOARD OF EDUCATION

08.02.03 – RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-1802

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is April 19th, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, 33-118 and 33- 1612, Idaho Code.

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

SB1267 (2018) created a new section of Idaho Code (Section 33-523, Idaho Code) establishing a STEM Diploma. Section 33-523, Idaho Code, (STEM Diploma) creates an exemption for students under certain circumstances from taking math during their final year of high school, this conflicts with the current requirements in IDAPA 08.02.03.105. IDAPA 08.02.03.105.01 will be amended to exempt students who have completed eight (8) or more credits in mathematics including Algebra II or higher-level mathematics before the student's senior year from taking math during their final year of high school.

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

This docket will conform the existing rule to the minimum requirement in Section 33-523, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tracie Bent at (208) 332-1582 or tracie.bent@osbe.idaho.gov.

DATED this 4th day of May, 2018.

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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 08-0203-1802
(Only Those Sections With Amendments Are Shown.)

105. HIGH SCHOOL GRADUATION REQUIREMENTS.

A student must meet all of the requirements identified in this section before the student will be eligible to graduate from an Idaho high school. The local school district or LEA may establish graduation requirements beyond the state minimum. (5-8-09)

01. Credit Requirements. The State minimum graduation requirement for all Idaho public high schools is forty-six (46) credits and must include twenty-nine (29) credits in core subjects as identified in Paragraphs 105.01.c. through 105.01.i. (3-12-14)

a. Credits. (Effective for all students who enter the ninth grade in the fall of 2010 or later.) One (1) credit shall equal sixty (60) hours of total instruction. School districts or LEA's may request a waiver from this provision by submitting a letter to the State Department of Education for approval, signed by the superintendent and chair of the board of trustees of the district or LEA. The waiver request shall provide information and documentation that substantiates the school district or LEA's reason for not requiring sixty (60) hours of total instruction per credit. (3-29-10)

b. Mastery. Notwithstanding the credit definition of Subsection 105.01.a., a student may also achieve credits by demonstrating mastery of a subject's content standards as defined and approved by the local school district or LEA. (3-29-17)

c. Secondary Language Arts and Communication. Nine (9) credits are required. Eight (8) credits of instruction in Language Arts. Each year of Language Arts shall consist of language study, composition, and literature and be aligned to the Idaho Content Standards for the appropriate grade level. One (1) credit of instruction in communications consisting of oral communication and technological applications that includes a course in speech, a course in debate, or a sequence of instructional activities that meet the Idaho Speech Content Standards requirements. (3-29-10)

d. Mathematics. Six (6) credits are required. Secondary mathematics includes Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering courses may also be counted as a mathematics credit if the student has completed Algebra II standards. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a mathematics and science credit. ~~(3-12-14)~~(4-19-18)T

i. Students must complete secondary mathematics in the following areas: (3-12-14)

(1) Two (2) credits of Algebra I or courses that meet the Idaho Algebra I Content Standards as approved by the State Department of Education; (3-29-10)

(2) Two (2) credits of Geometry or courses that meet the Idaho Geometry Content Standards as approved by the State Department of Education; and (3-29-10)

(3) Two (2) credits of mathematics of the student's choice. (3-29-10)

ii. Two (2) credits of the required six (6) credits of mathematics must be taken in the last year of high school in which the student intends to graduate. For the purposes of this subsection, the last year of high school shall include the summer preceding the fall start of classes. Students who return to school during the summer or the following fall of the next year for less than a full schedule of courses due to failing to pass a course other than mathematics are not required to retake a mathematics course as long as they have earned six (6) credits of high school

level mathematics.

~~(3-12-14)~~(4-19-18)T

iii. Students who have completed six (6) credits or more of high school of mathematics prior to the fall of their last year of high school, including at least two (2) semesters of an Advanced Placement or dual credit calculus or higher level course, are exempt from taking mathematics during their last year of high school. High School mathematics credits completed in middle school shall count for the purposes of this section. ~~(3-12-14)~~(4-19-18)T

iv. Students who earn eight (8) or more high school credits of mathematics and complete Algebra II or higher level mathematics courses are exempt from taking mathematics during their last year of high school. High school mathematics credits earned in middle school shall count for the purposes of this section. (4-19-18)T

e. Science. Six (6) credits are required, four (4) of which will be laboratory based. Secondary sciences include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. Up to two (2) credits in AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may be used as science credits. Students who choose to take AP Computer Science, Dual Credit Computer Science, and Dual Credit Engineering may not concurrently count such courses as both a mathematics and science credit. ~~(3-12-14)~~(4-19-18)T

i. Secondary sciences include instruction in the following areas: biology, physical science or chemistry, and earth, space, environment, or approved applied science. Four (4) credits of these courses must be laboratory based. (3-29-10)

f. Social Studies. Five (5) credits are required, including government (two (2) credits), United States history (two (2) credits), and economics (one (1) credit). Courses such as geography, sociology, psychology, and world history may be offered as electives, but are not to be counted as a social studies requirement. (3-29-10)

g. Humanities. Two (2) credits are required. Humanities courses include instruction in visual arts, music, theatre, dance, or world language aligned to the Idaho content standards for those subjects. Other courses such as literature, history, philosophy, architecture, or comparative world religions may satisfy the humanities standards if the course is aligned to the Interdisciplinary Humanities Content Standards. (3-28-18)

h. Health/Wellness. One (1) credit is required. Course must be aligned to the Idaho Health Content Standards. Effective for all public school students who enter grade nine (9) in Fall 2015 or later, each student shall receive a minimum of one (1) class period on psychomotor cardiopulmonary resuscitation (CPR) training as outlined in the American Heart Association (AHA) Guidelines for CPR to include the proper utilization of an automatic external defibrillator (AED) as part of the Health/Wellness course. (3-12-14)

i. Students participating in one (1) season in any sport recognized by the Idaho High School Activities Association or club sport recognized by the local school district, or eighteen (18) weeks of a sport recognized by the local school district may choose to substitute participation up to one (1) credit of physical education. Students must show mastery of the Physical Education Content Standards in a format provided by the school district. (3-28-18)

02. Content Standards. Each student shall meet locally established subject area standards (using state content standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. (3-29-10)

03. College Entrance Examination. (Effective for all public school students who enter grade nine (9) in Fall 2012 or later.) (3-12-14)

a. A student must take one (1) of the following college entrance examinations before the end of the student's eleventh grade year: SAT or ACT. Students who participated in the Compass assessment prior to its final administration may also use the Compass to meet this requirement. Students receiving special education services through a current Individualized Education Plan (IEP) may utilize the ACCUPLACER placement exam in lieu of the SAT or ACT. (3-28-18)

b. A student who misses the statewide administration of the college exam during the student's grade eleven (11) for one (1) of the following reasons, may take the examination during their grade twelve (12) to meet this

requirement: (3-25-16)

i. Transferred to an Idaho school district during grade eleven (11) and has not previously participated in one of the allowed college entrance exams outlined in Subsection 03.a; (3-28-18)

ii. Was homeschooled during grade eleven (11) and is enrolled in an Idaho high school as a diploma seeking student; or (3-28-18)

iii. Missed the spring statewide administration of the college entrance exam dates for documented medical reasons. (3-12-14)

c. A student may elect an exemption in from the college entrance exam requirement if the student is: (3-28-18)

i. Receiving special education services through a current Individual Education Plan (IEP) that specifies the student meets the alternate assessment eligibility criteria; (3-28-18)

ii. Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less; or (3-12-14)

iii. Transferring from out of state to an Idaho high school in grade twelve (12). (3-28-18)

d. A school district, on behalf of a student, on a form established by the State Department of Education, may submit an appeal application requesting the Superintendent of Public Instruction or their designee consider another college entrance exam or college placement exam to fulfill this requirement, or exempt the student due to extenuating circumstances. (3-28-18)

04. Senior Project. A student must complete a senior project by the end of grade twelve (12). The project must include a written report and an oral presentation. Additional requirements for a senior project are at the discretion of the local school district or LEA. Completion of a postsecondary certificate or degree at the time of high school graduation or an approved pre-internship or internship program may be used to meet this requirement. (3-28-18)

05. Civics and Government Proficiency. Pursuant to Section 33-1602, Idaho Code, each LEA may establish an alternate path for determining if a student has met the state civics and government content standards. Alternate paths are open to all students in grades seven (7) through twelve (12.) Any student who has been determined proficient in the state civics and government content standards either through the completion of the civics test or an alternate path shall have it noted on the student's high school transcript. (3-29-17)

06. Middle School. A student will have met the high school content and credit area requirement for any high school course if the requirements outlined in Subsections 105.06.a. through 105.06.c. of this rule are met. (3-25-16)

a. The student completes such course with a grade of C or higher before entering grade nine (9); (3-12-14)

b. The course meets the same content standards that are required in high school for the same course; and (3-25-16)

c. The course is taught by a teacher properly certified to teach high school content and who meets the federal definition of highly qualified for the course being taught. (3-25-16)

d. The student shall be given a grade for the successful completion of that course and such grade and the number of credit hours assigned to the course shall be transferred to the student's high school transcript. Notwithstanding this requirement, the student's parent or guardian shall be notified in advance when credits are going to be transcribed and may elect to not have the credits and grade transferred to the student's high school transcript. Courses taken in middle school appearing in the student's high school transcript, pursuant to this subsection, shall

count for the purpose of high school graduation. However, the student must complete the required number of credits in all high school core subjects as identified in Subsections 105.01.c. through 105.01.h. except as provided in 105.01.d.iii. The transcribing high school is required to verify the course meets the requirements specified in Subsections 105.06.a. through 105.06.b. of this rule. (3-25-16)

07. Special Education Students. A student who is eligible for special education services under the Individuals With Disabilities Education Improvement Act must, with the assistance of the student's Individualized Education Program (IEP) team, refer to the current Idaho Special Education Manual for guidance in addressing graduation requirements. (4-11-06)

08. Foreign Exchange Students. A foreign exchange student may be eligible for graduation by completing a comparable program as approved by the school district or LEA. (4-11-06)

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

10.01.01 – RULES OF PROCEDURE

DOCKET NO. 10-0101-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1208, Idaho Code.

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

PUBLIC MEETING
Wednesday, June 27, 2018 – 10:00 am

1510 E. Watertower Street, Ste. 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 above.

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

Attend the meeting and present your comments on the draft amendments or submit your comments in writing not later than June 27, 2018.

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

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

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

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, (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors 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 June 27, 2018.

DATED this 24th day of April, 2018.

Keith Simila, P.E., Executive Director
Telephone (208) 373-7210
Fax (208) 373-7213
E-mail keith.simila@ipels.idaho.gov

Board of Professional Engineers and
Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642

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

10.01.02 – RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-1208, Idaho Code.

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

PUBLIC MEETING
Wednesday, June 27, 2018 – 10:00 am

1510 E. Watertower Street, Ste. 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 above.

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

Attend the meeting and present your comments on the draft amendments or submit your comments in writing not later than June 27, 2018

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

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

The amendments will implement a requirement for professional land surveyors to notify affected adjacent landowners and the Board prior to setting a monument that represents a material discrepancy with another monument for the same property corner and potentially clouding the title of private land.

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, (208) 373-7210. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Board of Professional Engineers and Professional Land Surveyors 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 June 27, 2018.

DATED this 24th day of April, 2018.

Keith Simila, P.E., Executive Director
Telephone (208) 373-7210
Fax (208) 373-7213
E-mail keith.simila@ipels.idaho.gov

Board of Professional Engineers and
Professional Land Surveyors
1510 E. Watertower St.
Meridian, Idaho 83642

**IDAPA 11 – IDAHO STATE POLICE
IDAHO BRAND BOARD**

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1701

NOTICE OF RULEMAKING – VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the proposed rulemaking previously initiated under this docket. This rulemaking was promulgated as a temporary and proposed rulemaking and this action only vacates the proposed rule. The temporary rule adopted under this docket number was extended by Senate Concurrent Resolution 150 during the 2018 legislative session and is currently in effect. This action is authorized pursuant to Section 25-1160, Idaho Code.

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

The temporary and proposed rulemaking initiated under this docket increased the funds needed to perform the Brand Board's regulatory functions and to meet the Governor's recommended budget for FY2018. The Board adopted a temporary rule on October 2, 2017, increasing cattle brand inspection fees to make up this shortfall and concurrently promulgated a proposed rule to make the increase permanent. The increase moved the Brand Board fees closer to the cap set in Section 25-1160, Idaho Code.

A procedural error that occurred during the promulgation of the temporary and proposed rulemaking resulted in inspection fees being collected in error. This caused some confusion within the industry and, at the direction of the legislative committees and to avoid the appearance of any improprieties, the Board has opted to vacate this proposed rulemaking and restart the process.

The Brand Board will continue to operate under the temporary rule currently in effect and initiate negotiated rulemaking to formulate a new proposed rule. The Notice of Intent to Promulgate initiating negotiated rulemaking is being published in this Bulletin under Docket No. 11-0201-1801.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of proposed rulemaking, contact Cody Burlile at (208) 884-7070.

DATED this 4th day of May, 2018.

Cody D. Burlile
State Brand Inspector
Idaho State Brand Board
700 S. Stratford Dr.
P.O. Box 1177
Meridian, ID 83680-1177
Phone: (208) 884-7070
Fax: (208) 884-7097

**IDAPA 11 – IDAHO STATE POLICE
IDAHO BRAND BOARD**

11.02.01 – RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 25-1160, Idaho Code.

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

PUBLIC MEETING
Thursday, June 28, 2018 10:00 a.m. - 12:00 p.m. (MDT)
Idaho State Police Headquarters Building 9 Conference Room 700 S. Stratford Drive Meridian, ID 83642
TELECONFERENCE CALL-IN (Same date and time as above)
Toll Free: 1-877-820-7831 Participant Code: 681205

Additional meetings will be held if deemed necessary or at request as determined by the Idaho State Brand Board. If additional meetings are scheduled, they will be announced at a later date on the Idaho State Brand Board website: <https://isp.idaho.gov/brands>.

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

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

Interested members of the public who wish to participate must submit written comments, questions, recommendations, or ideas addressed to the Idaho State Brand Board, State Brand Inspector, Cody D. Burlile, by mail at P.O. Box 1177 Meridian, ID 83680-1177, or in person at 700 S. Stratford Dr., Meridian, Idaho 83642, or by email to Cody.Burlile@isp.idaho.gov. Individuals may also attend the public meeting to be conducted on the above date during which the Idaho State Brand Board will allow oral comments and discussion. All oral comments or presentations must also be submitted in writing for the record.

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

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

The Idaho State Brand Board has experienced a budget shortfall dating back to FY2016. On October 2, 2017 the Brand Board adopted a temporary rule to make up this shortfall by increasing cattle brand inspection fees by \$0.25,

from \$0.94 to \$1.19 and the minimum brand inspection fee from \$10.00 to \$20.00. The increase moved the Brand Board fees closer to the cap set in Section 25-1160, Idaho Code. Proposed rule docket number 11-0201-1701 was initiated in 2017 to make the temporary rule final. Based on suggestion from the 2018 legislature, proposed rule docket number 11-0201-1701 has been vacated to pursue negotiated rulemaking. The Brand Board's shortfall of inadequate funds still exists. The FY2018 and FY2019 budget line items included increases in personnel costs, health care and benefit costs, cyber security liability insurance costs and an increased cost of personnel and equipment for the new CS Beef Packing plant. This combined with lower market induced inspection count has eroded the Brand Board's sustainable operating revenue. The Brand Board intends to continue to operate under the temporary rule and to initiate negotiated rulemaking in this new docket number 11-0201-1801. The Brand Board has not imposed a cattle brand inspection fee increase since FY2006.

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 Brand Board Management Assistant, Debbie Neider at (208) 884-7070 or by email at debbie.neider@isp.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho State Brand Board web site at the following web address: <https://isp.idaho.gov/brands>

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 June 28, 2018.

DATED this 11th day of May, 2018.

Cody D. Burlile
State Brand Inspector
Idaho State Brand Board
700 S. Stratford Dr.
P.O. Box 1177
Meridian, ID 83680-1177
Phone: (208) 884-7070
Fax: (208) 884-7097

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-104 and 36-405, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.08.260.01 be changed to exclude any moose, bighorn sheep, mountain goat, or grizzly bear controlled hunt tag drawn by a parent or grandparent from designation to their child or grandchild.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Sharon W. Kiefer, (208) 334-3771. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 20th day of April, 2018.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.08.260.03 be changed to allow hunters 65 years of age or older or hunters with a senior combination hunting license or a disabled combination hunting license or a nonresident disabled American Veteran hunting license to be eligible to participate in any second application period for youth only controlled hunts.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Sharon W. Kiefer, (208) 334-3771. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 20th day of April, 2018.

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

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.08 – RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-104 and 36-1105, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.08.410 be changed to allow airguns using pre-charged pneumatic power and meeting certain caliber criteria to be legal methods of take for wildlife in general weapon and short-range weapon seasons.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Greg Wooten, (208) 334-3736. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 23rd day of April, 2018.

Greg Wooten
Chief, Bureau of Enforcement
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-3736
Fax: (208) 334-2114

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.10 – RULES GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE, OR SALVAGE OF WILDLIFE

DOCKET NO. 13-0110-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 36-106, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

As a measure to reduce risk of animals infected with Chronic Wasting Disease entering Idaho, it is being proposed that IDAPA 13.01.10 be changed to prohibit importation and possession of live mule deer, white-tailed deer, and moose, exclusive of animals imported for domestic cervidae ranches. The Idaho State Department of Agriculture regulates the importation of live animals for domestic cervidae ranches under IDAPA 02.04.19 and those animals are not included in this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Toby Boudreau, (208)334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 24th day of April, 2018.

Toby Boudreau
Assistant Chief, Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-2920
Fax: (208) 334-2114

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.16 – THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS

DOCKET NO. 13-0116-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.16.400 be changed to revise the distance, on a seasonal basis, that ground sets for trapping certain furbearing animals may be placed relative to maintained public trails.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Cory Mosby, (208) 334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 24th date of April, 2018.

Cory Mosby
Furbearer Staff Biologist
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-2920
Fax: (208) 334-2114

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.17.400 be changed to revise the distance, on a seasonal basis, that ground sets for trapping gray wolves may be placed relative to maintained public trails.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Cory Mosby, (208) 334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 24th date of April, 2018.

Cory Mosby
Furbearer Staff Biologist
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-2920
Fax: (208) 334-2114

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13.01.17 – RULES GOVERNING THE USE OF BAIT AND TRAPPING FOR TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, by calling the phone number listed below or by posting to the Department of Fish and Game [website](#). To participate, responses must be received by June 27, 2018.

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

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

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

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

It is being proposed that IDAPA 13.01.17.100 be changed to only allow synthetic liquid scent as an aid for hunting deer and elk.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, contact Toby Boudreau, (208) 334-2920. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department of Fish and Game web site at the following web address: <https://idfg.idaho.gov>.

DATED this 24th date of April, 2018.

Toby Boudreau
Assistant Chief, Bureau of Wildlife
Idaho Department of Fish and Game
600 S. Walnut
P.O. Box 25
Boise, ID 83707
Phone: (208) 334-2920
Fax: (208) 334-2114

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**IDAPA 15 – OFFICE OF THE GOVERNOR
15.07 – OFFICE OF INFORMATION TECHNOLOGY SERVICES**

**15.07.01 – RULES GOVERNING BILLING PROCEDURES OF THE OFFICE OF
INFORMATION TECHNOLOGY SERVICES**

DOCKET NO. 15-0701-1800

**NOTICE OF LEGISLATIVE ACTION CREATING THE OFFICE OF INFORMATION TECHNOLOGY
SERVICES AND TRANSFERRING RULEMAKING AUTHORITY – HOUSE BILL NO. 607**

EFFECTIVE DATE: The effective date of this action is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Fourth Legislature in the Second Regular Session - 2018, passed **House Bill 607** creating the Office of Information Technology Services in the Office of the Governor, amending Chapter 8, Title 67, Idaho Code, and thereby transferring rulemaking authority from the Department of Administration's Office of the Chief Information Officer to the Office of Information Technology Services in the Governor's Office. Said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 258, effective July 1, 2018.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

House Bill 607 added to and repealed existing law to provide for the Office of Information Technology Services in the Office of the Governor, to provide for the powers and duties, to provide for the receipt of payment for services to units of state government, and to provide for advance payments and interaccount transactions. These powers and duties have been transferred from the Office of the Chief Information Officer to the Office of Information Technology Services and re-indexed accordingly.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill 607 by reinstating the authority of the affected rule chapter currently indexed under IDAPA 38, Title 06, Chapter 01 (IDAPA 38.06.01) to IDAPA 15, Title 07, Chapter 01 (IDAPA 15.07.01), of the Office of Information Technology Services in the Office of the Governor. These rules are hereby assigned to the Office of the Governor under the agency rule designation number, IDAPA 15, and the affected chapter is now indexed under and renumbered as IDAPA 15.07.01, "Rules Governing Billing Procedures of the Office of Information Technology Services." This action becomes final and effective on July 1, 2018.

The rule currently indexed under IDAPA 38.06.01 will be null, void and of no force and effect on July 1, 2018.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of **House Bill 607**, non-substantive changes will be made to update all references and citations within the rule now under the authority of the Department of Administration and include, but are not limited to, the following:

All citations and references to IDAPA 38.06.01 are now indexed under IDAPA 15.07.01, and are hereby redesignated and renumbered as follows:

IDAPA 15.07.01, "Rules Governing Billing Procedures of the Office of Information Technology Services," (formerly *IDAPA 38.06.01, "Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer"*).

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code on July 1, 2018.

ASSISTANCE ON QUESTIONS: For assistance on questions concerning this notice, contact Erin Seaman, Office of Information Technology Services at (208) 332-1876, or the Office of the Administrative Rules Coordinator at (208) 332-1820.

DATED this 2nd day of May, 2018.

Office of the Administrative Rules Coordinator
State of Idaho Department of Administration
P.O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820
Fax: (208) 334-2395

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.09 – MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

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

PUBLIC (LIVE) MEETING

Tuesday, June 26, 2018 - 11:00 a.m. (MDT)

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

TELECONFERENCE CALL-IN

10:00 a.m. (PDT) / 11:00 a.m. (MDT)

**Toll Free: 1-877-820-7831
Participant Code: 701700**

MEDICAID -- ADMINISTRATIVELY NECESSARY DAYS AND SWING BEDS

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

1. Attend the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Friday, June 29, 2018:

Send to:

Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand Deliver to:

Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking in this chapter, IDAPA 16.03.09, "Medicaid Basic Plan Benefits." The purpose of the changes being proposed for IDAPA 16.03.09 is to update and revise rules for swing bed limitations and administratively necessary days to address patient needs.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact William Deseron at (208) 364-1967 or e-mail: William.Deseron@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, June 29, 2018.

DATED this 30th day of April, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 56-202(b), 56-203, 56-250 through 56-257, 56-260 through 56-266, and 56-1610, Idaho Code.

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

PUBLIC (LIVE) MEETING
Thursday, June 14, 2018 - 2:00 p.m. (MDT)
Department of Health & Welfare Division of Medicaid Office - Conference Room D-East 3232 Elder Street, Boise, ID 83705
TELECONFERENCE CALL-IN 1:00 p.m. (PDT) / 2:00 p.m. (MDT)
Toll Free: 1-877-820-7831 / Participant Code: 614545
WebEx Information:
Event number: 665 130 774 / Event Password: BLTC Event Address for Attendees: https://idahohomechoicemfpevents.webex.com/idahohomechoicemfpevents/onstage/g.php?MTID=eabc732c09b5584213c3450f47ea705d3
<i>*The WebEx is limited to the first 100 participants that join, but the audio line does not have a limit. Please feel free to join by phone if you are unable to join the online portion.</i>

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 may do any of the following:

1. Attend the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Friday, June 29, 2018:

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.

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Katie Davis, Program Specialist
P.O. Box 83720
Boise, ID 83720-0009
Email: IHCMFP@dhw.idaho.gov

Hand Deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Katie Davis, Program Specialist
3232 Elder Street
Boise, ID 83705

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:

Transition Management and Transition Service benefits needs to be added to the Aged and Disabled (A&D) Waiver Section as well as the Adult Developmental Disabilities (DD) Waiver Section of IDAPA. These services directly benefit waiver participants by supporting individuals who are able to transition out of institutional care settings, such as skilled nursing facilities and intermediate care facilities for individuals with intellectual disabilities, to live in community settings. The proposed rule change needs to accomplish two outcomes:

- a. Add two new service definitions under Sections 326 and 703; and
- b. Add qualifications for providers that render these services under Sections 328 and 705.

Medicaid incurs significantly less cost by serving individuals in community settings rather than institutional settings. The goal of this rule change is to ensure Medicaid is meeting the federal expectation to sustain these benefits and reach the targeted need.

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 Katie Davis, (208) 364-1933, or email IHCMFP@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" drop-down.

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 June 29, 2018.

DATED this 30th day of April, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

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

PUBLIC (LIVE) MEETING
Tuesday, June 19, 2018 - 10:00 a.m. (MDT)

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

TELECONFERENCE CALL-IN
9:00 a.m. (PDT) / 10:00 a.m. (MDT)

**Toll Free: 1-877-820-7831
Participant Code: 169996**

MEDICAID -- SPECIAL RATES FOR VENTILATOR AND TRACHEOSTOMY

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

1. Attend the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Friday, June 29, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Alexandria Childers-Scott
P.O. Box 83720
Boise, ID 83720-0009

Hand Deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: Alexandria Childers-Scott
3232 Elder Street
Boise, ID 83705

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

The Division of Medicaid is interested in stakeholder feedback regarding the implementation of predetermined Special Rates in nursing facilities for residents receiving tracheostomy care and ventilator-dependent residents. Currently, rates for these residents are evaluated on a case-by-case basis and only begin on, or after, the date the Special Rate request is received. This change will allow predetermined rates to be readily available to providers and allow the rate to begin on the date the service is needed, regardless of the date the Special Rate request is received. The rates will include, as it does currently, equipment and non-therapy supplies and the Weighted Average Hourly Rates (WAHR) for additional Registered Nurse (RN) and Certified Nursing Assistant (CNA) care. Stakeholder input

is sought regarding supplies, equipment, and RN and CNA hours to be considered in the compilation of the predetermined rate along with documentation requirements to validate the provision of ventilator or tracheostomy care.

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

For assistance on technical questions concerning this negotiated rulemaking, contact Alexandria Childers-Scott at (208) 364-1891 or e-mail: Alexandria.Childers-Scott@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, June 29, 2018.

DATED this 30th day of April, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.10 – MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

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

PUBLIC (LIVE) MEETING

Tuesday, June 26, 2018 - 10:00 a.m. (MDT)

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

**TELECONFERENCE CALL-IN
9:00 a.m. (PDT) / 10:00 a.m. (MDT)**

**Toll Free: 1-877-820-7831
Participant Code: 701700**

MEDICAID -- ORGAN TRANSPLANTS

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

1. Attend the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before Friday, June 29, 2018:

Send to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
P.O. Box 83720
Boise, ID 83720-0009

Hand Deliver to:
Idaho Department of Health and Welfare
Division of Medicaid
Attn: William Deseron, Policy Analyst
3232 Elder Street
Boise, ID 83705

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

The Department invites interested stakeholders to participate in negotiated rulemaking on this chapter, IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits." The purpose of the changes being proposed for IDAPA 16.03.10 is to update and revise rules for organ transplants.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact William Deseron at (208) 364-1967 or e-mail: William.Deseron@dhw.idaho.gov.

Materials pertaining to the negotiated rulemaking for this docket, including any available preliminary rule drafts, can be found on the Department's main Medicaid webpage at <http://healthandwelfare.idaho.gov/Medical/Medicaid/tabid/123/Default.aspx>, in the "Rulemaking" section of the right-hand column under the "2018" dropdown.

All written comments on the negotiated rules must be directed to the contact person specified above under "Method of Participation" and must be delivered on or before Friday, June 29, 2018.

DATED this 30th day of April, 2018.

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

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.03.14 – RULES AND MINIMUM STANDARDS FOR HOSPITALS IN IDAHO

DOCKET NO. 16-0314-1801

(SECOND) NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 39-1307, Idaho Code.

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

PUBLIC MEETING
Tuesday, June 12, 2018 – 1:30 p.m. (MDT)

**Idaho Department of Health and Welfare
Licensing and Certification Central Office
3232 Elder Street
Conference Room D West/East
Boise, ID 83705**

UPDATES TO LICENSING STANDARDS FOR HOSPITALS IN IDAHO

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

1. Attend the negotiated rulemaking meeting as scheduled above;
2. Provide oral or written recommendations, or both, at the negotiated rulemaking meeting; or
3. Submit written recommendations and comments to this address on or before June 30, 2018:

Send to:

Idaho Department of Health and Welfare
Division of Licensing and Certification
Attn: Tamara Prisock, Division Administrator
P.O. Box 83720
Boise, ID 83720-0009

Hand Deliver to:

Idaho Department of Health and Welfare
Division of Licensing and Certification
Attn: Tamara Prisock, Division Administrator
3232 Elder Street
Boise, ID 83705

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

The Department is proposing changes to the licensing standards related to the use of restraints and seclusion in Idaho hospitals and is holding negotiated rulemaking on proposed changes to this chapter to solicit input from all stakeholders and the general public regarding the proposed changes.

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

For assistance on technical questions concerning this negotiated rulemaking, contact Tamara Prisock at (208) 364-1971. Materials pertaining to the negotiated rulemaking under Docket No. 16-0314-1801, including any available preliminary rule drafts, can be found on the Department’s web site at the following web address:
<http://healthandwelfare.idaho.gov/Providers/Providers-Facilities/StateFederalPrograms/Non-LongTermCare/tabid/427/Default.aspx>.

All written comments on the negotiated rules must be directed to the contact person specified above under “Method of Participation” and must be delivered on or before June 30, 2018.

DATED this 2nd day of May, 2018.

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

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.04 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – BENEFITS

DOCKET NO. 17-0204-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 27, 2018.

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

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:

The Commission wants to clarify its expectation regarding average weekly wage calculation for TTD/TPD payments when a Claimant has had a prior accident within the last 52 weeks.

CONTACT INFORMATION, WEB ADDRESS, ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Commission's web site at the following web address: www.iic.idaho.gov.

All written comments must be directed to the undersigned or to kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.04 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – BENEFITS

DOCKET NO. 17-0204-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 17, 2018 – 10:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission believes it important to clarify the regulations that define how benefits must be calculated and paid, and the time frame within which sureties must take certain actions. Without these changes, sureties may not know the Industrial Commission's expectations, and workers will not be protected against untimely payment.

A proposed change would require a notice to claimant when two or more different impairment ratings for the same injury are given by different physicians and the ratings are not averaged. Claimant would be advised of his right to challenge an employer's decision to pay benefits without averaging the different ratings.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.06 – EMPLOYERS' REPORTS

DOCKET NO. 17-0206-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 17, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission seeks to edit the requirements for submission of Summary of Payments and filing of closing documents to reflect Electronic Data Interchange filing. These edits are needed to be consistent with the implementation of Electronic Data Interchange.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.07 – PROCEDURES TO OBTAIN COMPENSATION

DOCKET NO. 17-0207-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 17, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission seeks to edit the chapter to comply with Electronic Data Interchange filing. With the implementation of Electronic Data Interchange, the requirement for filing claims has changed.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.08 – MISCELLANEOUS PROVISIONS

DOCKET NO. 17-0208-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 72-508, and 72-803, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 24, 2018 – 10:30 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission is considering adopting a rule standardizing Claimant's Attorney Fees for their efforts in securing future medicals for Medical or Medicare Set-Asides.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed rule text, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.09 – MEDICAL FEES

DOCKET NO. 17-0209-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 72-508, and 72-803, Idaho Code.

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

PUBLIC MEETING
Wednesday, June 20, 2018 – 2:00 p.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

In compliance with Section 72-803, Idaho Code, the Industrial Commission will review the annual adjustment of the medical fee schedule for physician and hospital reimbursements; the negotiations will determine the appropriate annual adjustments to the medical fee schedule.

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 Patti Vaughn, Benefits Administration Manager, (208) 334-6063. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.10 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – INSURANCE CARRIERS

DOCKET NO. 17-0210-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 17, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission seeks to edit the chapter to comply with Electronic Data Interchange filing for notice and claim for insurance carriers.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.10 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – INSURANCE CARRIERS

DOCKET NO. 17-0210-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 24, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Idaho Industrial Commission is considering alternative methods of payments for indemnity benefits including, but not limited to, debit cards, electronic payment transfers, and other forms of paperless payment options for insurance carriers.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy any proposed changes, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-0041
Phone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.11 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 72-508, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 17, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Commission seeks to edit the chapter to comply with Electronic Data Interchange filing for notice and claim for self-insured employers.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of any proposed change, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17.02.11 – ADMINISTRATIVE RULES OF THE INDUSTRIAL COMMISSION UNDER THE WORKERS' COMPENSATION LAW – SECURITY FOR COMPENSATION – SELF-INSURED EMPLOYERS

DOCKET NO. 17-0211-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 72-508, and 72-408, Idaho Code.

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

PUBLIC MEETING
Tuesday, July 24, 2018 – 9:00 a.m. (MDT)

Idaho Industrial Commission
700 S. Clearwater Lane
Boise, ID 83720-0041

During the scheduled public meeting, additional negotiated rulemaking meetings may be established by the Commission, if necessary. Adequate notice of the dates, locations, and manner of participation of any such additional meetings will be posted on the Industrial Commission website <https://iic.idaho.gov>. The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made not later than five (5) days prior to the meeting to the agency address below.

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

Interested members of the public who wish to participate must submit any written comments, questions, recommendations, or ideas to the Industrial Commission by contacting the undersigned either in writing, by email, or by calling the phone number listed below. Individuals may also attend the public meeting to be conducted on the above date during which the Industrial Commission will allow oral comments or presentations to be made.

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

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

The Idaho Industrial Commission is considering alternative methods of payments for indemnity benefits including, but not limited to, debit cards, electronic payment transfers, and other forms of paperless payment options for Self-insured Employers.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy any proposed changes, contact Kamerron Monroe, Commission Secretary, (208) 334-6017. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Industrial Commission's web site at the following web address: <https://iic.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned or kamerron.monroe@iic.idaho.gov and must be delivered on or before June 27, 2018.

DATED this 4th day of May, 2018.

Mindy Montgomery, Director
Industrial Commission
Phone: (208) 334-6000 / Fax: (208) 334-2321

1700 S. Clearwater Lane
P.O. Box 83720
Boise, Idaho 83720-004

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY

19.01.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-912, Idaho Code.

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

PUBLIC MEETING
Thursday, June 21, 2018 – 9:00 a.m. to 10:00 a.m.

Idaho State Capitol – Room W-433
700 W. Jefferson Street
Boise, ID 83702

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

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

All written comments received on or before Wednesday, June 27, 2018, will be included for the Board's consideration at its next meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by Board Staff.

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's website.

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

The Board is considering whether to authorize dental assistants to work under general supervision to assist residents in long-term care facilities who are not capable of providing their own daily oral hygiene.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking contact Susan Miller, Executive Director, (208) 334-2369. 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 June 27, 2018.

DATED This 30th day of April, 2018.

Susan Miller
Executive Director
Idaho Board of Dentistry
P.O. Box 83720
Boise, ID 83720-0021
Phone: (208) 334-2369
Fax: (208) 334-3247

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY

19.01.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-1803

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-912, Idaho Code.

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

PUBLIC MEETING
Thursday, June 21, 2018 – 10:00 a.m. to 11:00 a.m.

Idaho State Capitol – Room W-433
700 W. Jefferson Street
Boise, ID 83702

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

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

All written comments received on or before Wednesday, June 27, 2018, will be included for the Board’s consideration at its next meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by Board Staff.

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’s website.

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

The purpose of this negotiated rulemaking is to eliminate the option of supplemental dosing when providing minimal sedation to patients. The current rule allows for 1.5 times the MRD on the day of treatment. Due to patient safety concerns, the Board is considering a reduction to no more than the MRD on the day of treatment.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking contact Susan Miller, Executive Director, (208) 334-2369. 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 June 27, 2018.

DATED This 30th day of April, 2018.

Susan Miller
Executive Director
Idaho Board of Dentistry
P.O. Box 83720
Boise, ID 83720-0021
Phone: (208) 334-2369
Fax: (208) 334-3247

IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY

19.01.01 – RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-1804

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 54-912, Idaho Code.

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

PUBLIC MEETING
Thursday, June 21, 2018 – 11:00 a.m. to 12:00 p.m.

Idaho State Capitol – Room W-433
700 W. Jefferson Street
Boise, ID 83702

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

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

All written comments received on or before Wednesday, June 27, 2018, will be included for the Board's consideration at its next meeting. For those planning to attend the open, public meeting, written and verbal comments will be accepted by Board Staff.

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's website.

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

The purpose of this negotiated rulemaking is to update the Board's rules regarding specialist recognition, limitation of practice, and specialty advertising. The definition of a dental specialist was updated during the 2018 Legislative Session. The rules will be negotiated to determine criteria for Board recognition of dental specialties.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this negotiated rulemaking contact Susan Miller, Executive Director, (208) 334-2369. 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 June 27, 2018.

DATED This 30th day of April, 2018.

Susan Miller
Executive Director
Idaho Board of Dentistry
P.O. Box 83720
Boise, ID 83720-0021
Phone: (208) 334-2369
Fax: (208) 334-3247

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.01 – DREDGE AND PLACER MINING OPERATIONS IN IDAHO

DOCKET NO. 20-0301-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 47-1316, Idaho Code.

MEETING SCHEDULE: All scheduled negotiated rulemaking meetings will occur between June 7, 2018, and August 3, 2018. Scheduled negotiated rulemaking meetings will be posted and made accessible on the agency website at the web address listed below. Please contact Todd Drage at (208) 334-0247 or at tdrage@idl.idaho.gov to be added to the email list of interested parties.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made no later than five (5) days prior to the meeting, to the agency address below.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking may participate by attending any negotiated rulemaking meeting or by submitting written comments during the allowed comment period. Comments may be submitted to comments@idl.idaho.gov; in the Subject line, please enter "IDAPA 20.03.01."

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

The Idaho Department of Lands (Department) is developing a web-based portal and information management system that will allow for submittal of applications and other documents electronically. Currently, IDAPA 20.03.01 requires paper copies and, in some instances, certified mail submittals. The proposed changes remove the requirement for paper submittals, which will allow permittees and operators to submit documents by paper copy or in electronic format.

Additional changes include:

- Creation of rule Sections 001-Title and Scope, 002-Written Interpretations, 004-Incorporation by Reference, 005-Office Hours – Mailing Address and Street Address, and 006-Public Records Act Compliance. These sections are now required in rule but were not when these rules were created and last revised.
- Addition of new abbreviations.
- IDAPA 20.03.01.022.06 references water quality standard regulations established under Title 39, Chapter 1, Idaho Code. This chapter covers multiple areas of the Idaho Department of Environmental Quality's regulatory authority. This rule change proposes adding the specific sections of IDAPA that reference current water quality rules, IDAPA 58.01.02 and IDAPA 58.01.11. This is intended to help clarify and direct potential permittees to pertinent rules only.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or requests for special meeting accommodations or accessibility, contact Todd Drage, Minerals Regulatory Program Manager at (208) 334-0247. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department website at the following web address: <https://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 6th day of June, 2018.

Todd Drage, Minerals Regulatory Program Manager
Idaho Department of Lands
Division of Lands and Waterways
Resource Protection & Assistance Bureau
300 N. 6th Street, Suite 103
Boise, ID 83720-0050
Phone: (208) 334-0247
Fax: (208) 769-3698

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.02 – RULES GOVERNING EXPLORATION, SURFACE MINING, AND CLOSURE OF CYANIDATION FACILITIES

DOCKET NO. 20-0302-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 47-1505, Idaho Code.

MEETING SCHEDULE: All scheduled negotiated rulemaking meetings will occur between June 7, 2018, and August 3, 2018. Scheduled negotiated rulemaking meetings will be posted and made accessible on the agency website at the web address listed below. Please contact Todd Drage at (208) 334-0247 or at tdrage@idl.idaho.gov to be added to the email list of interested parties.

The meeting site(s) will be accessible to persons with disabilities, if needed. Requests for accommodation must be made no later than five (5) days prior to the meeting, to the agency address below.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking may participate by attending any negotiated rulemaking meeting or by submitting written comments during the allowed comment period. Comments may be submitted to comments@idl.idaho.gov; in the Subject line, please enter “IDAPA 20.03.02.”

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

The Idaho Department of Lands (Department) is developing a web-based portal and information management system that will allow for submittal of applications and other documents electronically. Currently, IDAPA 20.03.02 requires paper copies and, in some instances, certified mail submittals. The proposed changes remove the requirement for paper submittals, which will allow permittees and operators the ability to submit documents by paper copy or in electronic format.

Additional changes include:

- Updates to “Required Sections,” 005-Office Hours – Mailing Address and Street Address, and 006-Public Records Act Compliance.
- Addition of new abbreviations.
- IDAPA 20.03.02.120.03 states that only surface mining reclamation bonds obtained after January 1, 1997, may be addressed at actual costs plus ten percent (10%). As Section 47-1512, Idaho Code, requires bonding for actual costs of reclamation, any bonds calculated prior to 1997 are out of date and do not represent actual costs of reclamation. It is suggested this section be deleted.
- Section 47-1512, Idaho Code, was changed in 2016 to increase the maximum reclamation bond amount per acre from \$2,500 to \$15,000 per acre, but IDAPA 20.03.02 still lists the \$2,500 maximum amount. This change will update the rules to align with statute.
- Requiring potential and current operators within the 100-year floodplain to illustrate the floodplain and describe the measures that will be implemented to keep surface waters from entering mining operations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or requests for special meeting accommodations or accessibility, contact Todd Drage, Minerals Regulatory Program Manager at (208) 334-0247. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's website at the following web address: <https://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 6th day of June, 2018.

Todd Drage, Regulatory Minerals Program Manager
Idaho Department of Lands
Division of Lands and Waterways
Resource Protection & Assistance Bureau
300 N. 6th Street, Suite 103
Boise, ID 83720-0050
Phone: (208) 334-0247
Fax: (208) 769-3698

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

20.03.04 – RULES FOR THE REGULATION OF BEDS, WATERS, AND AIRSPACE OVER NAVIGABLE LAKES IN THE STATE OF IDAHO

DOCKET NO. 20-0304-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 58-104(6), 58-105, and 58-1304, Idaho Code.

MEETING SCHEDULE: Public meetings on the negotiated rulemaking will be held between June 7, 2018, and August 3, 2018. Scheduled negotiated rulemaking meetings will be posted and made accessible on the agency website at the web address listed below. Please contact Andrew Smyth at (208) 334-0248 or at asmith@idl.idaho.gov to be added to the email list of interested parties.

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

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking may participate by attending any negotiated rulemaking meeting or submitting written comments during the allowed comment period. Comments may be emailed to comments@idl.idaho.gov; in the Subject line, please enter “IDAPA 20.03.04.”

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 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:

Currently, IDAPA 20.03.04.020 requires submission of paper copies of applications for encroachment permits. The Idaho Department of Lands (Department) is developing a web-based portal and information management system that will allow applications to be submitted electronically. The proposed changes would allow applicants to submit applications either on paper or electronically.

Currently, IDAPA 20.03.04.015.05 allows existing permitted boat garages to be maintained or replaced at their current size. The proposed change would allow existing permitted boat garages to be maintained or replaced at the existing height and at the same square footage of the existing footprint.

Currently, IDAPA 20.03.04.020 uses the term “dock rights” to address eligibility to make application for an encroachment permit. The term “dock rights” is not defined in statute or rule. The proposed change would eliminate the use of this term and rely on the use of “riparian rights” and “littoral rights” which are defined in statute and rule.

Section 58-1306, Idaho Code, requires that a notice of application for non-navigational encroachments be published in the local newspaper. Section 58-1307, Idaho Code, provides that the applicant is responsible for the cost of publication. Currently, IDAPA 20.03.04.020 does not indicate the cost of publication is to be paid by the applicant for riprap, a type of non-navigational encroachment. The proposed change would align rule with statute and provide that the publication deposit be submitted with an application to permit riprap.

Currently, IDAPA 20.03.04.080 provides that the Department shall provide permittees with a notice of noncompliance/proposed permit revocation when it has determined the rules have been violated and/or a cause exists for revocation of an encroachment permit. However, non-permittees may be in violation of the rules and should receive notification as well. The proposed change would clarify that the Department shall provide notice to anyone who may be in violation of the rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking or to request special meeting accommodations or accessibility, contact Andrew Smyth, Public Trust Program Manager at (208) 334-0248. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Department's website at the following web address: <https://www.idl.idaho.gov/rulemaking/index.html>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 3, 2018.

DATED this 6th day of June, 2018.

Andrew Smyth, Public Trust Program Manager
Idaho Department of Lands
Division of Lands and Waterways
Resource Protection & Assistance Bureau
300 N. 6th Street, Suite 103
Boise, ID 83720-0050
Phone: (208) 334-0247
Fax: (208) 769-3698

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24.18.01 – RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

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

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 54-4106 and 54-4110, Idaho Code, and Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, United States Code (“FIRREA”).

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

Recent changes made by the Appraisal Qualifications Board (AQB) to the minimum qualifications for certain classifications of real estate appraiser licenses allows the Idaho Real Estate Appraiser Board to reduce barriers to obtaining an Idaho license. Specifically, the change to Section 300, of these rules, removes the requirement for an Associate’s degree and lowers the experience requirement for licensed residential real estate appraisers. The change to Section 350, of these rules, adds alternative pathways to complete the education requirement and lowers the experience requirement for a certified residential real estate appraiser. The change to Section 400, of these rules, shortens the time period to complete the requisite experience hours for a certified general real estate appraiser.

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

Under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA), the Appraiser Qualifications Board (AQB) establishes the qualification criteria for real property appraisers to obtain a state license to appraise real property related to federally-backed loans. These rule changes implement recent changes to the AQB qualification criteria.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the temporary rule is responding to changes made at the federal level, and the proposed changes to these rules were discussed during noticed, open meetings of the Board.

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 Dicsie Gullick at (208) 334-3233.

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 June 27, 2018.

DATED this 30th day of April, 2018.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
700 W. State Street
P.O. Box 83720
Boise, ID 83720-0063
Phone: (208) 334-3233
Fax: (208) 334-3945

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 24-1801-1801
(Only Those Sections With Amendments Are Shown.)**

**300. LICENSED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER
QUALIFICATION CRITERIA (RULE 300).**

The state licensed residential real estate appraiser classification applies to the appraisal of residential real property consisting of one (1) to four (4) non-complex residential units having a transaction value less than one million dollars (\$1,000,000) and complex one (1) to four (4) residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000). Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being licensed, every licensee must annually meet the continuing education requirement. (4-11-06)

01. Education. As a prerequisite to taking the examination for licensure as an Idaho Licensed Residential Real Estate Appraiser, each applicant shall: (3-20-14)

~~a. Holds an Associate's Degree or higher from an accredited college or university or document the successful completion of thirty (30) semester hours of college-level education. An applicant may receive semester hour credit for credits earned through the College Level Examination Program (CLEP) provided that the accredited college or university accepts the CLEP and issues a transcript for the exam; and~~ (3-24-17)

~~b.~~ Document registration as an Appraiser Trainee; and (3-24-17)(5-1-18)T

~~eb.~~ Document the successful completion of not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal as follows: (3-24-17)

i. Residential Market Analysis and Highest and Best Use – not less than fifteen (15) hours; and (3-24-17)

ii. Residential Appraiser Site Valuation and Cost Approach – not less than fifteen (15) hours; and (3-24-17)

iii. Residential Sales Comparison and Income Approaches – not less than thirty (30) hours specifically including: Valuation Principles and Procedures – Sales Comparison Approach; Valuation Principles and Procedures – Income Approach; Finance and Cash Equivalency; Financial Calculator Introduction; Identification, Derivation and Measurement of Adjustments; Gross Rent Multipliers; Partial Interests; Reconciliation; and Case Studies; and (3-24-17)

iv. Residential Report Writing and Case Studies – not less than fifteen (15) hours specifically

including: Writing and Reasoning Skills; Common Writing Problems; Form Reports; Report Options and USPAP Compliance; Case Studies. (3-24-17)

02. Experience. Prerequisite to sit for the examination: (7-1-97)

a. Document ~~two~~ one thousand (21,000) hours of supervised appraisal experience as a registered Appraiser Trainee in no less than ~~twelve~~ six (12~~6~~) months. Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (~~4-11-06~~)(5-1-18)T

b. Of the required ~~two~~ one thousand (21,000) hours, the applicant must accumulate a minimum of ~~one thousand five~~ seven hundred-~~fifty~~ (1,50~~75~~0) hours from field real estate appraisal experience. The balance of ~~five~~ two hundred-~~fifty~~ (50~~25~~0) hours may include non-field experience, refer to Subsection 250.02.d. (~~4-11-06~~)(5-1-18)T

03. Examination. Successful completion of the Licensed Residential Appraiser examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (4-11-06)

301. -- 349. (RESERVED)

350. CERTIFIED RESIDENTIAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 350).

The State Certified Residential Real Estate Appraiser classification applies to the appraisal of residential properties of four (4) or less units without regard to transaction value or complexity. Applicants must meet the following education, experience and examination requirements in addition to complying with Section 250. Subsequent to being certified every licensee must annually meet the continuing education requirement. (4-11-06)

01. Education. As a prerequisite to taking the examination for licensure as an Idaho Certified Residential Real Estate Appraiser, each applicant shall: (3-20-14)

a. Hold a Bachelor's degree ~~or higher in any field of study~~ from an accredited degree-granting college or university; ~~and, or meet one of the following options:~~ (~~3-24-17~~)(5-1-18)T

i. Possession of an Associate's degree in a field of study related to business administration, accounting, finance, economics or real estate; or (5-1-18)T

ii. Successful completion of thirty (30) semester hours of college-level courses that cover each of the following specific topic areas and hours: English composition (three (3) semester hours), microeconomics (three (3) semester hours), macroeconomics (three (3) semester hours), finance (three (3) semester hours), algebra, geometry or higher mathematics (three (3) semester hours), statistics (three (3) semester hours), computer science (three (3) semester hours), business or real estate law (three (3) semester hours), and two (2) elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (three (3) semester hours each); or (5-1-18)T

iii. Successful completion of at least thirty (30) semester hours of College Level Examination Program® (CLEP®) examinations from each of the following subject matter areas: college algebra (three (3) semester hours), college composition (six (6) semester hours), college composition modular (three (3) semester hours), college mathematics (six (6) semester hours), principles of macroeconomics (three (3) semester hours), principles of microeconomics (three (3) semester hours), introductory business law (three (3) semester hours), and information systems (three (3) semester hours), or (5-1-18)T

iv. Any combination of the above criteria (within Subsections 350.01.a.ii. and 350.01.a.iii. of these rules) that ensures coverage of all topics and hours identified in Subsection 350.01.a.ii. (5-1-18)T

b. As an alternative to the requirements in Subsection 350.01.a., above, individuals who have held a Licensed Residential credential for a minimum of five (5) years may qualify as meeting the requirements of Subsection 350.01.a., if it is established that there is no record of any adverse, final, and non-appealable disciplinary action affecting the Licensed Residential appraiser's legal eligibility to engage in appraisal practice within the five (5) years immediately preceding the date of application for a Certified Residential license. (5-1-18)T

b.c. Document registration as an Appraiser Trainee and completion of the education required for licensure as a Licensed Residential Real Estate Appraiser, or hold a current license as a Licensed Residential Real Estate Appraiser; and (3-20-14)

ed. Document the successful completion of not less than fifty (50) classroom hours of courses in subjects related to real estate appraisal as follows: (3-20-14)

i. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (3-20-14)

ii. Advanced Residential Applications and Case Studies: not less than fifteen (15) hours, specifically including Complex Property, Ownership and Market Conditions; Deriving and Supporting Adjustments; Residential Market Analysis; and Advanced Case Studies; and (3-20-14)

iii. Appraisal Subject Matter Electives: not less than twenty (20) hours, and may include hours over the minimum shown in Subsection 350.01.c. of these rules. (3-20-14)

02. Experience. Experience is a prerequisite to sit for the licensure examination: (4-11-06)

a. Document ~~two one~~ thousand five hundred (~~21,500~~) hours of appraisal experience in no less than ~~twenty-four~~ **twelve** (~~24~~**12**) months (see Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (~~4-11-06~~)(**5-1-18**)T

b. ~~Two~~ **One** thousand ~~two hundred~~ (~~21,0200~~) hours of the experience shall be from residential field appraisal experience. The balance of ~~five~~ **three** hundred (~~5300~~) hours may include non-field experience, refer to Subsection 250.02.d. (~~4-11-06~~)(**5-1-18**)T

c. Examination. Successful completion of the Certified Residential Appraiser examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (3-21-12)

351. -- 399. (RESERVED)

400. CERTIFIED GENERAL REAL ESTATE APPRAISER CLASSIFICATION APPRAISER QUALIFICATION CRITERIA (RULE 400).

The State Certified General Real Estate Appraiser classification applies to the appraisal of all types of real property. Applicants must meet the following examination, education, and experience requirements in addition to complying with Section 250. Subsequent to being certified, an individual must meet the continuing education requirement. (4-2-08)

01. Education. As a prerequisite to taking the examination for licensure as an Idaho Certified General Real Estate Appraiser, each applicant shall: (3-20-14)

a. Hold a Bachelor's degree or higher from an accredited degree-granting college or university; and (3-24-17)

b. Document registration as an Appraiser Trainee and document the successful completion of not less than two hundred twenty-five (225) classroom hours of courses in subjects related to real estate appraisal as follows: (3-20-14)

i. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM's and Mass Appraisal), and Real Estate Finance; (3-20-14)

ii. General Appraiser Market Analysis and Highest and Best Use: not less than thirty (30) hours; (3-20-14)

iii. General Appraiser Sales Comparison Approach: not less than thirty (30) hours, specifically

including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; (3-20-14)

iv. General Appraiser Site Valuation and Cost Approach: not less than thirty (30) hours; (3-20-14)

v. General Appraiser Income Approach: not less than sixty (60) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; (3-20-14)

vi. General Appraiser Report Writing and Case Studies: not less than thirty (30) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and (3-20-14)

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours, and may include hours over the minimum shown in Subsection 400.01.b. of these rules; or (3-20-14)

c. Document licensure as a Licensed Residential Real Estate Appraiser and the successful completion of not less than one hundred fifty (150) classroom hours of courses in subjects related to real estate appraisal as follows: (3-20-14)

i. Statistics, Modeling and Finance: not less than fifteen (15) hours, specifically including Statistics; Valuation Models (AVM's and Mass Appraisal); and Real Estate Finance; and (3-20-14)

ii. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and (3-20-14)

iii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (3-20-14)

iv. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and (3-20-14)

v. General Appraiser Income Approach: not less than forty-five (45) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (3-20-14)

vi. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies; and (3-20-14)

vii. Appraisal Subject Matter Electives: not less than thirty (30) hours. and may include hours over the minimum shown in Subsection 400.01.c.; or (3-20-14)

d. Document licensure as a Certified Residential Real Estate Appraiser and the successful completion of not less than one hundred five (105) classroom hours of courses in subjects related to real estate appraisal as follows: (3-20-14)

i. General Appraiser Market Analysis and Highest and Best Use: not less than fifteen (15) hours; and (3-20-14)

ii. General Appraiser Sales Comparison Approach: not less than fifteen (15) hours, specifically including Value Principles, Procedures, Identification and Measurement of Adjustments, Reconciliation, and Case Studies; and (3-20-14)

- iii. General Appraiser Site Valuation and Cost Approach: not less than fifteen (15) hours; and (3-20-14)
- iv. General Appraiser Income Approach: not less than forty-five (45) hours, specifically including Overview, Compound Interest, Lease Analysis, Income Analysis, Vacancy and Collection Law, Estimating Operating Expenses and Reserves, Reconstructed Income and Expense Statement, Stabilized Net Operating Income Estimate, Direct Capitalization, Discounted Cash Flow, Yield Capitalization, Partial Interest, and Case Studies; and (3-20-14)
- v. General Appraiser Report Writing and Case Studies: not less than fifteen (15) hours, specifically including Writing and Reasoning Skills, Common Writing Problems, Report Options and USPAP Compliance, and Case Studies. (3-20-14)
- 02. Experience.** Experience is a prerequisite to sit for the licensure examination: (4-11-06)
- a. Document three thousand (3,000) hours of appraisal experience in no less than ~~thirty~~ eighteen (~~30~~18) months (See Subsection 250.02). Experience documentation in the form of reports or file memoranda should be available to support the claim for experience. (~~4-11-06~~)(5-1-18)T
- b. One thousand five hundred (1,500) hours of the experience must be non-residential appraisal experience. The balance of one thousand five hundred (1,500) hours may be solely residential experience or can include up to five hundred (500) hours of non-field experience as outlined in Subsection 250.02.d. (4-11-06)
- c. Examination. Successful completion of the Certified General Appraiser examination approved by the Board pursuant to the guidelines of the Appraisal Qualifications Board. (3-21-12)

IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
25.01.01 – RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
DOCKET NO. 25-0101-1801
NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 36-2107(b) and (j), Idaho Code.

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

PUBLIC MEETINGS	
Friday, June 8, 2018 8:30 a.m. (MDT)	Friday, August 3, 2018 8:30 a.m. (MDT)

Public meetings will be held in
Correctional Industries' *Hall Classroom*

1301 North Orchard Street
Boise, ID 83706

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

METHOD OF PARTICIPATION: Persons wishing to participate in the negotiated rulemaking must do the following: The Board requests that comments be submitted in writing. Written comments may be submitted by:

Email: licensing@oglb.idaho.gov,
Fax: (208) 327-7382, or
Mail: Idaho Outfitters and Guides Licensing Board
1365 N. Orchard St., Room 172
Boise, Idaho 83706

Oral and written testimony will also be taken at the public meetings. 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 AND STATEMENT OF PURPOSE: The following is a statement in nontechnical language of the substance and purpose of the intended negotiated rulemaking and the principal issues involved:

The Idaho Outfitters and Guides Licensing Board is responsible for designating deer and elk tags allocated by the Idaho Fish and Game Commission for hunters using the services of an outfitter in capped zones and controlled hunt areas. The Board is conducting negotiated rulemaking to reevaluate the basis upon which it determines and verifies the historic use of deer and elk tags in operating areas and the methods it uses to ensure that the limited hunting opportunities are available to the hunting public. The negotiated rulemaking will also address and modernize the processes that are used to redeem designated tags with the Idaho Fish and Game Commission.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Lori Thomason at (208) 327-7380. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Idaho Outfitters and Guides Licensing Board web site at the following web address: <https://oglb.idaho.gov>.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 31, 2018.

DATED this 19th day of April, 2018.

Lori Thomason
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard Street #172
Boise, Idaho 83706
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IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
25.01.01 – RULES OF THE IDAHO OUTFITTERS AND GUIDES LICENSING BOARD
DOCKET NO. 25-0101-1802
NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 28, 2018.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 36-2107(b) and (j), Idaho Code.

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

When the Idaho Fish and Game Commission limits the number of deer or elk tags available in any game management area, unit, or zone by “capping” a zone or establishing a “controlled hunt”, it allocates a number of those limited tags for use by hunters who use a licensed outfitter. The Idaho Outfitters and Guides Licensing Board then has the responsibility to designate those limited allocated tags among the licensed outfitters’ operating areas that are in the capped zones or controlled hunt areas. This temporary rule is being adopted to provide more clarity regarding the basis for how the Board conducts its designation of the allocated tags, formalize procedures for an outfitter who disagrees with the designation, allow outfitters within a capped zone or controlled hunt area to come to an agreement on the designation, and ensure that the designation is done in a manner to maximize the use of the allocated tags by the public. The adoption of a temporary rule is necessary to ensure the allocated tags for the current year will be designated to allow for these limited hunting opportunities to be used.

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

This temporary rule is necessary to ensure the use of hunting tags that are allocated for hunters using licensed outfitters in game management areas/units/zones where there are only a limited number of hunting tags available. The use of allocated hunting tags confers a benefit on the outfitted public, licensed outfitters, and the businesses that receive an associated positive economic impact from use of these limited hunting opportunities.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Lori Thomason at (208) 327-7380.

DATED this 19th day of April, 2018.

Lori Thomason
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THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 25-0101-1802
(Only Those Sections With Amendments Are Shown.)

002. DEFINITIONS.

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

01. Act. Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters and Guides Act, as amended. (4-1-92)

02. Administrative Noncompliance. (3-10-03)

a. Two (2) or more repeated failures to apply for license renewal in a timely manner; or (3-10-03)

b. Two (2) or more repeated failures to file a complete application pursuant to Section 36-2113(a)(1), Idaho Code. (3-10-03)

03. Allocated Tag. A deer or elk tag in a capped zone or controlled hunt area that has been allocated by the Idaho Fish and Game Commission for use by hunters that have entered into an agreement to utilize the services of a licensed outfitter. (3-28-18)T

034. Authorized Person. An investigator or enforcement agent in the employ of the Board, a conservation officer of the Idaho Department of Fish and Game, or any local, state, or federal law enforcement officer. (4-1-92)

045. Board. The Idaho Outfitters and Guides Licensing Board. (4-1-92)

056. Board Meeting. The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071). (4-1-92)

067. Booking Agent. Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)

08. Capped Zone. A game management area, unit, or zone for which the Idaho Fish and Game Commission has limited or "capped" the number of deer or elk tags available for use. (3-28-18)T

079. Compensation. The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)

0810. Completed Application. An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category. (4-1-92)

0911. Consideration. The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)

102. Desert. A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (4-1-92)

143. Designated Agent. An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-11-06)

124. Drift Boats. Shall be substituted for and have the same meaning as “float boats” defined below. (4-1-92)

135. Enforcement Agent. An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)

146. Facilities and Services. The provision of personnel, lodging (tent, home, lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Section 36-2102(b), Idaho Code. (4-1-92)

157. First Aid Card. A valid card issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable Red Cross course and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board. (4-1-92)

168. Fishing. Fishing activities on those waters and for those species described in the rules of the Idaho Department of Fish and Game, IDAPA 13.01.11, “Rules Governing Fish,” general fishing seasons and any anadromous fishing rules; for purposes of the “Act,” fishing is defined as follows: (4-1-92)

- a. Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)
- b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (4-1-92)
- c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by Idaho Department of Fish and Game rules. (4-1-92)
- d. Incidental fishing means fishing conducted as a minor activity. (4-1-92)
- e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (4-1-92)
- f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized flotation equipment, but does not include the use of watercraft. (4-1-92)

179. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal flotation devices, innertubes, air mattresses, or similar devices. (4-1-92)

1820. Guide. An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)

1921. Guide License. A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)

- 202. Hazardous Excursions.** Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment that may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama and goat packing, snowmobiling, survival courses, guiding courses, rescue courses, fishing courses, motored and non-motored cycling, wagon rides, sleigh rides, and dog sled rides. (3-29-10)
- 213. He/His/Him.** Shall mean either the male or female gender. (4-1-92)
- 224. Hunting.** The pursuit of any game animal or bird and all related activities including packing of client camp equipment, supplies, game meat and clients to and from a hunting camp. (3-30-01)
- 235. Incidental Activity.** Shall be and is the same as a minor activity. (4-1-92)
- 246. Minor Amendment.** All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-11-06)
- 257. Investigator.** An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)
- 268. Major Activity.** A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)
- 279. Major Amendment.** All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)
- 2830. Minor Activity.** A licensed activity the nature of which must be carried out in conjunction with a major activity, but is not the primary purpose of the excursion. (3-15-02)
- 2931. Mountainous.** A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (4-1-92)
- 302. New Opportunity.** A proposed commercial outfitted activity to be conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)
- 313. Nonresident.** An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)
- 324. Operating Area.** The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)
- 335. Operating Plan.** A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)
- 346. Outfitter.** An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)

357. Outfitter License. A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Section 36-2102(b), Idaho Code. The conduct of an outfitted operation on any land(s) is not authorized unless signed permission, a permit, or a lease is obtained from the land owner(s), or their agent(s), and filed with the Board. (3-15-02)

368. Out-of-Pocket Costs. The direct costs attributable to a recreational activity. Such direct costs shall not include: (4-1-92)

- a. Compensation for either sponsors or participants; (4-1-92)
- b. Amortization or depreciation of debt or equipment; or (4-1-92)
- c. Costs of non-expendable supplies. (4-1-92)

39. Parent Controlled Hunt. The controlled hunt without allocated tags that corresponds with the controlled hunt with allocated tags for the same hunt area, season dates, species, and other conditions. (3-28-18)T

3740. Power Boats. All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01, 059.02 and 059.03 of these rules. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. (4-1-92)

3841. Relinquishment of License Privileges. The failure to re-apply at the expiration of a license; the loss through nonuse, inactivity, revocation, or voluntary surrender of a license; or other loss of license. (See Subsection 030.03). (3-23-98)

3942. Resident. An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license. (4-1-92)

403. Rules. The Rules of the Board. (4-1-92)

414. Stay of Board Action. An order, pursuant to Idaho Code 67-5215(c), stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)

425. Third Party Agreement. The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)

436. Trainee. A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)

447. Boat Trainee Under Supervision. A boat trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (3-10-03)

458. Unethical/Unprofessional Conduct. Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: (3-30-01)

- a. An outfitter employing an unlicensed guide; (3-30-01)
- b. Providing false, fraudulent or misleading information to the Board; (3-30-01)
- c. Failure to obey an order of the Board; (3-30-01)

- d. Failure to provide services as advertised or contracted; (3-30-01)
 - e. Harassment of the public in their use of Idaho’s outdoor recreational opportunities; (3-30-01)
 - f. Violation of state or federal fish and game laws; (3-30-01)
 - g. Engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; (3-30-01)
 - h. Disregard for the conservation, maintenance or enhancement of fish, game, land and water resources; (3-30-01)
 - i. Failure to pay a supplier of goods or services to the outfitter business; (3-15-02)
 - j. Failure to pay state taxes; or (3-15-02)
 - k. Operating in a manner which endangers the health, safety, or welfare of the public. (3-30-01)
 - l. Selling lifetime excursions, lifetime hunts, or selling of outfitted activities to an individual for the life of that individual and collecting fees accordingly. (4-11-06)
- 469. Validated Training Form.** An approved form bearing the “Great Seal of the State of Idaho” and the official stamp of the Board affixed thereon. (4-1-92)
- 4750. Watercraft.** A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal flotation devices (PFD’s), or similar devices. (4-1-92)

(BREAK IN CONTINUITY OF SECTIONS)

057. DESIGNATION AMONG OPERATING AREAS OF ALLOCATED OF DEER AND ELK TAGS IN A CAPPED ZONE.

When there are a limited number of deer or elk tags available for use in a game management area, unit, or zone pursuant to Section 36-408(4), Idaho Code, the Board will designate the number of deer or elk tags for clients of outfitters allocated among the authorized operating areas within each game management area, unit or zone will be determined by the Board pursuant to Sections 36-408(3) and 36-408(4), Idaho Code, and Department of Fish and Games rules, IDAPA 13-01.04, “Rules Governing Licensing” Sections 500, 505, and 506, capped zone based on historical use and a tag allocation factor shall be noted on the license of each outfitter so affected and in an equitable manner designed to maximize the use of the allocated tags by the public in capped zones as authorized by Section 36-2107(j), Idaho Code. (3-23-98)(3-28-18)T

01. Initial Calculation and Designation of Allocated Tags Among Operating Areas. When the Idaho Fish and Game Commission initially limits the deer or elk tags available for a capped zone, the Board will conduct an initial calculation to determine the number of allocated deer or elk tags designated for each eligible outfitter. For purposes of these rules, an eligible outfitter is an outfitter whose operating area is within the capped zone and whose licensed activities include hunting the species for the type of tag that is being limited. The initial calculation will apply for a period of five (5) years. (3-28-18)T

a. Number of Designated Allocated Tags. The initial calculation to determine the number of designated allocated tags for each outfitter in the capped zone will be conducted by dividing an outfitter’s reported historic use by the total reported historic use of all outfitters in the capped zone and then multiplying by the total number of allocated tags for the capped zone and rounding to the nearest whole number. The result is the number of allocated tags designated for the outfitter. Any allocated tags that are not designated for an outfitter because of rounding will be placed in a surplus pool for the capped zone. (3-28-18)T

b. Reported Historic Use. Reported historic use is the number of clients that an outfitter has provided services to within the preceding five (5) years in the capped zone for the type of allocated tag that is being designated, as identified by an outfitter's use reports. (3-28-18)T

c. Stipulation by Outfitters. Outfitters in a capped zone may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the capped zone. The stipulation must be signed by all eligible outfitters in the capped zone. If the Board accepts the stipulation, the stipulation will be effective for a five (5) year period unless otherwise specified in the stipulation. In no event will the stipulation be effective for more than a (5) year period. In the event that the Idaho Fish and Game Commission makes an adjustment in the number of allocated tags available for a capped zone, the stipulation is deemed rescinded and of no effect. A new written stipulation may be submitted to the Board in connection with the calculation conducted pursuant to Subsection 057.04 of these rules. (3-28-18)T

i. Any outfitter may petition the Board to withdraw from the stipulation for good cause at any time. If the Board grants the withdrawal, then the Board will conduct an initial calculation to designate the allocated tags among the outfitters in that capped zone for the remainder of the calculation period. (3-28-18)T

ii. A stipulation does not affect the ability of an outfitter within the capped zone to obtain allocated tag(s) from another outfitter or from the surplus pool, as provided in these rules. (3-28-18)T

d. Objection to Initial Calculation. An outfitter who believes the initial calculation is incorrect may object to the initial calculation by filing a petition in accordance with the Idaho administrative procedures act with the Board along with any supporting information or documentation. (3-28-18)T

i. The Board will give notice regarding the petition to all other eligible outfitters in the capped zone for which the initial calculation was conducted. (3-28-18)T

ii. The outfitter bears the burden of establishing that the initial calculation was incorrect. (3-28-18)T

02. Recalculation and Designation of Allocated Tags Among Operating Areas. The designation of allocated tags among the outfitters in a capped zone will be recalculated for each five (5) year period. (3-28-18)T

a. Number of Designated Allocated Tags. The recalculation to determine the number of designated allocated tags for each eligible outfitter will be conducted by averaging the outfitter's verified historic use of allocated tags in each year during the preceding five (5) year period and rounding to the nearest whole number. The result is the number of allocated tags designated for the outfitter. Verified historic use is the number of allocated tags for the capped zone that were used by a client of the outfitter and for which the outfitter received a voucher from the Board. (3-28-18)T

b. Stipulation by Outfitters. Outfitters in a capped zone may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the capped zone. The stipulation must be signed by all eligible outfitters in the capped zone. If the Board accepts the stipulation, the stipulation will be effective for a five (5) year period unless otherwise specified in the stipulation. In no event will the stipulation be effective for more than a five (5) year period. (3-28-18)T

i. Any outfitter may petition the Board to withdraw from the stipulation for good cause at any time. If the Board grants the withdrawal, then the Board will conduct a recalculation to designate the allocated tags among the operating areas in that capped zone for the remainder of the calculation period. (3-28-18)T

ii. A stipulation does not affect the ability of an eligible outfitter to obtain allocated tag(s) from another outfitter or from the surplus pool, as provided in these rules. (3-28-18)T

c. Remaining Allocated Tags after Recalculation. If the number of allocated tags for a capped zone exceeds the total number of designated tags, the remainder of the allocated tags will be placed in the surplus pool for the capped zone for use by all eligible outfitters in the capped zone, as provided in these rules. (3-28-18)T

d. Hardship Request. An outfitter may submit to the Board a written request to change the basis of its

recalculation from average verified historic use when the outfitter can demonstrate hardship, including health, act of nature, state or federal restrictions on hunting or access or other good cause, that prohibited or limited the outfitter's ability to seek and accommodate clients and impacted the outfitter's use of designated allocated tags. The outfitter must provide any information requested by the Board to assist in substantiating hardship cases. (3-28-18)T

e. Objection to Recalculation. An outfitter who believes the recalculation is incorrect may object to the recalculation by filing a petition in accordance with the Idaho administrative procedures act with the Board along with any supporting information or documentation. The outfitter shall bear the burden of establishing that the recalculation was incorrect. (3-28-18)T

03. Adjustment of Allocated Tags. In the event that the Idaho Fish and Game Commission makes an adjustment in the number of allocated tags available for a capped zone, the Board will conduct an initial calculation as set forth in these rules to designate the allocated tags among the operating areas in the affected capped zone, except that the Board shall use verified historic use rather than reported historic use for the calculation. (3-28-18)T

04. Use of Designated Allocated Tags. An outfitter's designation of allocated tags for a particular year will be held until the third Wednesday in May of that year. The Board will issue a voucher for each allocated tag as proof of the Board's designation of the allocated tag. (3-28-18)T

a. Request for Voucher for Designated Allocated Tag. Beginning December 1, an outfitter may request a voucher for an allocated tag by submitting a written request identifying the capped zone, type of tag requested, and the name of the client who will be using the allocated tag. All vouchers expire on July 31. (3-28-18)T

i. When the identified client is unable to use the designated allocated tag, the outfitter must promptly notify the Board and return the voucher or provide the name of another client who will be using the allocated tag. (3-28-18)T

ii. The outfitter is responsible for retaining documentation of the use of the voucher and the client who used the corresponding allocated tag. The documentation must be retained for a period of five (5) years and is subject to audit by the Board. (3-28-18)T

b. Unused Designated Allocated Tags. Designated allocated tags that are not requested by the outfitter by the third Wednesday in May will be placed in the surplus pool. (3-28-18)T

c. Release and Surrender of Tags. An outfitter who does not wish to use some or all of its designated allocated tags may choose to release its tags to another outfitter or may surrender its tags. (3-28-18)T

i. An outfitter may not release tags until the surplus pool for the capped zone has been exhausted. When there are no allocated tags available in the surplus pool for a capped zone, an outfitter may release designated allocated tag(s) to another eligible outfitter by submitting a written statement to the Board identifying the number and type of allocated tag and the outfitter to which the allocated tag is being released. The releasing outfitter will receive credit toward historical use for the released tag as if the outfitter had used the tag for its own client. (3-28-18)T

ii. An outfitter may surrender designated allocated tag(s) by submitting a verified statement on a form approved by the Board. The surrendered allocated tag(s) will be placed in the surplus pool. The outfitter will not receive credit toward historical use for the surrendered allocated tags. (3-28-18)T

d. Surplus Pool. When an allocated tag for a capped zone is not designated for an individual outfitter, the allocated tag is placed in a surplus pool and is available for use by any eligible outfitter, as follows: (3-28-18)T

i. Outfitters who have claimed allocated tags from the Idaho Fish and Game Department for all of the outfitter's designated allocated tags may request an allocated tag from the surplus pool beginning December 1. (3-28-18)T

ii. An outfitter who was not designated any allocated tags may request an allocated tag from the surplus pool beginning March 1. (3-28-18)T

- iii. Allocated tags in the surplus pool will be designated on a first-come, first-served basis. (3-28-18)T
- iv. An outfitter may request a voucher for an allocated tag from the surplus pool by submitting a written request in the same manner and under the same conditions as set forth in Subsection 057.04.a of these rules. (3-28-18)T
- iv. The outfitter will receive credit toward historic use for the allocated tag designated from the surplus pool, provided the outfitter's client uses the allocated tag. (3-28-18)T
- e. Waiting List. When a capped zone does not have a surplus pool, the Board will maintain a waiting list in the event allocated tags are placed in the surplus pool. An outfitter must provide a client name to be placed on the waiting list and the waiting list will be in the order in which the requests were received. (3-28-18)T
- 05. Change in Operating Area or Owner of Business.** When an outfitting business is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the Board may re-designate the associated allocated tags as follows: (3-28-18)T
- a. Sale of Business. In the event that an outfitting business is sold, the allocated tags designated for the operating area(s) and the historic use of allocated tags will transfer with the sale. (3-28-18)T
- b. Vacated or Abandoned Area. In the event that an operating area is vacated or abandoned and is licensed to a new eligible outfitter, the new outfitter will be designated the number of allocated tags that were previously designated for the operating area. In the event that an operating area is vacated or abandoned and is not licensed to a new eligible outfitter, the tags previously designated for the operating area will be placed in the surplus pool. (3-28-18)T
- c. Adjustment in Areas. When an operating area is adjusted as provided by these rules, all or some of the tags previously designated for the affected operating area may be placed in the surplus pool or designated to other eligible outfitters. Any such change in the designation of tags will be done by the Board based on the totality of the circumstances, which may include the size or proportion of the adjusted areas, biological considerations of the adjusted area, and demonstrated need of each outfitter affected by the adjustment. (3-28-18)T

(BREAK IN CONTINUITY OF SECTIONS)

073. DESIGNATION AMONG OPERATING AREAS OF ALLOCATED CONTROLLED HUNT DEER AND ELK TAGS.

When there are a limited number of deer or elk tags available for use in a game management area, unit, or zone pursuant to Section 36-408(4), Idaho Code, the Board will designate the tags allocated for clients of outfitters among the authorized operating areas within each controlled hunt area based on historical use and in an equitable manner designed to maximize the use of the allocated tags by the public in controlled hunt areas as authorized by Section 36-2107(j), Idaho Code. (3-28-18)T

01. Calculation and Designation of Allocated Tags Among Operating Areas. When the Idaho Fish and Game Commission limits the deer or elk tags available for a controlled hunt area, the Board will conduct a calculation to determine the number of allocated deer or elk tags designated for each eligible outfitter. For purposes of this rule, an eligible outfitter is an outfitter whose operating area is within the controlled hunt area and whose licensed activities include hunting the species for the type of tag that is being limited. (3-28-18)T

a. Number of Designated Allocated Tags. The calculation to determine the number of designated allocated tags for each outfitter for a controlled hunt will be conducted by dividing an outfitter's reported historic use of tags for the parent controlled hunt by the total reported historic use of all outfitters for the parent controlled hunt and then multiplying by the total number of allocated tags for the controlled hunt and rounding to the nearest whole number. The result is the number of allocated tags designated for the outfitter. Any allocated tags that are not designated for an outfitter because of rounding will be designated for the outfitter who has been licensed for the longest amount of time for hunting in the controlled hunt area for the species for the type of tag being limited.

(3-28-18)T

b. Reported Historic Use. Reported historic use is the number of clients that an outfitter has provided services to within the preceding five (5) years in the parent controlled hunt. (3-28-18)T

c. No Reported Historic Use. In the event there is no reported historic use by any outfitter for the parent controlled hunt, the basis of the calculation will be: (3-28-18)T

i. Reported historic use in the general hunt that matches the species, season structure, and conditions for the allocated tags; or if there is no reported historic use on that basis. (3-28-18)T

ii. Reported historic use in the controlled hunt area that matches the species and conditions for the allocated tags; or if there is no reported historic use on that basis. (3-28-18)T

iii. Equally between the eligible outfitters in the controlled hunt area. If there are remaining allocated tags after each outfitter has been designated an equal number of allocated tags, remaining tags will be designated in the order of seniority of licensure. Seniority is based on the longest length of time of licensure for hunting for the species for the type of tag being limited in the controlled hunt area. (3-28-18)T

d. Stipulation by Outfitters. Eligible outfitters in a controlled hunt area may submit to the Board a written stipulation determining the number of allocated tags designated for each outfitter within the controlled hunt area. The stipulation must be signed by all eligible outfitters licensed in the controlled hunt area. In the event that the Idaho Fish and Game Commission makes an adjustment in the number of allocated tags available for a controlled hunt area, the stipulation is deemed rescinded and of no effect. A new written stipulation may be submitted to the Board in connection with the calculation conducted pursuant to Subsection 073.01 of these rules. (3-28-18)T

i. Any outfitter may petition the Board to withdraw from the stipulation for good cause at any time. If the Board grants the withdrawal, then the Board will conduct a calculation to designate the allocated tags among the operating areas in that controlled hunt area. (3-28-18)T

ii. A stipulation does not affect the ability of an outfitter within the controlled hunt area to obtain allocated tag(s) from another outfitter, by notifying the Board of the controlled hunt number and the outfitter receiving the designated allocated tag. (3-28-18)T

02. Objection to Calculation. An outfitter who believes the calculation is incorrect may object to the calculation by filing a petition in accordance with the Idaho administrative procedures act with the Board along with any supporting information or documentation. (3-28-18)T

a. The Board will give notice regarding the petition to all other eligible outfitters in the controlled hunt area for which the calculation was conducted. (3-28-18)T

b. The outfitter bears the burden of establishing that the calculation was incorrect. (3-28-18)T

03. Hardship Request. An outfitter may submit to the Board a written request to change the basis of its calculation when the outfitter can demonstrate hardship, including health, act of nature, state or federal restrictions on hunting or access or other good cause, that prohibited or limited the outfitter's ability to seek and accommodate clients and impacted the outfitter's use of designated allocated tags. The outfitter must provide any information requested by the Board to assist in substantiating hardship cases. (3-28-18)T

04. Adjustment of Allocated Tags. In the event that the Idaho Fish and Game Commission makes an adjustment in the number of allocated tags available for a controlled hunt, the Board will conduct a calculation as set forth in these rules to designate the allocated tags among the operating areas in the affected controlled hunt, except that the Board shall include verified historic use of tags from the parent controlled hunt in the calculation. (3-28-18)T

05. Use of Designated Allocated Tags. The Board will issue a certification form for each designated allocated tag specifying the controlled hunt number for which it is valid. The certification form may be submitted to the Idaho Fish and Game Commission as proof of the Board's designation of the allocated tag. Applications for

allocated tags for a controlled hunt must be submitted to the Idaho Fish and Game Department in accordance with the rules and deadlines established by the Idaho Fish and Game Commission. (3-28-18)T

06. Non-use of Designated Allocated Tags. The Board will evaluate the use of designated allocated tags under the standards of non-use in Section 024 of these rules. (3-28-18)T

07. Change in Operating Area or Owner of Business. When an outfitting business is sold or when an operating area is adjusted and designated allocated tags are associated with the affected operating area, the Board may re-designate the associated allocated tags in accordance with Subsection 057.05 of these rules. (3-28-18)T

07~~3~~4. -- 999. (RESERVED)

IDAPA 27 – BOARD OF PHARMACY

27.01.04 – RULES GOVERNING PHARMACIST PRESCRIPTIVE AUTHORITY

DOCKET NO. 27-0104-1801

NOTICE OF RULEMAKING – ADOPTION OF TEMPORARY RULE

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

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

The House and Senate Health & Welfare Committees unanimously approved **Rule Docket 27-0104-1701**, Rules Governing Pharmacist Prescriptive Authority, on January 10, 2018. The legislative review led to a suggestion that Rule 024.01 be amended back to the Board’s originally proposed language via temporary rule. This rule docket makes the proposed change, clarifying that pharmacists can prescribe statins to patients “who have been diagnosed with diabetes” within certain parameters.

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

The legislative review of Rule Docket 27-0104-1701 led to a discussion of making this change via temporary rule to coincide with the effective date of the docket: July 1, 2018.

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 Alex Adams, Executive Director, at (208) 334-2356.

DATED this 12th day of April, 2018.

Alex J. Adams, Pharm D, MPH
Executive Director
Board of Pharmacy
1199 W. Shoreline Ln., Ste. 303
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 27-0104-1801
(Only Those Sections With Amendments Are Shown.)

024. PHARMACIST PRESCRIBING FOR CLINICAL GAPS IN CARE.

A pharmacist may prescribe any drug approved by the FDA for the purposes of closing a gap in clinical guidelines as follows: (7-1-18)

01. Statins. Statins, for patients who have ~~a current prescription for a drug for~~ been diagnosed with diabetes; and ~~(7-1-18)~~(7-1-18)T

02. Short-Acting Beta Agonists. Short-acting beta agonists (SABA), for patients with asthma who have had a prior prescription for a SABA, and who have a current prescription for a long-term asthma control medication. (7-1-18)

IDAPA 34 – OFFICE OF THE SECRETARY OF STATE

34.06.02 – RULES GOVERNING THE ELECTRONIC RECORDING OF PLATS, RECORDS OF SURVEY, AND CORNER RECORDS

DOCKET NO. 34-0602-1801 (NEW CHAPTER)

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5220(2), Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 67-903(9) and 67-906(1)(c), Idaho Code.

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

PUBLIC MEETING
Wednesday, June 27, 2018 – 10:00 a.m.

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 above.

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

Attend the meeting and present your comments on the draft amendments or submit your comments in writing not later than June 27, 2018 to the undersigned.

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 posted on the Secretary of State's website and will be made available to interested persons who contact the agency.

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

The amendments will implement consistent standards for electronically filing and recording plats, records of survey and corner records in county courthouses.

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, (208) 373-7210.

Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Secretary of State's web site at the following web address: <https://sos.idaho.gov/rules>.

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 June 27, 2018.

DATED this 1st day of May, 2018.

Chad Houck
Deputy Secretary of State
P.O. Box 83720
Boise, ID 83720-0080
Phone: (208) 332-2862
Fax: (208) 334-2282
E-mail: chouck@sos.idaho.gov

IDAPA 35 – STATE TAX COMMISSION

35.01.02 – IDAHO SALES AND USE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

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

Rule 003 – This rule provides guidance on where a taxpayer can find information about the administrative appeals process available to them. Currently the rule contains only one statutory reference. The proposed rulemaking will add references to additional areas within Idaho Code and Administrative Rules. Specifically, Sections 63-3626, 63-3631, 63-3633, and 63-3634, Idaho Code, a reference to Section 121 of these rules, and IDAPA 35.02.01, “The Tax Commission Administration and Enforcement Rules.”

Rule 011 – Idaho law treats the fees a retailer charges for assembling, producing or fabricating property to the special order of a customer as part of the sales price subject to sales tax. Assembly is not referenced in Subsection 01.b, of this rule, but is part of the sales price subject to sales tax. The proposed rulemaking will clarify in rule that the assembly of tangible personal property is subject to sales tax by adding the word assembly to Subsection 01.b, of this rule, a statutory references to Sections 63-3612, 63-3613(a)(2), Idaho Code, and a cross reference to Sales Tax rule Subsection 043.02.a. This change is designed to help retailers and aligns with current practice.

Rule 043 – Idaho law provides that the fee a retailer charges for assembling, producing, or fabricating their products to the special order of a customer is part of the sales price subject to sales tax. Assembly is not currently referenced in Subsection 01.d, of this rule, but is part of the sales price subject to sales tax. The proposed rulemaking will clarify in rule that the assembly of tangible personal property is subject to sales tax by adding the statutory reference to Section 63-3613, Idaho Code, and the word assemble in Subsection 01.d, of this rule. This change is designed to help retailers and aligns with current practice.

Rule 107 – This rule discusses specific topics relating to motor vehicles including gifts, military personnel, and exemptions. The proposed rulemaking is to update the rule to reflect changes in tax exemption claim form ST-133. Gift transfers were removed from the form ST-133 and a new form was created for gift transfers, (form ST-133GT). The form name will be updated in Subsection 02.d, of this rule. Under Subsections 07 and 08, of this rule, the name of the form to be used for sales to family members and sales to American Indians will be updated and statutory references to Sections 63-3621, 63-3622K, & 63-3622Z, Idaho Code will be added.

Rule 110 – This rule provides guidance for financial institutions about their responsibility to pay over the tax when they are collecting sales tax for the sale of tangible personal property that they are financing, and when that sales tax should be reported. Section 110 does not provide guidance about how the financial institutions should report the tax. The proposed rulemaking adds guidance that directs financial institutions to obtain a permit if they are collecting sales tax so they can properly report the tax they collected.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Leah Parsons, (208) 334-7531. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 3rd day of May, 2018.

Leah Parsons, Tax Policy Specialist
State Tax Commission/Sales Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7531
Fax: (208) 334-7844

IDAPA 35 – STATE TAX COMMISSION

35.01.03 – PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-1802

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

DESCRIPTIVE SUMMARY: 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 702 – Recently enacted HB492 created a new property tax reduction program for disabled veterans (I.C. 63-705A). Paragraph 63-705A(3) provides that the surviving spouse receives the benefit until the homestead no longer has property tax levied on the homestead. There is a need to clarify and explain this provision for determining eligibility for the benefit. New Property Tax Rule 702 will clarify that the surviving spouse's right to apply for the 100% Service Connected Disabled Veterans Program continues only as long as they own the same homestead originally granted the benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Alan Dornfest, (208) 334-7742. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 22nd day of May, 2018.

Alan Dornfest
Tax Policy Supervisor
(208) 334-7742

State Tax Commission/Property Tax
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35 – STATE TAX COMMISSION

35.01.05 – IDAHO MOTOR FUELS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0105-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105 and 63-2427, and 63-2425, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

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

Rule 170 – This rule will be amended to clearly define which vehicles can use dyed diesel, according to 63-2425, Idaho Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Don Williams, (208) 334-7855. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 3rd day of May, 2018.

Don Williams, Tax Policy Specialist
State Tax Commission/Product Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7844

IDAPA 35 – STATE TAX COMMISSION

35.01.06 – HOTEL/MOTEL ROOM AND CAMPGROUND SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0106-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105(2), 63-3624(a), 63-3635, 63-3039, and 63-1801 through 63-1804, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

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

Rule 003 – This rule provides guidance on where a taxpayer can find information about the administrative appeals process available to them. Currently the rule contains only one statutory reference. The proposed rulemaking will add references to additional areas within Idaho Code and Administrative Rules. Specifically, Sections 63-3626, 63-3631, 63-3633, and 63-3634, Idaho Code, a reference to Section 121 of the Sales and Use Tax Administrative Rules, and IDAPA 35.02.01, “The Tax Commission Administration and Enforcement Rules.”

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Leah Parsons, (208) 334-7531. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 3rd day of May, 2018.

Leah Parsons, Tax Policy Specialist
Phone: (208) 334-7531
Fax: (208) 334-7844

State Tax Commission/Sales Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410

IDAPA 35 – STATE TAX COMMISSION

35.01.09 – IDAHO COUNTY OPTION KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0109-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105 and 23-1323, and 23-1303, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

Wine Tax Rule 016 – Wine Tax Returns and Reports – The rule incorrectly uses “wholesaler” when referring to a wine distributor. Pursuant to Section 23-1303(1)(c), Idaho Code, anyone distributing wine is a “distributor.” The rule is being amended to correct the term “wholesaler” to “distributor”.

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

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

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

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 Don Williams, (208) 334-7855. For general questions, contact Kimberlee Stratton, (208) 334-7544.

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 June 27, 2018.

DATED this 3rd Day of May, 2018.

Don Williams, Tax Policy Specialist
State Tax Commission/Product Tax
800 Park Blvd. Plaza IV
P.O. Box 360109-1801,
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7844

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0109-1801
(Only Those Sections With Amendments Are Shown.)

016. WINE TAX RETURNS AND REPORTS (RULE 016).

Section 23-1322, Idaho Code

01. Due Date of Reports. Every person liable for the payment of taxes on wine and every person responsible for making reports to the Commission shall, on or before the 15th day of the month following the end of the reporting period, file a written report with the Commission showing all sales of wine for use or delivery within Idaho during the immediately preceding reporting period. Taxes payable with respect to such sale, distribution, or disposition shall be paid by the person liable therefor, at the time such report is filed. (3-29-10)

a. Monthly Filing Generally Required. All persons who pay wine tax are required to remit the tax to the state on a monthly basis unless a different reporting period is prescribed by the Commission. The remittance will include all wine tax due from the first through the last day of the preceding calendar month. (3-29-10)

b. Request to File Quarterly or Semiannually. Distributors or persons who owe six hundred dollars (\$600) or less per quarter and have established a satisfactory record of timely filing and payment of the wine tax may request permission to file quarterly or semiannually instead of monthly. (3-29-10)

c. Request to File Annually. Wine direct shippers, distributors, or persons who have seasonal activities may request permission to file annually. Approval of the request is at the discretion of the Commission and is limited to taxpayers who have established a satisfactory record of timely filing and payment of the tax. (3-29-10)

d. Final Report. Whenever a taxpayer who is required to file returns under the Idaho County Option Kitchen and Table Wine Act or these rules stops doing business, he must mark cancel on the last report he files. This report ends the taxable year for wine tax purposes and constitutes the taxpayer's final report of wine tax liabilities. The taxpayer must enclose his permit with his request for cancellation or send a written statement that the permit has been destroyed. If the taxpayer continues business activity after filing a final report, he may be subject to liabilities or penalties for failing to comply with the Idaho County Option Kitchen and Table Wine Act and these rules. (3-29-10)

02. Weekend or Holiday Due Date. For purposes of this rule, if the 15th day of any month following the end of a reporting period shall fall upon Saturday, Sunday or a legal holiday, then the due date for the report or the payment of the taxes, or both, required by this Act shall be the first business day thereafter. (3-29-10)

03. Prescribed Forms. (7-1-93)

a. All importers engaged in the sale or other disposition of wine imported into Idaho shall report all sales and dispositions of wine on forms either provided by or approved by the Commission. (3-29-10)

b. Distributors of wine must report all additions to and sales or dispositions out of inventory, whether taxable or tax exempt, using inventory reporting methods on forms provided by the Commission. (7-1-93)

c. In-state distributors, wineries, vintners, producers or manufacturers shall use Form 1752 and related forms to report withdrawals, sales, or other dispositions from inventory. Withdrawals from inventory for the purpose of resale or consumption in, by, or through any tasting room or retail facilities owned or operated by the winery are subject to tax at the time of withdrawal from the winery's inventory. (3-30-07)

d. All persons liable for wine tax must file a wine tax return provided by the State Tax Commission. The returns must show the relevant information required for computing the amount of tax due, including: (3-30-07)

i. The name, address, telephone number and permit number of the taxpayer. (3-30-07)

- ii. Beginning and ending inventories. (3-30-07)
- iii. Wine purchases made during the reporting period. (3-30-07)
- iv. Exempt sales and transfers including sales to in-state and out-of-state ~~wholesalers~~ distributors and sales to military or liquor dispensaries. ~~(3-30-07)~~ ()
- v. Purchases and sales of wine in odd size containers. (3-30-07)
- vi. Spoilage. (3-30-07)
- vii. Total taxable gallons. (3-30-07)
- viii. Credits from previous periods, if any. (3-30-07)
- ix. Total tax due. (3-30-07)
- x. Penalty and interest due, if any. (3-30-07)

04. Requirements of a Valid Return. A tax return or other documents required to be filed in accordance with Section 23-1322, Idaho Code, and this rule must meet the conditions prescribed below. Those which fail to meet these requirements are invalid. They may be rejected and returned to the taxpayer to be redone in accordance with these requirements and refiled. A taxpayer who does not file a valid return will be considered to have filed no return. A taxpayer's failure to properly file in a timely manner may cause certain penalties to be imposed by Sections 63-3030A, 63-3046, and 63-3075, Idaho Code, and IDAPA 35.02.01, "Tax Commission Administration and Enforcement Rules." (3-30-07)

a. All wine tax return forms must be completed and copies of all pertinent supporting schedules or computations must be attached. The results of supporting computations must be carried forward to applicable lines on the wine tax return form. (7-1-93)

b. All wine tax returns or other documents filed by the taxpayer must include his wine tax permit number and Federal Taxpayer Identification Number in the space provided. (7-1-93)

c. A wine tax return that does not provide sufficient information to compute a tax liability does not constitute a valid wine tax return. (7-1-93)

d. Perfect accuracy is not a requirement of a valid return, even though each of the following conditions is required it must be on the proper form, as prescribed by the State Tax Commission; it must contain a computation of the tax liability and sufficient supporting information to demonstrate how that result was reached; and it must show an honest and genuine effort to satisfy the requirement of the law. (3-30-07)

IDAPA 35 – STATE TAX COMMISSION

35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Sections 63-105(2), 63-2516, 63-2523, 63-3039, 63-2510, and 63-2510A, Idaho Code.

MEETING SCHEDULE: Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

Negotiated meetings will be scheduled and all scheduled meetings shall be posted and made accessible on the agency website at the address listed below.

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

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

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

Rule 015 – The phrase in Section 015 of this chapter referencing *estimation*, no longer applies since a wholesaler's unused stamps can't exceed their bond, and will be removed.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, contact Don Williams, (208) 334-7855. For general questions, contact Kimberlee Stratton, (208) 334-7544. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the commission website at the following web address: www.tax.idaho.gov.

Anyone may submit written comments regarding this negotiated rulemaking. All written comments must be directed to the undersigned and must be delivered on or before June 27, 2018.

DATED this 3rd day of May, 2018.

Don Williams, Tax Policy Specialist
State Tax Commission/Product Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7844

IDAPA 35 – STATE TAX COMMISSION

35.01.10 – IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-1802

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 63-105, 63-3039, 63-2516, 63-2563, and 63-2510, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

Tobacco Tax Rule 003 – Administrative Appeals – The rule will be amended to include all the codes and rules in the administrative appeals process, including the requirements to file an appeal and other steps prior to possible judicial review.

Tobacco Tax Rule 018 – Cigarette Tax Return – The rule will correct the titles of “distributor” and “wholesaler” in the rule to match statute.

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

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

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

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 Don Williams, (208) 334-7855. For general questions, contact Kimberlee Stratton, (208) 334-7544.

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 June 27, 2018.

DATED this 3rd Day of May, 2018.

Don Williams, Tax Policy Specialist
State Tax Commission/Product Tax
800 Park Blvd. Plaza IV
P.O. Box 36
Boise, ID 83722-0410
Phone: (208) 334-7855
Fax: (208) 334-7844

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 35-0110-1802
(Only Those Sections With Amendments Are Shown.)

003. ADMINISTRATIVE APPEALS (RULE 003).

Sections 63-2516 and 63-2563, Idaho Code

This chapter ~~does~~ allows administrative relief ~~of the provisions outlined herein under~~ as provided in Sections 63-3045, 63-3045A, 63-3045B, and 63-3049, Idaho Code, and related rules. (7-1-93)()

(BREAK IN CONTINUITY OF SECTIONS)

018. CIGARETTE TAX RETURN (RULE 018).

Section 63-2510, Idaho Code

01. Cigarette Tax Return. All cigarette wholesalers required to affix Idaho stamps to cigarettes, or who make sales to U.S. military or Indians on reservations, or who have a stamping warehouse or business located within this state and sell cigarettes in interstate commerce are required to file an Idaho cigarette tax return. (7-1-93)

02. Filing Returns. The return shall be in a form prescribed by the Commission and shall be filed on a monthly basis. (7-1-93)

03. Due Date. The return will be filed by the wholesaler on or before the twentieth day of the month immediately following the month to which the return applies. If the twentieth day falls on a Saturday, Sunday, or legal holiday, the return shall be due on the next following day which is not a Saturday, Sunday, or legal holiday. The return must account for and tax must be paid on all cigarette stamps affixed during the month to which the return applies. (4-11-06)

04. Requirements of a Valid Return. A tax return or other documents required to be filed in accordance with Section 63-2510, Idaho Code, and this rule must meet the conditions prescribed below. Those which fail to meet these requirements are invalid. They may be rejected and returned to the taxpayer to be redone in accordance with these requirements and refiled. A taxpayer who does not file a valid return will be considered to have filed no return. A taxpayer's failure to properly file in a timely manner may cause certain penalties to be imposed by Sections 63-3030A, 63-3046, and 63-3075, Idaho Code, and rules thereunder. (7-1-93)

a. All cigarette tax return forms must be completed and copies of all pertinent supporting schedules or computations must be attached. The results of supporting computations must be carried forward to applicable lines on the cigarette tax return form. (7-1-93)

b. All cigarette tax returns or other documents filed by the taxpayer must include his cigarette wholesaler's permit number and Federal Taxpayer Identification Number in the space provided. (7-1-93)

c. A cigarette return that does not provide sufficient information to compute a tax liability does not constitute a valid cigarette tax return. (7-1-93)

d. Perfect accuracy is not a requirement of a valid return, even though each of the following conditions is required: it must be on the proper form, as prescribed by the Commission; it must contain a computation of the tax liability and sufficient supporting information to demonstrate how that result was reached; and it must show an honest and genuine effort to satisfy the requirement of the law. (7-1-93)

05. Failure to File a Return. Any wholesaler required to file a return who fails to file such return shall be in violation of this regulation and shall be required to appear before the Commission to show cause as to why his permit should not be revoked. See Section 63-2503, Idaho Code. (7-1-93)

06. Implementation of Tobacco Master Settlement Agreement. Chapter 78, Title 39, Idaho Code, enacted as part of the settlement agreement with several cigarette manufacturers requires nonparticipating manufacturers to place certain funds in escrow accounts. The State Tax Commission is required to ascertain the amount of state excise tax paid on cigarettes manufactured by manufacturers that are not participating in the Master Settlement Agreement. Therefore, as part of the cigarette tax return, cigarette wholesalers must report separately the number of Idaho cigarette stamps affixed to products manufactured by manufacturers that are not participating in the Master Settlement Agreement. (4-5-00)

07. Wholesale Sales of Stamped Cigarettes. Every ~~distributor~~ wholesaler who imports unstamped cigarettes into this state must file a return, however; a cigarette ~~distributor~~ wholesaler who buys only stamped cigarettes for resale is not required to file a return. (4-11-06)()

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

38.05.01 – RULES OF THE DIVISION OF PURCHASING

DOCKET NO. 38-0501-1801

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, notice is hereby given that this agency intends to promulgate rules and desires public comment prior to initiating formal rulemaking procedures. This negotiated rulemaking action is authorized pursuant to Section 67-9205, Idaho Code.

METHOD OF PARTICIPATION: Interested persons wishing to participate in the negotiated rulemaking must respond to this notice by contacting the undersigned either in writing, by email, or by calling the phone number listed below. To participate, responses must be received by June 30, 2018.

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

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

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

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

The proposed rules will establish the form for preservation of records within the Division of Purchasing; and also include minor modifications intended to further clarify, consolidate and/or modernize existing language. Internal and agency comments may result in additional revisions to the existing rules.

ASSISTANCE ON TECHNICAL QUESTIONS, MEETING ACCOMMODATIONS, SUBMISSION OF WRITTEN COMMENTS, OBTAINING DRAFT COPIES: For assistance on technical questions concerning this negotiated rulemaking, requests for special meeting accommodations or accessibility, or to obtain a preliminary draft copy of the rule text, if available, contact Sarah Hilderbrand at (208) 332-1612 or at sarah.hilderbrand@adm.idaho.gov. Materials pertaining to the negotiated rulemaking, including any available preliminary rule drafts, can be found on the Division of Purchasing's web site at the following web address: <http://purchasing.idaho.gov>.

DATED this 4th day of May, 2018.

Sarah Hilderbrand
Administrator
Division of Purchasing
Department of Administration
304 N. 8th Street, Room 403
P. O. Box 83720
Boise, ID 83720-0075
Telephone: (208) 332-1612
Fax: (208) 327-7320

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**IDAPA 38 – DEPARTMENT OF ADMINISTRATION
OFFICE OF THE CHIEF INFORMATION OFFICER**

**38.06.01 – RULES OF THE DEPARTMENT OF ADMINISTRATION GOVERNING
BILLING PROCEDURES OF THE OFFICE OF THE CHIEF INFORMATION OFFICER**

DOCKET NO. 38-0601-1800

**NOTICE OF LEGISLATIVE ACTION CREATING THE OFFICE OF INFORMATION TECHNOLOGY
SERVICES AND TRANSFERRING RULEMAKING AUTHORITY – HOUSE BILL NO. 607**

EFFECTIVE DATE: The effective date of this action is July 1, 2018.

AUTHORITY: In compliance with Sections 67-5203 and 67-5220, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Sixty-Fourth Legislature in the Second Regular Session - 2018, passed **House Bill 607** creating the Office of Information Technology Services in the Office of the Governor, amending Chapter 8, Title 67, Idaho Code, and thereby transferring rulemaking authority from the Department of Administration's Office of the Chief Information Officer to the Office of Information Technology Services in the Governor's Office. Said bill was signed into law by Governor C.L. "Butch" Otter, Session Law Chapter 258, effective July 1, 2018.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the legislative action:

House Bill 607 added to and repealed existing law to provide for the Office of Information Technology Services in the Office of the Governor, to provide for the powers and duties, to provide for the receipt of payment for services to units of state government, and to provide for advance payments and interaccount transactions. These powers and duties have been transferred from the Office of the Chief Information Officer to the Office of Information Technology Services and re-indexed accordingly.

This notice, in accordance with Section 67-5203, Idaho Code, complies with the Legislative intent of House Bill 607 by reinstating the authority of the affected rule chapter currently indexed under IDAPA 38, Title 06, Chapter 01 (IDAPA 38.06.01) to IDAPA 15, Title 07, Chapter 01 (IDAPA 15.07.01), of the Office of Information Technology Services in the Office of the Governor. These rules are hereby assigned to the Office of the Governor under the agency rule designation number, IDAPA 15, and the affected chapter is now indexed under and renumbered as IDAPA 15.07.01, "Rules Governing Billing Procedures of the Office of Information Technology Services." This action becomes final and effective on July 1, 2018.

The rule currently indexed under IDAPA 38.06.01 will be null, void and of no force and effect on July 1, 2018.

Notwithstanding the provisions of Title 67, Chapter 52, Idaho Code, and further complying with the legislative intent of **House Bill 607**, non-substantive changes will be made to update all references and citations within the rule now under the authority of the Department of Administration and include, but are not limited to, the following:

All citations and references to IDAPA 38.06.01 are now indexed under IDAPA 15.07.01, and are hereby redesignated and renumbered as follows:

IDAPA 15.07.01, "Rules Governing Billing Procedures of the Office of Information Technology Services," (formerly *IDAPA 38.06.01, "Rules of the Department of Administration Governing Billing Procedures of the Office of the Chief Information Officer"*).

Pursuant to Section 67-5204, Idaho Code, all of the above listed changes will be incorporated into and published in the current Idaho Administrative Code on July 1, 2018.

ASSISTANCE ON QUESTIONS: For assistance on questions concerning this notice, contact Erin Seaman, Office of Information Technology Services at (208) 332-1876, or the Office of the Administrative Rules Coordinator at (208) 332-1820.

DATED this 2nd day of May, 2018.

Office of the Administrative Rules Coordinator
State of Idaho Department of Administration
P.O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820
Fax: (208) 334-2395

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 – RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-1803

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-114, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meeting at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meeting, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meeting will be held as follows. Additional meetings will be scheduled if necessary.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Thursday, June 21, 2018 - 9:00 a.m. to 12:30 p.m. (MDT)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	
TELEPHONE AND WEB CONFERENCE INFORMATION	

Contact the undersigned by *June 14, 2018*, to make arrangements for participation by telephone and web conferencing.

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: The preliminary draft rule is available at www.deq.idaho.gov/58-0101-1803 or by contacting the undersigned.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking at the recommendation of the Crop Residue Advisory Committee to allow farmers to pay the required fees after the burn instead of prior to the burn. This rulemaking also provides DEQ a more streamlined administrative process. The fee structure will not be changed. Due to the deployment timing of DEQ's software used to implement the crop residue burning program, it is necessary to adopt a temporary rule and implement this change prior to the 2019 spring burning season to avoid interruption of the burn season. This rulemaking will not change the timing of the fee payment for the spot and bale burn permit.

Before this rule docket can become effective, it will be necessary to revise Idaho Code § 39-114. Legislation will be drafted in conjunction with the negotiated rulemaking. DEQ intends to submit the proposed legislation for consideration by the 2019 Idaho Legislature. The temporary rule would become effective on the date the companion legislation becomes law. The identical companion pending rule would become final and effective upon conclusion of the legislative session.

The text of the rule will be drafted by DEQ in conjunction with a negotiating committee made up of persons having an interest in the development of this rule. Farmers desiring to burn crop residue, members of the regulated community who may be subject to Idaho's air quality rules, special interest groups, Idaho State Department of Agriculture, tribes, public officials, and members of the public who have an interest in the regulation of air emissions from sources in Idaho may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2018 and then present the final proposal to the Idaho Board of Environmental Quality (Board) in November 2018 for adoption of a temporary/pending rule. If adopted by the Board, the rule will be reviewed by the 2019 Idaho Legislature.

TEMPORARY RULE JUSTIFICATION: Adoption of this temporary rule is necessary to ensure that the revisions are effective prior to the 2019 burning season. Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption is appropriate in that the rulemaking confers a benefit. Temporary adoption of this rule confers a benefit to (1) farmers by allowing farmers to pay the required fees after the burn instead of prior to the burn, and (2) DEQ by providing a more streamlined administrative process.

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

Written comments may be submitted by mail, fax or email at the address below. The written comment deadline on the preliminary draft rule is June 29, 2018. Information regarding public comment opportunities provided throughout the negotiated rulemaking process is available at www.deq.idaho.gov/58-0101-1803 or by contacting the undersigned.

Dated this 6th day of June, 2018.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street.
Boise, Idaho 83706-1255
Phone: (208)373-0418
Fax: (208)373-0481
E-mail: paula.wilson@deq.idaho.gov

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.24 – STANDARDS AND PROCEDURES FOR APPLICATION OF RISK BASED CORRECTIVE ACTION AT PETROLEUM RELEASE SITES

DOCKET NO. 58-0124-1801

NOTICE OF NEGOTIATED RULEMAKING

AUTHORITY: In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality, Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Chapters 1, 36, 44, 72 and 74, Title 39, Idaho Code.

METHOD OF PARTICIPATION: Those interested in participating in the negotiated rulemaking process are encouraged to attend the meetings at one of the following locations. The public may participate by telephone and web conferencing at any of the meeting locations or with individual connections. Individuals interested in participating by telephone and web conferencing should contact the undersigned by the date provided in the table below. For those who cannot participate by attending the meetings, information for submitting written comments is provided at the end of this notice.

MEETING SCHEDULE: The negotiated rulemaking meetings will be held as follows. Additional meetings will be scheduled if necessary.

ORIGINATING LOCATION – LIVE MEETING	
DEQ State Office Conference Center 1410 N. Hilton, Boise, Idaho	
Friday, June 29, 2018 - 9:00 a.m. to 12:30 p.m. (MDT) And Thursday, July 19, 2018- 9:00 a.m. to 12:30 p.m. (MDT)	
TELEPHONE AND WEB CONFERENCE LOCATIONS	
DEQ Coeur d’Alene Regional Office 2110 Ironwood Parkway Coeur d’Alene, ID 83814	DEQ Lewiston Regional Office 1118 F Street Lewiston, ID 83501
DEQ Twin Falls Regional Office 650 Addison Avenue West, Suite 110 Twin Falls, ID 83301	DEQ Pocatello Regional Office 444 Hospital Way #300 Pocatello, ID 83201
DEQ Idaho Falls Regional Office 900 N. Skyline, Suite B Idaho Falls, ID 83402	
TELEPHONE AND WEB CONFERENCE INFORMATION	
For the <i>June 29, 2018</i> meeting, contact the undersigned by <i>June 22, 2018</i>, to make arrangements for participation by telephone and web conferencing.	
For the <i>July 19, 2018</i> meeting, contact the undersigned by <i>July 12, 2018</i>, to make arrangements for participation by telephone and web conferencing.	

The meeting locations will be accessible to persons with disabilities, and language translators will be made available upon request. Requests for these accommodations must be made no later than five (5) days prior to the meeting date. For arrangements, contact the undersigned.

PRELIMINARY DRAFT RULE: DEQ did not draft a preliminary draft rule for public review prior to the first meeting. The first meeting has been scheduled for guidance development and setting a path forward. More information regarding this rule docket is available at www.deq.idaho.gov/58-0124-1801.

DESCRIPTIVE SUMMARY: DEQ initiated this rulemaking to update the “Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites,” IDAPA 58.01.24, and the associated guidance manual, “Idaho Risk Evaluation Manual for Petroleum Releases,” to reflect the updated toxicity criteria as established by EPA. The rule was first adopted by the Idaho Board of Environmental Quality (Board) in 2008 and approved by the Idaho Legislature in 2009. In 2012, the rule was amended to update toxicity criteria and guidance was developed. Since the 2012 adoption of the rule and guidance, many of the petroleum chemicals of concern listed in the tables in the rule have had updated toxicity information which has resulted in the screening levels found in the tables to be out of date with current toxicity criteria.

This rulemaking will update portions of the rule that are pertinent to evaluation of petroleum release sites in order to promote consistent corrective action decision-making at these sites. The rule will include the following proposed revisions:

1. Remove Table 2, screening level values, to avoid the rule becoming out of date (an updated Table 2 would be transferred to the guidance manual);
2. Remove Table 3, toxicity values, to avoid the rule becoming out of date (an updated Table 3 would be transferred to the guidance manual);
3. Revise the guidance manual to update the screening level values and toxicity values;
4. Revise the guidance manual to update the current industry practice for evaluation of the vapor intrusion pathway.

The associated guidance manual will be revised in conjunction with this rulemaking. The text of the rule will be developed by DEQ in conjunction with a negotiating committee made up of persons having an interest in this rule. Cities, counties, bankers, lenders, realtors, petroleum marketers, consultants, and citizens of the state of Idaho may be interested in participating in this rulemaking.

Upon conclusion of negotiations, DEQ intends to present the rule to the Board in November 2018 for adoption of a temporary rule with an effective date of January 2, 2019. If the Board adopts the temporary rule, DEQ will publish the temporary rule and initiate proposed rulemaking in the January 2019 Idaho Administrative Bulletin.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption is appropriate in that the rulemaking confers a benefit. The revisions to the rule and associated guidance will confer a benefit to the regulated community by providing the most current toxicity criteria in both the rule and guidance. Adoption of a temporary rule would ensure that the effective date of the rule lines up with the date the revised guidance manual becomes final.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Eric Traynor at eric.traynor@deq.idaho.gov, (208) 373-0565.

Written comments may be submitted by mail, fax or email at the address below. Information regarding public comment opportunities provided throughout the negotiated rulemaking process will be available at www.deq.idaho.gov/58-0124-1801 or by contacting the undersigned.

Dated this 6th day of June, 2018.

Paula J. Wilson
Hearing Coordinator
Phone: (208)373-0418 / Fax: (208)373-0481
E-mail: paula.wilson@deq.idaho.gov

Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 83706-1255

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.25 – RULES REGULATING THE IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

DOCKET NO. 58-0125-1801

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

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

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Idaho Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107, and 39-175C, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before June 22, 2018. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to correct inconsistencies relating to administrative provisions and incorporation by reference of federal regulations.

Revise Section 003, Incorporation by Reference of Federal Regulations, for consistency with Subsection 370.05, Pretreatment Standards, Exceptions to Incorporation by Reference:

In 2017, DEQ initiated negotiated rulemaking to make revisions to ensure that the IPDES Rules remain consistent with federal regulations (Docket No. 58-0125-1701). Negotiated rulemaking meetings were held and negotiated rule drafts were made available for public review. During the negotiated rulemaking process, 40 CFR 403.10 (Development and Submission of NPDES State Pretreatment Programs) was added to the list of federal regulations incorporated by reference in Subsection 003.02.y. and deleted from the list of exceptions to incorporation by reference in Subsection 370.05.

Upon conclusion of negotiated rulemaking, DEQ formatted the final negotiated rule draft for publication as a proposed rule in the August 2017 Idaho Administrative Bulletin. In November 2017, the proposed rule was adopted by the Idaho Board of Environmental Quality as a pending rule. In January 2018, the pending rule was submitted to the Idaho Legislature for review and approval as a final rule. During review of the pending rule, DEQ discovered that the addition of 40 CFR 403.10 in Subsection 003.02.y. was unintentionally omitted due to a transcription error in the August 2017 Idaho Administrative Bulletin proposed rule publication. The error resulted in a discrepancy between Subsection 003.02.y. and Subsection 370.05. This temporary/proposed rule corrects the discrepancy.

Revise Section 004, Administrative Provisions, for consistency with Section 204, Appeals Process:

When the IPDES Rules were promulgated as a new rule chapter in 2016 (Docket No. 58-0125-1401), Section 004, Administrative Provisions, and Section 204, Appeals Process, were both included. As in all DEQ rule chapters, Section 004 was included to meet the uniform format requirements of the Rules of the Administrative Rules Coordinator, IDAPA 44.01.01. The other DEQ rule chapters include an administrative provision section similar to Section 004, with the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, being cited as the rules governing the appeals process. In the case of the IPDES Rules, the rules governing the appeals process are provided within the IPDES Rules at Section 204. This temporary/proposed rule revises Section 004 to clarify that Section 204 governs the IPDES permit appeals process.

Major and minor municipal dischargers; industrial dischargers; facilities, organizations and individuals seeking coverage under a general permit; facilities that currently have or will have a pretreatment permit to a wastewater facility; and other groups interested in point source discharges to Idaho's surface waters may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board in November 2018 for adoption as a pending rule. The pending rule is expected to become final and effective upon adjournment of the 2019 legislative session if adopted by the Board and approved by the Idaho Legislature.

TEMPORARY RULE JUSTIFICATION: This rule docket corrects inconsistencies within the IPDES Rules. The inconsistencies relate to administrative provisions and incorporation by reference of federal regulations. Adoption of this temporary rule is necessary to ensure that the inconsistencies in the rules regulating the IPDES program are resolved before the state of Idaho receives authority for NPDES permitting on July 1, 2018. Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption is appropriate in that the rulemaking confers a benefit. Temporary adoption of this rule confers a benefit to the public and regulated community by eliminating any confusion the inconsistencies may cause.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the incorporation by reference is necessary: Not applicable.

NEGOTIATED RULEMAKING: Negotiated rulemaking will not be conducted. DEQ determined that negotiated rulemaking is not feasible due to the simple nature of this rulemaking. The proposed revisions correct inconsistencies and provide clarity.

IDAHO CODE SECTION 39-107D STATEMENT: This proposed 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

Anyone may submit written comments by mail, fax or email at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before July 6, 2018.

DATED this 6th day of June, 2018.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
1410 N. Hilton Street.
Boise, Idaho 83706-1255
Phone: (208)373-0418
Fax: (208)373-0481
E-mail: paula.wilson@deq.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 58-0125-1801
(Only Those Sections With Amendments Are Shown.)**

003. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.

01. Availability of Reference Material. Codes, standards and regulations may be incorporated by reference in this rule pursuant to Section 67-5229, Idaho Code. Codes, standards or regulations adopted by reference throughout this rule are available in the following locations: (3-24-16)

a. Department of Environmental Quality. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. (3-24-16)

b. Law Library. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051. (3-24-16)

c. Electronic Code of Federal Regulations (eCFR) <http://www.ecfr.gov/cgi-bin/ECFR>. (3-24-16)

02. Incorporation by Reference. The following documents are incorporated by reference into these rules. Any reference in these rules to requirements, procedures, or specific forms contained in any section or subsection shall constitute the full adoption by reference of that section or subsection, including any notes and appendices therein, unless expressly provided otherwise in these rules: (3-24-16)

a. [40 CFR 122.21\(r\)](#), revised as of July 1, 2017 (Application Requirements for Facilities with Cooling Water Intake Structures); (3-28-18)

b. [40 CFR 122.23](#), revised as of July 1, 2017 (Concentrated Animal Feeding Operations); (3-28-18)

c. [40 CFR 122.24](#), revised as of July 1, 2017 (Concentrated Aquatic Animal Production Facilities); (3-28-18)

d. [40 CFR 122.25](#), revised as of July 1, 2017 (Aquaculture Projects); (3-28-18)

e. [40 CFR 122.26\(a\)](#) through (b) and [40 CFR 122.26\(e\)](#) through (g), revised as of July 1, 2017 (Storm Water Discharges); (3-28-18)

f. [40 CFR 122.27](#), revised as of July 1, 2017 (Silvicultural Activities); (3-28-18)

g. [40 CFR 122.29\(d\)](#), revised as of July 1, 2017 (Effect of Compliance with New Source Performance Standards); (3-28-18)

h. [40 CFR 122.30](#) and [40 CFR 122.32](#) through [40 CFR 122.37](#), revised as of July 1, 2017 (Requirements and Guidance for Small Municipal Separate Storm Sewer Systems); (3-28-18)

i. [40 CFR 122.42\(e\)](#), revised as of July 1, 2017 (Additional Conditions Applicable to NPDES Permits for Concentrated Animal Feeding Operations); (3-28-18)

j. [Appendix A to 40 CFR 122](#), revised as of July 1, 2017 (NPDES Primary Industry Categories); (3-28-18)

k. [Appendix C to 40 CFR 122](#), revised as of July 1, 2017 (Criteria for Determining a Concentrated Aquatic Animal Production Facility); (3-28-18)

- l.** [Appendix D to 40 CFR 122](#), revised as of July 1, 2017 (NPDES Permit Application Testing Requirements); (3-28-18)
- m.** [Appendix J to 40 CFR 122](#), revised as of July 1, 2017 (NPDES Permit Testing Requirements for Publicly Owned Treatment Works); (3-28-18)
- n.** [40 CFR 125.1](#) through [40 CFR 125.3](#) (Subpart A), revised as of July 1, 2017 (Criteria and Standards for Imposing Technology-Based Treatment Requirements Under Sections 301(b) and 402 of the Clean Water Act); (3-28-18)
- o.** [40 CFR 125.10](#) through [40 CFR 125.11](#) (Subpart B), revised as of July 1, 2017 (Criteria for Issuance of Permits to Aquaculture Projects); (3-28-18)
- p.** [40 CFR 125.30](#) through [40 CFR 125.32](#) (Subpart D), revised as of July 1, 2017 (Criteria and Standards for Determining Fundamentally Different Factors Under Sections 301(b)(1)(A) and 301(b)(2)(A) and (E) of the Clean Water Act); (3-28-18)
- q.** [40 CFR 125.70](#) through [40 CFR 125.73](#) (Subpart H), revised as of July 1, 2017 (Criteria for Determining Alternative Effluent Limitations Under Section 316(a) of the Clean Water Act); (3-28-18)
- r.** [40 CFR 125.80](#) through [40 CFR 125.89](#) (Subpart I), revised as of July 1, 2017 (Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Clean Water Act); (3-28-18)
- s.** [40 CFR 125.90](#) through [40 CFR 125.99](#) (Subpart J), revised as of July 1, 2017 (Requirements Applicable to Cooling Water Intake Structures for Phase II Existing Facilities Under Section 316(b) of the Clean Water Act); (3-28-18)
- t.** [40 CFR 127.11](#) through [40 CFR 127.16](#) (Subpart B), revised as of July 1, 2017 (Electronic reporting of NPDES Information from NPDES-Regulated Facilities); (3-28-18)
- u.** [40 CFR 129.1](#) through [40 CFR 129.105](#) (Subpart A), revised as of July 1, 2017 (Toxic Pollutant Effluent Standards and Prohibitions); (3-28-18)
- v.** [40 CFR 133.100](#) through [40 CFR 133.105](#), revised as of July 1, 2017 (Secondary Treatment Regulation); (3-28-18)
- w.** [40 CFR Part 136](#), revised as of July 1, 2017 (Guidelines Establishing Test Procedures for the Analysis of Pollutants, including Appendices A, B, C, and D); (3-28-18)
- x.** [40 CFR Part 401](#), revised as of July 1, 2017 (General Provisions); (3-28-18)
- y.** [40 CFR 403.1](#) through [40 CFR 403.3](#); [40 CFR 403.5](#) ~~through 40 CFR 403.9; and 40 CFR 403.11~~ through [40 CFR 403.18](#), revised as of July 1, 2017 (General Pretreatment Regulations for Existing and New Sources of Pollution, including Appendices D, E, and G); ~~(3-28-18)~~ [\(5-18-18\)T](#)
- z.** [40 CFR Part 405](#) through [40 CFR Part 471](#), revised as of July 1, 2017 (Effluent Limitations and Guidelines); and (3-28-18)
- aa.** [40 CFR 503.2](#) through [40 CFR 503.48](#), revised as of July 1, 2017 (Sewage Sludge, including Appendices A and B). (3-28-18)
- bb.** The term “Waters of the United States or waters of the U.S.,” as defined in [40 CFR 122.2](#), revised as of August 28, 2015 by 80 Federal Register 37054-37127 (June 29, 2015), unless said revision is stayed, overturned or invalidated by a court of law or withdrawn by EPA, in which case the Department incorporates by reference the term “Waters of the United States or waters of the U.S.” as defined in [40 CFR 122.2](#), revised as of July 1, 2015. (3-24-16)

03. Term Interpretation. For the federal regulations incorporated by reference into these rules, unless the context in which a term is used clearly requires a different meaning, terms in this section have the following meanings: (3-24-16)

a. The term Administrator or Regional Administrator means the EPA Region 10 Administrator; (3-24-16)

b. The term Control Authority means the POTW for a facility with a Department-approved pretreatment program and the Department for a POTW without a Department-approved pretreatment program; (3-24-16)

c. The term Director or State Director means the Director of the Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act; (3-24-16)

d. The term National Pollutant Discharge Elimination System (NPDES) means the Idaho Pollutant Discharge Elimination System (IPDES); (3-24-16)

e. The term Permitting Authority (also preceded by the terms NPDES or State) means the Idaho Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act. (3-24-16)

004. ADMINISTRATIVE PROVISIONS.

Persons may be entitled to appeal ~~agency actions authorized under these rules~~ final IPDES permit decisions pursuant to ~~IDAPA 58.01.23, "Rules of Administrative Procedure before the Board of Environmental Quality."~~ Section 204 (Appeals Process) of these rules. (3-24-16)(5-18-18)T

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.03 – PERSI CONTRIBUTION RULES

DOCKET NO. 59-0103-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-912, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

This rule applies to the PERSI Employer General Member and Class II Contribution Rate, the PERSI Employee General Member and Class II contribution rates, and the Firefighter Retirement Fund Employer Rate. The actuarial valuation for the PERSI general member contribution rate period ending June 30, 2016 reflected that the amortization period was above 25 years. The PERSI Board acted to adopt a rate increase to bring the amortization period to 25 years or less as required by Section 59-1322, Idaho Code. This rate increase was scheduled to go into effect July 1, 2018. The actuarial valuation for the rate period ending June 30, 2017 reflected that the amortization period was less than 25 years and the PERSI Board delayed the rate increase for one year. This rule reflects the delayed increase and acts to impose the rate increase to go into effect July 1, 2019.

A temporary rule was adopted under this docket effective December 5, 2017 and published in the January 3, 2018 Idaho Administrative Bulletin, **Vol. No. 18-1, pages 242 through 245**. This rule is now being promulgated as a proposed rulemaking.

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:

Employer contribution rates will increase by 0.62% of salaries, beginning July 1, 2019. This will affect the general fund to the extent the contributions required of the employer (State of Idaho and political subdivisions and government entities electing to participate in the system) are made from general fund dollars.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking is not feasible because it would be inconsistent with the PERSI Board's need to bring the amortization rate to 25 years or less and with the Board's exclusive fiduciary responsibility for plan operations.

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 Cheryl George, (208) 287-9231.

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 June 27, 2018.

DATED this 17th day of April, 2018.

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

Pursuant to Section 67-5221(1), Idaho Code, this docket is being published as a proposed rule.

**This docket has been previously published as a temporary rule.
The temporary effective date is December 5, 2017.**

**The original text of the temporary rule was published in the Idaho Administrative Bulletin,
Volume 18-1, January 3, 2018, pages 242 through 245.**

**THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0103-1801
(Only Those Sections With Amendments Are Shown.)**

026. PERSI EMPLOYER GENERAL MEMBER CONTRIBUTION RATE (RULE 26).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, shall be nine point seventy-seven percent (9.77%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point thirty-nine percent (10.39%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point thirty-two percent (11.32%) of payroll until **June 30, 2019. Beginning July 1, 2019, the rate shall be eleven point ninety-four percent (11.94%)** until next determined by the Board.

Statutory Reference: Sections 59-1302(16), 59-1391, 59-1394, and 59-1397, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-21-14)()~~

027. FIREFIGHTER RETIREMENT FUND EMPLOYER RATE (RULE 27).

The Firefighter Retirement Fund employer rate shall be: (10-1-94)

01. Option I and II Firefighters. For option I and II firefighters hired before October 1, 1980, as follows:

Option I And II Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll until next determined by the Board The employer contribution rate as provided in Rule 28.
Additional Employer Rate:	One percent (1%)

Option I And II Firefighters	
Social Security Rate:	Seven point sixty-five percent (7.65%)
Excess Merger Costs Rate:	Seventeen point twenty-four percent (17.24%) through December 31, 2014. Beginning January 1, 2015, five percent (5%) until next determined by the Board.
TOTAL Contribution Rate:	The total contribution rate is the sum of the PERSI employer contribution rate, the additional employer rate, the social security rate and the excess merger costs rate.

~~(10-21-14)~~()

02. Class D Firefighters. For class D firefighters (firefighters employed on or after October 1, 1980, by a city or fire district that employs paid firefighters who are participating in the Firefighters' Retirement Fund), as follows:

Class D Firefighters	
PERSI Employer Contribution Rate:	Ten point eleven percent (10.11%) of payroll through June 30, 2004. Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll until next determined by the Board <u>The employer contribution rate as provided in Rule 28.</u>
Excess Merger Costs Rate:	Seventeen point twenty-four percent (17.24%) through December 31, 2014. Beginning January 1, 2015, five percent (5%) until next determined by the Board.
TOTAL Contribution Rate:	The total contribution rate is the sum of the PERSI employer contribution rate and the excess merger costs rate.

Statutory References: Sections 59-1302(16), 59-1391, 59-1394, 59-1397, 72-1403, and 72-1434, Idaho Code. Cross References: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-21-14)~~()

03. Class E Members. For class E members (general members who meet the definition of paid firefighter under Section 59-1391(f), Idaho Code, but are not firefighters as defined in Section 59-1302(16), Idaho Code) the employer general member contribution rate as provided in Rule 26, plus the excess merger costs specified in Subsection 027.01. (3-20-04)

028. PERSI EMPLOYER CLASS II CONTRIBUTION RATE (RULE 28).

The PERSI employer contribution rate as provided in Section 59-1322, Idaho Code, for an employee classified as a police officer member excluding those listed in Rule 29 of this chapter when applicable, and firefighters excluding those listed in Rule 27 of this chapter, shall be ten point eleven percent (10.11%) of payroll through June 30, 2004.

Beginning July 1, 2004, the rate shall be ten point seventy-three percent (10.73%) of payroll through June 30, 2013. Beginning July 1, 2013, the rate shall be eleven point sixty-six percent (11.66%) of payroll through June 30, 2019. Beginning July 1, 2019, the rate shall be twelve point twenty-eight percent (12.28%) until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 7-1-03) (Amended 3-20-04) ~~(10-21-14)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

100. PERSI EMPLOYEE GENERAL MEMBER CONTRIBUTION RATE (RULE 100).

The PERSI employee contribution rate as provided in Section 59-1333, Idaho Code, for all members not classified as police members or firefighters, shall be five point eighty-six percent (5.86%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be six point twenty-three percent (6.23%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be six point seventy-nine percent (6.79%) through June 30, 2019. Beginning July 1, 2019, the rate shall be seven point sixteen percent (7.16%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-21-14)~~(____)

101. PERSI EMPLOYEE CLASS II CONTRIBUTION RATE (RULE 101).

The employee contribution rate as provided in Section 59-1334, Idaho Code, for an employee classified as a police officer member is seven point twenty-one percent (7.21%) of salary through June 30, 2004. Beginning July 1, 2004, the rate shall be seven point sixty-five percent (7.65%) of salary through June 30, 2013. Beginning July 1, 2013, the rate shall be eight point thirty-two percent (8.32%) of salary through June 30, 2019. Beginning July 1, 2019, the rate shall be eight point seventy-seven percent (8.77%) of salary until next determined by the Board.

Statutory References: Cross Reference: (Amended 10-1-94) (Amended 10-1-97) (Amended 10-1-98) (Amended 10-1-99) (Amended 7-1-00) (Amended 3-30-01) (Amended 3-20-04) ~~(10-21-14)~~(____)

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.05 – PERSI SEPARATION FROM SERVICE RULES

DOCKET NO. 59-0105-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 59-1314(1) Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

When a member is required to take a minimum distribution but fails to complete a retirement application and choose a retirement option, then the retirement option will default to regular retirement benefits if single or Option 1 if married. Also, when an inactive member defers retirement beyond service retirement age, the first retirement payment will be a lump sum that includes payment for the months of service beyond service retirement age.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking is not feasible because it would be inconsistent with the PERSI Board's exclusive fiduciary responsibility for plan operations.

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 Cheryl George, (208) 287-9231.

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 June 27, 2018.

DATED this 17th day of April, 2018.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0105-1801
(Only Those Sections With Amendments Are Shown.)

126. REQUIRED MINIMUM DISTRIBUTIONS (RULE 126).

01. Default Application of Federal Requirements. With respect to distributions under the Base Plan made in calendar years beginning on or after January 1, 2001, and except as provided in Subsection 126.06, the Plan will apply the minimum distribution requirements of section 401(a)(9) of the Internal Revenue Code (Code) in accordance with a good faith interpretation of section 401(a)(9), notwithstanding any provision of the Base Plan to the contrary. (5-8-09)

02. Required Beginning Date. Except as otherwise provided in Subsections 126.034 through 126.068, distributions under the Base Plan shall begin not later than April 1 following the later of (a) the commencement year ~~and~~ or (b) the year in which the member retires. For purposes of Rule 126, the “commencement year” is the calendar year in which the member reaches age seventy and one-half (70 1/2). (5-8-09)()

03. PERSI Selects Retirement Option. Any member required to take minimum distributions, as provided in this Rule 126, and fails to complete and submit an approved retirement application and select either a regular or optional retirement allowance by April 1 following the later of (a) the commencement year or (b) the year in which the member retires shall be deemed to have made the following selection: ()

a. If single, a regular retirement allowance and no other selection shall be required or permitted. ()

b. If married, Option 1 and no other selection shall be required or permitted, unless proof is provided that spouse has no community property interest in the benefit. ()

034. Lifetime Distributions. Distribution shall be made over the life of the participant or the lives of the participant and his beneficiary; or over a period certain not extending beyond the life expectancy of the member or the joint life and last survivor expectancy of the member and his beneficiary. (5-8-09)

045. Timing of Required Distributions. A required distribution shall be deemed to have been made during the commencement year if actually made by the following April 1, but such delayed distribution shall not change the amount of such distribution, and the distribution otherwise required during the subsequent calendar year shall be calculated as if the first distribution had been made on the last day of the commencement year. (5-8-09)

056. Adjustment of Required Distributions. Benefits paid prior to the commencement year shall reduce the aggregate amount subject to (but shall not otherwise negate) the minimum distribution requirements described herein. (5-8-09)

07. Benefits Deferred Beyond Service Retirement. The first payment of benefits of an inactive member following deferment beyond service retirement will be in a lump sum that includes payment for those months of service dating from the date of service retirement when a monthly retirement payment would have started through the current monthly payment. Subsequent payments will be for the monthly retirement allowance only. ()

068. Death Benefits. All death benefits payable under the Base Plan will be distributed as soon as administratively practicable after request, but must in any event be distributed within fifteen (15) months of the member’s death, unless the identity of the beneficiary is not ascertainable. (5-3-03)

IDAPA 59 – PUBLIC EMPLOYEES RETIREMENT SYSTEM OF IDAHO

59.01.06 – PERSI RETIREMENT RULES

DOCKET NO. 59-0106-1801

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 59-1314, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 20, 2018.

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

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

The portion of this rule about a member's failure to file a completed retirement application and select a retirement option is deleted. The deleted portion will be addressed in IDAPA 59.01.05.126.

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

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

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because negotiated rulemaking is not feasible because it would be inconsistent with the PERSI Board's exclusive fiduciary responsibility for plan operations.

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 Cheryl George, (208) 287-9231.

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 June 27, 2018.

DATED this 17th day of April, 2018.

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

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 59-0106-1801
(Only Those Sections With Amendments Are Shown.)

122. ~~CONTINGENT ANNUITANT OPTION AND~~ SPOUSAL CONSENT (RULE 122).

Except as provided in this rule, a member is required to complete and submit an approved retirement application and select either a regular or optional retirement allowance. The member's signature must be notarized. The application for retirement indicating the election made by the retiring member shall also be signed by the spouse certifying he/she understands and consents to the election made by the member. The spouse's signature must be notarized. ~~If an inactive member reaches service retirement age, or an active member who has reached service retirement age separates from service, and has failed to complete and submit an approved retirement application and select either a regular or optional retirement allowance within ninety (90) days thereafter, the member shall be deemed to have selected a regular retirement allowance and no other selection shall be required or permitted. (Amended 1-1-94)~~

(4-11-06) ()

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The proposed rule public hearing request deadline is June 20, 2018, unless otherwise posted.
The proposed rule written comment submission deadline is June 27, 2018, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0214-1801, Rules for Weights and Measures. Incorporates by reference the 2019 editions of MIST Handbook 44 and Handbook 133.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES Po Box 83720, Boise, ID 83720-0063

24-1801-1801, Rules of the Real Estate Appraisals Board. (Temp & Prop) Adds alternative pathways to complete the education requirement and lowers the experience requirement for a certified residential real estate appraiser; shortens the time period to complete the requisite experience hours for a certified general real estate appraiser.

IDAPA 35 – IDAHO STATE TAX COMMISSION PO Box 36, Boise, ID 83722-0410

35-0109-1801, Idaho County Option Kitchen and Table Wine Tax Administrative Rules. Replaces the term “wholesaler” with “distributor” to conform the rule to the term as used and defined in statute for anyone licensed to distribute wine.

35-0110-1802, Idaho Cigarette and Tobacco Products Tax Administrative Rules. Lists statutory references to rule related to the administrative appeals process, including the requirements to file an appeal and other steps prior to possible judicial review; replaces the term “wholesaler” with “distributor” to conform the rule to the term as used and defined in statute for anyone licensed to distribute wine.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, ID 83706-1255

58-0125-1801, Rules Regulating the Idaho Pollutant Discharge Elimination System Program. (Temp & Prop) Corrects an error to the incorporation by reference by adding 40 CFR 403.10 to the rule; clarifies that Section 204 governs the IPDES permit appeals process.

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO PO Box 83720, Boise, ID 83720-0078

59-0103-1801, PERSI Contribution Rules. Delays a scheduled increase to the PERSI employer general member and Class II contribution rate until July 1, 2019.

59-0105-1801, PERSI Separation from Service Rules. Sets default retirement benefits payment option for eligible members who fail to complete a retirement application and choose a retirement option; when an inactive member defers retirement beyond service retirement age, the first retirement payment will be a lump sum that includes payment for the months of service beyond service retirement age.

59-0106-1801, PERSI Retirement Rules. Deletes rule addressing a member's failure to file a completed retirement application and select a retirement option.

NOTICES OF ADOPTION OF TEMPORARY RULE

IDAPA 08 – STATE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION

08-0113-1801 – Rules Governing the Opportunity Scholarship Program (eff. 4-19-18)T
08-0203-1802, Rules Governing Thoroughness (eff. 4-19-18)T

IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD

25-0101-1801, Rules of the Idaho Outfitters and Guides Licensing Board (eff. 3-18-18)T

IDAPA 27 – BOARD OF PHARMACY

27-0104-1801, Rules Governing Pharmacist Prescriptive Authority (eff. 7-1-18)T

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IDAPA 02 – DEPARTMENT OF AGRICULTURE

02-0104-1801, Rules Governing the Idaho Preferred Promotion Program
02-0409-1801, Rules Governing Milk and Cream Procurement and Testing
02-0414-1801, Rules Governing Dairy Byproduct
02-0602-1801, Rules Pertaining to the Idaho Commercial Feed Law
02-0612-1801, Rules Pertaining to the Idaho Fertilizer Law
02-0641-1801, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

IDAPA 07 – DIVISION OF BUILDING SAFETY

07-0501-1801, Rules of the Public Works Contractors License Board

IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

10-0101-1801, Rules of Procedure
10-0102-1801, Rules of Professional Responsibility

IDAPA 11 – IDAHO BRAND BOARD (Idaho State Police)

11-0201-1801, Rules of the Idaho State Brand Board

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME

13-0108-1802, 13-0108-1803, & 13-0108-1804, Rules Governing the Taking of Big Game Animals in the State of Idaho
13-0110-1801, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife
13-0116-1802, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals
13-0117-1801 & 13-0117-1802, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16-0309-1801, Medicaid Basic Plan Benefits
16-0310-1802, 16-0310-1803 & 16-0310-1804, Medicaid Enhanced Plan Benefits
16-0314-1801, Rules and Minimum Standards for Hospitals in Idaho (2nd Meeting Notice)

IDAPA 17 – IDAHO INDUSTRIAL COMMISSION

17-0204-1801 & 17-0204-1802, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Benefits
17-0206-1801, Employers' Reports
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15-0701-1800 & *38-0601-1800*, Notice of Legislative Action and Implementation of HB 607 Creating the Office of Information Technology Services in the Office of the Governor and Transferring Rulemaking Authority from the Department of Administration's Office of the Chief Information Officer

Please refer to the Idaho Administrative Bulletin, **June 6, 2018, Volume 18-6**, for the notices and text of all rulemakings, public hearings schedules, information on negotiated rulemakings, executive orders of the Governor, and agency contact information.

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

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

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

July 1, 1993 – Present

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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

ABRIDGED RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

(Index of Current and Active Rulemakings)

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

March 29, 2017 – June 6, 2018

(eff. PLR) – Final Effective Date Is Pending Legislative Review

(eff. date)L – Denotes Adoption by Legislative Action

(eff. date)T – Temporary Rule Effective Date

SCR # – denotes the number of a Senate Concurrent Resolution (Legislative Action)

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