

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 26, 2012 unless otherwise noted.
(Temp & Prop) indicates the rule is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE P.O. Box 790, Boise, ID 83701

02-0602-1201, Rules Pertaining to the Idaho Commercial Feed Law. (Temp & Prop) Establishes a fee for commercial feed products registered for distribution in Idaho; exempts certain feed products from registration and fee assessment; redefines "labeling" to include statements and promotions on company websites or other internet-based customer interfaces.

IDAPA 07 - DIVISION OF BUILDING SAFETY P. O. Box 83720, Meridian, ID 83642

07.05.01 - Rules of the Public Works Contractors License Board

07-0501-1201, (Temp & Prop) Per statute creates a "Class CC" license for a contractor to work on a public works project with an estimated cost of up to \$400,000; establishes license classifications based on each applicant's responsibility and scope of operations; sets minimum financial requirements for licensure; establishes initial licensure and renewal fees for each license classification; requires that financial statements submitted with an application include an independent audit report or be reviewed or compiled by a certified public accountant.

07-0501-1202, Clarifies that the annual financial statement, which must be filed with an application for a public works contractor license, covers a period of time ending no more than 12 months prior to the date of submission of the application.

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

16.03.09 - Medicaid Basic Plan Benefits

16-0309-1202, Clarifies Department's current interpretation and practice for estate recovery of life estate interests after the death of the Medicaid participant.

***16-0309-1204,** (*PH) Implements the Children's System Redesign by incorporating both new and existing replacement services for school-based providers of developmental therapy and intensive behavioral intervention services; removes references to DDA services; removes developmental therapy, intensive behavioral intervention services, and Idaho Infant Toddler Program (ITP) from the rules for school-based services; adds new behavioral intervention services to school-based services and clarifies the various existing school-based services and processes.

***16-0501-1201, Use and Disclosure of Department Records.** (*PH) Specifies and clarifies the information regarding child fatalities that the Department can disclose pursuant to federal law under the Child Abuse Prevention and Treatment Act.

***16-0601-1202, Child and Family Services.** (*PH) Clarifies what information the Department can and must provide to foster parents and other professionals involved in the ongoing care of children in Idaho's child welfare system.

***16-0608-1201, Rules and Minimum Standards for DUI Evaluators.** (*PH) Chapter repeal.

***16-0701-1201, Behavioral Health Sliding Fee Schedules.** (*PH) Removes reference from rule to the ICSA (Interagency Committee on Substance Abuse Prevention and Treatment), which was created in 2006 by HB 833 and sunsetted in 2011.

***16-0717-1201, Alcohol and Substance Use Disorder Services.** (*PH) Removes reference from rule to the ICSA (Interagency Committee on Substance Abuse Prevention and Treatment), which was created in 2006 by HB 833 and sunsetted in 2011.

16-0720-1201, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs. (*PH) (*PH) Removes reference from rule to the ICSA (Interagency Committee on Substance Abuse Prevention and Treatment), which was created in 2006 by HB 833 and sunsetted in 2011; treatment providers must now respond to four referral sources, each of which have different treatment and reporting requirements; streamlines provider requirements to make provider system more efficient.

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

18-0109-1201, Consumer Protection in Annuity Transactions. Chapter repeal.

18-0109-1202, Suitability in Annuity Transactions. Chapter rewrite requires producers or insurer to have reasonable grounds to believe an annuity is suitable based on specific information of the consumer prior to making a recommendation to the consumer; requires producers engaged in the sale of annuity products to complete a one-time, four-credit training course.

18-0119-1201, Insurance Rates and Credit Rating. Clarifies how and when an insurer's use of consumer credit information is improper and violates Idaho Code; permits insurers to use a neutral credit factor or score as a compliance measure, both at initial rating and upon renewal.

18-0144-1201, Schedule of Fees, Licenses and Miscellaneous Charges. Sets original license application and license renewal fees for vendors of portable electronics insurance, a type of limited lines producer; increases fees for fingerprint processing.

18-0156-1201, Rebates and Illegal Inducements to Obtaining Title Insurance Business. Allows title agents to provide attorneys and appraisers plat maps and copies of CCRs without charge.

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

26-0120-1202, Rules Governing the Administration of Park and Recreation Areas and Facilities. Establishes the State Parks Passport annual vehicle registration and replacement sticker fees and a replacement sticker fee for the Annual Motor Vehicle Entrance permit; eliminates the Second Vehicle Annual Passport fee; and removes exemption on campers from paying the Daily charge per motorized vehicle.

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074**

31-4101-1201, The Telephone Customer Relations Rules. (Temp & Prop) Increases time telephone companies have to restore service when outages occur; eliminates penalty payments related to service restoration; and eliminates automatic reporting requirements.

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

39-0212-1201, Rules Governing Issuing Certificates of Title and Bonded Certificates of Title. (Temp & Prop) Aligns a bonded title's brand expiration date with the bond's expiration date; requires the owner to obtain a bond rider if more than 90 days has passed since the bond was obtained to provide sufficient time for the bonded title to be of public record to protect any prior owner or lien-holder who still has an interest and is trying to locate the vehicle.

39-0260-1201, Rules Governing License Plate Provisions. (Temp & Prop) Provides for prequalification and application procedures for special license plate programs, as outlined in statute; provides for duplicate use of a letter/number combination on a larger (passenger vehicle) plate and a smaller (motorcycle) plate and eliminates the 45-day limitation on a proof of registration receipt, in keeping with the improved plate production and delivery process.

39-0304-1201, Rules Governing Movement of Disabled Vehicles. (Temp & Prop) New chapter establishes requirements for the movement of disabled vehicles; clarifies and expands authority to the tow truck industry to provide service to disabled vehicles in non-emergency situations.

39-0310-1201, Rules Governing When An Overlegal Permit Is Required. (Temp & Prop) Removes requirements for moving disabled vehicles that are now in IDAPA 39.03.04; amends rule relating to the emergency movement of implements of husbandry.

39-0341-1201, Rules Governing Traffic Control Devices. Updates incorporation by reference to the recently revised 2009 Edition of the Manual on Uniform Traffic Control Devices.

39-0402-1201, Rules Governing Marking of Hazards to Air Flight. Complies with House Bill 511 by establishing standards for lighting and marking of guyed towers over 50 feet in height that are not FAA regulated; adds definitions and new requirements associated with the dimensions, design, color, and lighting of guyed towers and deadlines for implementation; identifies exemptions for power poles or structures owned and operated by an electric supplier, and any structure with the primary purpose of supporting telecommunications equipment, and the military.

**IDAPA 46 - BOARD OF VETERINARY MEDICINE
PO Box 7249, Boise, ID 83707**

46-0101-1201, Rules of the State of Idaho Board of Veterinary Medicine. Simplifies filing requirements; incorporates by reference the 2010 edition of the American Veterinary Medical Association's "Principles of Veterinary Medical Ethics"; makes all certified veterinary technician application fees nonrefundable; streamlines and clarifies procedures for a Certified Euthanasia Agency (CEA) and a Certified Euthanasia Technician (CET); clarifies grounds for discipline against a CEA or CET; and clarifies procedures and requirements for inspection deficiencies.

NOTICES OF ADOPTION OF TEMPORARY RULE

Idaho State Tax Commission

35-0103-1206, Property Tax Administrative Rules

NOTICES OF NEGOTIATED RULEMAKING

State Lottery Commission

52-0103-1203, Rules Governing Operations of the Idaho State Lottery

Department of Environmental Quality

58-0102-1201, Water Quality Standards

Please refer to the Idaho Administrative Bulletin, [September 5, 2012, Volume 12-9](#), 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.

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