

LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

*The written comment submission deadline is September 22, 2010 unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02-0413-101, Rules Governing Raw Milk. Per statute establishes quality standards for raw milk and raw milk products produced under a herd share and for cultured raw milk products for permitted raw milk facilities.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION PO Box 25, Boise, Idaho 83707

13-0102-1001, Rules Governing Public Safety. (Temp & Prop) Implements SB 1283 to allow hunter education certifications from other countries that meet or exceed Idaho standards.

13.01.04 - Rules Governing Licensing

13-0104-1001, Redefines eligibility requirements for the Landowner Appreciation Program (LAP) and restricts commercialization of LAP tags.

13-0104-1002, (Temp & Prop) Eliminates controlled hunt permits, adjusts elk zone tag quotas, and allows for rain checks.

13-0106-1001, Rules Governing Classification and Protection of Wildlife. (Temp & Prop) Implements SB 1266 by classifying raccoons as predatory wildlife, and corrects a statutory reference.

13-0108-1001, Rules Governing the Taking of Big Game Animals in the State of Idaho. (Temp & Prop) Implements HB 416 to redefine "edible meat" and expand the species exempt from waste; implements HB 463 to allow nonresident deer or elk tags to be used for taking black bear, mountain lion and wolves; removes Units 48 and 57 from the Motorized Vehicle Rule; allows use of electronic calls for taking black bears, mountain lions and wolves in specified seasons; allows the take of wolves by trap or snare in specified seasons; prohibits use of telemetry equipment as an aid to take big game; addresses depredation hunts for black bear and wolves; extends mandatory check and reporting requirements for harvested wolves; eliminates controlled hunt permits; allows for the exchange of bear tags; defines various tag types; amends controlled hunt application requirements and addresses Mandatory Hunter Reports.

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

13-0109-1001, Prohibits the take of upland game birds from any watercraft.

13-0109-1002, Implements SB 1285 to allow nine-year old hunters to apply for controlled hunt turkey permits.

13-0110-1001, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. (Temp & Prop) Implements SB 1328 to allow the release of certain captured predatory and unprotected wildlife with written landowner permission; implements SB 1342 to allow the Department to require records from taxidermy/furbuyers and adds a reporting requirement for purchase of raw mountain lion and black bear parts; clarifies legal methods of take; addresses commercial sale of rattlesnake parts.

13-0116-1001, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. (Temp & Prop) Implements SB 1286 to classify raccoons as predatory wildlife; clarifies the definitions of “bait” and “game animal”.

13-0117-1001, Rules Governing the Use of Bait for Taking Big Game Animals. (Temp & Prop) Clarifies definitions of “bait” and “game animals”; allows incidental take of wolves near bear bait sites.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
PO Box 83720, Boise, ID 83720-0036**

16.02.03 - Emergency Medical Services

16-0203-1001, Chapter repeal.

16-0203-1002, Chapter rewrite revises, updates, and clarifies the rule.

16-0203-1003, Sets initial, reinstatement, recognition/reciprocity, and renewal licensure fees for AEMTs and Paramedics.

16-0208-1001, Vital Statistics Rules. Fee rule conforms to HB 492 by revising fees charged for certified copies of vital records certificates; increases cost of a death certificate by \$1 per certified copy to fund training for county coroners.

***16-0211-1001, Immunization Requirements for Children Attending Licensed Daycare Facilities.** (*PH) Increase the number of vaccines required for children attending licensed daycare facilities to protect children from vaccine-preventable diseases; provides a conditional attendance clause for children who are in the process of receiving required vaccines; provides clarification on exclusion of children from attendance; updates existing language to match current practices. Parents choosing not to immunize their children are able to sign an exemption form for medical, religious, or other reasons.

16.02.13 - Rules Governing Certification of Idaho Water Quality Laboratories

16-0213-1001, Chapter repeal.

16-0213-1002, Chapter rewrite conforms rule to federal requirements for certification and provides laboratories and the Department a clear and accurate description of the criteria and processes required for initiating, maintaining, and revoking drinking water certification.

***16-0215-1001, Immunization Requirements for Idaho School Children.** (*PH) Changes will help protect children from additional vaccine-preventable diseases; provides a conditional admission clause for children who are in the process of receiving required vaccines; provides clarification on exclusion of children from attendance; updates existing language to match current practices. Parents choosing not to immunize their children are able to sign an exemption form for medical, religious, or other reasons.

16-0305-1002, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD). (Temp & Prop) Allows for the use of electronic data transfer from the SSA to verify U.S. citizenship and identity; changes eligibility time period for Afghani and Iraqi special immigrants to comply with changes in federal law; and removes references to the obsolete Idaho State School and Hospital Waiver.

16-0309-1003, Medicaid Basic Plan Benefits. (Temp & Prop) Changes definition for Medicaid Inpatient Cost Limits to clarify the “beginning of the principal year”; revises reporting requirements for DSH; clarifies definition of “uninsured patient costs” in DSH requirements; and Implements a periodic state cost survey to establish a pharmacy reimbursement fee schedule.

16.03.10 - Medicaid Enhanced Plan Benefits

***16-0310-1002,** (*PH) Redesigns developmental disabilities benefits for children as part of the Children's System Redesign and provides definitions and requirements for children's DD programs, including new services and provider qualifications.

16-0310-1003, (Temp & Prop) Conforms to HB 701 and 708 by clarifying for nursing facilities coverage and limitations, inflation freeze, efficiency incentive, and special rate payment offset; and incentive changes for ICF/IDs.

***16-0313-1002, Consumer-Directed Services.** (*PH) Updates definitions and incorporates the new Family-Directed Services option as part of the redesign of children's developmental disabilities benefits.

***16-0319-1001, Certified Family Homes.** (*PH) Updates safety and sanitation requirements; requires manufactured and modular homes to meet certain requirements at the time of manufacture; requires Department assessment and approval of all vehicles, commercial coaches, or manufactured or modular homes for use as a certified family home; changes requirements for proof that non-municipal sewage disposal requirements are met from three to five years; amends rules on guardianship of residents by the certified family home provider.

***16-0321-1001, Developmental Disabilities Agencies (DDAs).** (*PH) New chapter replaces the existing licensing and certification requirements for DDAs.

***16-0411-1001, Developmental Disabilities Agencies.** (*PH) Chapter repealed and replaced by IDAPA 16.03.21.

16-0601-1001, Child and Family Services. Addresses Title IV-E relative guardianship assistance to provide for a permanent living situation with a relative for older children; details requirements of the Multiethnic Placement Act; aligns rules with current practice by clarifying contact requirements for foster children in out-of-state care; replaces risk-oriented language with safety-oriented language; and removes requirement for parent signature on the alternate care plan.

16-0602-1003, Rules Governing Standards for Child Care Licensing. Clarifies the criminal history and background checks requirements for foster care licensing.

**IDAPA 18 - DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0043**

18-0125-1001, Title Insurance and Title Insurance Agents and Escrow Officers. Ensures escrow pricing is not being used as an illegal inducement to obtain title insurance business; develops a system to verify costs for delivery of escrow services; ensures access to a viable and competitive marketplace for consumers of title industry products and services.

18-0147-1001, Valuation of Life Insurance Policies Including the Introduction and Use of New Select Mortality Factors. Permits the recognition of company mortality experience in the development of deficiency reserves and removes some arbitrary limits that had been imposed on the recognition of company experience; includes a requirement for disclosure by the appointed actuary of possible shortfalls in funding future required reserves.

18-0153-1001, Continuing Education. Removed requirement that ethics courses be stand alone courses; requires that persons using self-study materials complete questions at the end of each chapter with a score of at least 70% before proceeding to the next chapter.

18-0156-1001, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules. Removes language relating to filing of escrow charges and fees and moves it to rule 18.01.25; ensures access to a viable and competitive marketplace for consumers of title industry products and services.

18-0166-1001, Director's Authority for Companies Deemed to Be in Hazardous Financial Condition. Provides additional standards for the director to consider when determining whether the continued operations of an insurer might be deemed hazardous to policyholders, creditors or the general public; authorizes the director to issue an order to companies so deemed to take corrective action.

18-0177-1001, Actuarial Opinion and Memorandum Rule. Removes outdated language in actuarial opinions; adds a date to the signature of actuary; provides directions on the rationale for degree of rigor in analyzing different blocks of business; provides directions for criteria for determining asset adequacy; provides instructions to comment on the impact of the insufficiency of assets to support the payment of benefits.

18-0179-1001, Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities. With Director's approval allows use of the preferred mortality tables as a valuation standard for any business issued using the 2001 CSO as the valuation mortality table; includes a specific limitation related to the accounting used when there is a coinsurance treaty in effect.

IDAPA 34 - OFFICE OF THE SECRETARY OF STATE**PO Box 83720, Boise, ID 83720-0080**

34-0501-1001, Rules Governing Farm Products Central Filing System. Allows for the use of a unique identifier numbering system rather than social security numbers and tax identification numbers on effective financing statements; updates old information and makes corrections.

34-0502-1001, Rules Governing Liens in Crops, for Seed, and Farm Labor. Revises the duration and extension information regarding Claim of Lien for Farm Labor and Claim of Lien for Seed to make them consistent with statute; removes references to microfiche; and make other minor corrections.

IDAPA 35 - STATE TAX COMMISSION**PO Box 36, Boise, ID 83722-0410**

***35-0103-1002, Property Tax Administrative Rules.** (*PH) Provides the standards necessary to monitor the information provided in property records as part of the continuing valuation program and for the enforcement of these standards which will provide for better records with more information relevant to property appraisals.

IDAPA 37 - DEPARTMENT OF WATER RESOURCES**PO Box 83720, Boise, ID 83720-0098**

***37-0203-1001, Water Supply Bank Rules.** (*PH) Increases the rental fee percentage retained by IDWR from 10% to 25% and imposes a lease application filing fee of \$250 per water right to operate the Water Supply Bank and maintain the level of service required.

37-0310-1001, Well Driller Licensing Rules. Reduces number of continuing education credits required for license renewal to 14 units; updates definitions; updates and revises application requirements relating to experience and compliance history of an applicant renewing or obtaining a license to be consistent with Idaho Code.

IDAPA 41 - PUBLIC HEALTH DISTRICTS**Southwest District Health - 920 Main Street, Caldwell, ID 83605**

41-0301-1001, Rules of the Southwest District Health Department. Chapter repeal.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**1410 N. Hilton, Boise, ID 83706-1255**

58-0102-1001, Water Quality Standards. Provides procedures to limit degradation of water quality by addressing the following: activities subject to antidegradation review; definition of degradation and impairment and the information needed to determine them; how it is decided where each of the three levels of protection from degradation is applied; exemptions to antidegradation review; determination of insignificant discharges not warranting analysis of their degradation to high quality water; how DEQ will evaluate changes in water quality; waste treatment alternatives analysis to identify least degrading option for significant degradation of high quality water; socioeconomic analysis needed to justify degradation of high quality water; and what is needed to document existing sources of pollution are meeting required controls.

58-0117-1001, Rules for the Reclamation and Reuse of Municipal and Industrial Wastewater. Revises name of rule chapter to "Recycled Water Rules"; revises and adds definitions; addresses frequency of total coliform sampling, recycled water uses, pipe identification and signage, distribution pipelines requirements, nutrient removal requirements, reliability and redundancy requirements; provides examples of minor and major modifications of permits; adds language for rapid infiltration systems and subsurface design, construction and discharge requirements; revises industrial recycled water permit requirements and permit content; establishes the mechanism for a reuse permit transfer and for temporary cessation or closure of operations; allows for continuation of expiring reuse permits under certain conditions and sets the duration of a reuse permit for a fixed term of not more than 10 years.

RULES ADOPTED AS TEMPORARY ONLY:**Idaho State Soil and Water Conservation Commission**

60-0504-1001, Rules Governing Allocation of Funds to Conservation Districts.

Department of Health and Welfare

16-0309-1004, Medicaid Basic Plan Benefits.

16-0310-1003, Medicaid Enhanced Plan Benefits.

Idaho State Tax Commission
35-0101-1001, Income Tax Administrative Rules.

Please refer to the Idaho Administrative Bulletin, **September 1, 2010, Volume 10-9**, for notices and text of all rulemakings, public hearings and negotiated meeting schedules, Governor's executive orders, and agency contact information.

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

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