

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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

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

*The written comment submission deadline is September 28, 2011, unless otherwise listed.  
(Temp & Prop) indicates the rule is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### **IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701**

**02-0633-1101, Organic Food Product Rules.** Removes the educational activity requirements for certification, the July 1 deadline for certification, and the fees for chemical residue analysis from the rule.

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

**\*16-0417-1101, Residential Habilitation Agencies.** (Temp & Prop) (\*PH) Implements House Bill 260 by replacing the provider support services known as affiliation with a contract for a waiver administrative function referred to as Residential Habilitation Program Coordination for Certified Family Home (CFH) Providers; clarifies the certification requirements for residential habilitation agency providers, the health and safety critical incident reporting requirements, and certification enforcement procedures.

**16-0501-1101, Use and Disclosure of Department Records.** Updates rule to meet federal requirements of the Child Abuse Prevention and Treatment and Adoption Reform Act by allowing the Department to share information with law enforcement without a court order when law enforcement is investigating cases of child abuse or neglect to alleviate delays in such investigations.

**\*16-0506-1101, Criminal History and Background Checks.** (\*PH) Adds definitions for “agency” and “employer” and clarifies that they are synonymous terms; clarifies timeframe for completion of an individual's application and fingerprints; updates list of disqualifying crimes resulting in unconditional denials for the different types of manslaughter and for any substantially conforming foreign criminal violations; clarifies that an individual sanctioned by Department programs will receive an unconditional denial; and clarifies that the Department cannot proceed with a CHC when an applicant has a relevant record or criminal action that is pending in any jurisdiction.

#### **16.06.01 - Child and Family Services**

**16-0601-1101,** Streamlines the “Notice of Pending Proceedings” to any and all tribes regarding children who may be subject to the federal Indian Child Welfare Act (ICWA).

**16-0601-1102,** Fee rule clarifies the application and reapplication processes; clarifies responsibilities of the Department or certified adoption professional and the adoptive applicant during the completion of the adoption home study; specifies mandatory elements of the home study; clarifies the length of time an adoption home study is valid for use by an adoptive family, and the process for updating the home study; updates the Department's process for selecting adoptive placements for children in foster care; adds additional requirements for Department approval of a certified adoption professional; limits certified adoption professional's scope of work and allows for changes to be made to an individual's certification, based on rule compliance.

**IDAPA 18 - DEPARTMENT OF INSURANCE  
PO Box 83720, Boise, ID 83720-0063**

**18-0105-1101, Health Carrier External Review.** (Temp & Prop) Implements HB 131 and HB 299 by expanding the types of claims eligible for external review to include denials based on appropriateness, health care setting, level of care and effectiveness; clarifies definition of "urgent care request" and permits a person to simultaneously file for internal and external review of an urgent care request in certain circumstances; allows self-funded ERISA health plans to opt into the state external review process if they do not wish to use the federal external review process; and makes changes to notices to be given by health carriers to covered persons.

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

**35-0103-1104, Property Tax Administrative Rules.** Clarifies that exchange of information between the county and the Tax Commission is not limited and explains which documents are confidential; updates incorporations by reference; adds requirement that the values be listed by category value on the abstract for any taxing district with a restriction that such district does not levy property taxes on all otherwise taxable property; deletes requirement to assign separate parcel numbers if the parcel is located entirely within one county and one tax code area; limits the life of an urban renewal agency to 20 years and restricts revenue allocation to one annexation; excludes federal and state property from inclusion in Section 63-602Y, Idaho Code; establishes standards for maintaining parcel record information; requires urban renewal increment value and the value of certain exemptions be reported and subtracted from the taxable value for each secondary category subject to taxation by special districts and units of government which do not levy property tax against all otherwise taxable property; designates the Commission as the approving authority for the property tax reduction application; provides a five-year look back limit both for new construction that was missed in the year it should have been placed on the NC roll so will be placed on the next roll and for deductions that must be included on the NC roll; provides information for assessors to adjust the urban renewal base assessment roll for changes in the taxable amount of a property due to the annual changes in maximum homeowner's exemption; provides direction on how to compute levies for certain districts that may not levy against all taxable property in the district and requires that each relevant county and the Commission be given documentation of the election or ordinance which determined the category of property to be taxed; provides the taxpayers' options should the QIE election be denied by the assessor and that the assessor will notify the taxpayer electing the QIE and will identify the basis for the denial.

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION  
PO Box 83720, Boise ID 83720-0035**

**38-0301-1101, Rules Governing Group Insurance.** (Temp & Prop) Raises the eligibility age limits for dependents of state employees and state retirees in compliance with federal law.

**38-0406-111, Rules Governing Prequalification of Contractors on Capitol Building Projects.** Chapter repeal.

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT  
PO Box 7129, Boise ID 83707-1129**

**39-0321-1101, Rules Governing Overlegal Permit Fees.** Provides that administrative costs incurred in the processing, issuance and enforcement of overlegal permits will be borne by the permittees; provides for reimbursement of actual costs incurred for extraordinary services associated with planning and/or movement of overlegal loads moving under the requirements of a traffic control plan.

**39-0341-1101, Rules Governing Traffic Control Devices.** (Temp & Prop) Incorporates by reference the 2009 edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the USDOT Federal Highway Administration, effective January 15, 2010, with conforming additions, as specified in the rulemaking, and approved by FHWA/Idaho.

**IDAPA 52 - IDAHO STATE LOTTERY COMMISSION  
1199 Shoreline Lane, Ste. 100, Boise, ID 83702**

**52-0103-1101, Rules Governing Operations of the Idaho State Lottery.** Deletes an obsolete requirement relating to paying out winning Lottery Scratch tickets.

**RULES ADOPTED AS TEMPORARY ONLY**

State Tax Commission  
35-0103-1103, Property Tax Administrative Rules

**SCHEDULED NEGOTIATED RULEMAKING MEETINGS**

Department of Environmental Quality  
58-0106-1101, Solid Waste Management Rules

**NOTICE OF PUBLIC HEARING**

Department of Health and Welfare  
16-0310-1104, Medicaid Enhanced Plan Benefits (Written comment period deadline: 9/15/11)  
16-0319-1101, Certified Family Homes (Written comment period deadline: 9/23/11)

Please refer to the Idaho Administrative Bulletin, **September 7, 2011, Volume 11-9**, 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 [adminrules.idaho.gov](http://adminrules.idaho.gov).*

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