

# 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 24, 2014 unless otherwise noted.  
Public hearing request deadline is September 17, 2014 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 PO Box 790, Boise, ID 83701**

**02-0214-1403, Rules for Weights and Measures.** Deletes the requirement for the proration of device license fees.

**02-0405-1401, Rules of the Department of Agriculture Governing Manufacture Grade Milk.** Updates and expands the documents incorporated by reference; removes obsolete provisions and those provided for in other department rules; establishes quality standards and testing for butter and whey butter; adds required sections and reformats and adds to definition section.

**02-0419-1401, Rules Governing Domestic Cervidae.** (Temp & Prop) Defines "harvest"; establishes new fee schedule for producers; increases frequency of facility inspections; establishes new chronic wasting disease surveillance standards for cervids that die or are harvested on cervidae facilities and describes how an administrator implements surveillance standards at facilities with high exposure risk.

#### **02.04.21 - Rules Governing the Importation of Animals**

**02-0421-1401,** Requires a deworming treatment for the meningeal worm (*P. tenuis*) prior to importing domestic cervids into Idaho; an accredited veterinarian signing a certificate of veterinary inspection (CVI) for a shipment of domestic cervidae into Idaho must provide a statement, on the CVI, verifying that none of the cervids have been diagnosed or exposed to *P. tenuis*; removes the restriction that prohibits importing domestic cervidae from regions endemic with *P. tenuis*, but now prohibits importing cervids known to be infected with *P. tenuis*.

**02-0421-1402,** Removes requirement that prohibits importing livestock that originate from within a 10-mile radius of a confirmed case of vesicular stomatitis (VS); allows dairy cattle breeds to be granted a tuberculosis testing exemption when consigned directly to feedlots approved for finish feeding.

**02-0424-1401, Rules Governing Tuberculosis.** Establishes criteria for cattle of unknown tuberculosis testing status to be fed to slaughter in feedlots approved for finish feeding.

**02-0428-1401, Rules Governing Livestock Dealers, Buying Stations, and Livestock Trader Lots.** All livestock leaving an approved livestock trader lot must be inspected by an accredited veterinarian and an official certificate of veterinary inspection (CVI) must be issued prior to release.

**02-0801-1401, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board.** Per statute assesses eighty cents (\$.80) per head on goats and increases wool from eight (\$.08) to ten cents (\$.10) per pound; clarifies the age at which dairy goats must be tested for brucellosis prior to entering Idaho.

**IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS**  
**PO Box 83720, Boise, ID 83720-0285**

*05-0101-1401, Rules for Contract Providers.* Chapter repeal.

*05-0105-1401, Rule for Reintegration Providers.* Chapter repeal.

*05-0201-1401, Rules for Residential Treatment Providers.* Clarifies and consolidates requirements applicable to all residential treatment providers who contract with IDJC that coordinate needed treatment services identified in individual service implementation plans for juvenile offenders and eliminates duplication in other rule chapters; includes additional requirements relating to DOJ PREA Standards.

*05-0202-1401, Rules for Staff Secure Providers.* Establishes standards and requirements for providers of intensive supervision to juvenile offenders and includes architecturally secure residential facilities.

*05-0203-1401, Rules for Reintegration Providers.* Establishes standards and requirements for providing independent living and reintegration skills to a juvenile offender.

*05-0204-1401, Rules for Supported Living Providers.* Establishes standards and requirements for providers of supported living that coordinate needed treatment services identified in individual service implementation plans for juvenile offenders.

**IDAPA 09 - DEPARTMENT OF LABOR**  
**317 W. Main Street, Boise, ID 83735**

*09-0104-1401, Unemployment Insurance Benefit Fraud and Overpayment Rules.* Implements a legal standard in unemployment insurance benefit fraud cases by clarifying that to “willfully” make a false statement or to “willfully” fail to report a material fact in order to obtain unemployment insurance benefits only requires a purpose or willingness to commit the act or make the omission.

*09-0106-1401, Rules of the Appeals Bureau.* Requires appeals to be filed by mail or electronically transmitted directly to the Department's Appeals Bureau to avoid delays or misdirected filings.

*09-0130-1401, Unemployment Insurance Benefits Administration Rules.* Deletes references to mailed and in-person claims which are no longer used by the Department.

**IDAPA 11 - IDAHO STATE POLICE - IDAHO STATE RACING COMMISSION**  
**700 S Stratford Dr., Meridian, ID 83642**

*11-0402-1401, Rules Governing Simulcasting.* (Temp & Prop) Stipulates that a licensee who applies to conduct historic racing will not be granted a license unless licensee holds a current simulcast license and has conducted simulcasting of live racing for at least 1 year.

**IDAPA 15 - OFFICE OF THE GOVERNOR - OFFICE ON AGING**  
**PO Box 83720, Boise, ID 83720-0012**

*15-0202-1401, Vocational Rehabilitation Services.* Increases the cost coverages available under the VR Program Payment Policy to cover increased costs for rehabilitation services.

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

*16-0208-1401, Vital Statistics Rules.* Increases fees for certified copies, searches, verifications, corrections, amended certificates, establishing new birth certificates for adoption, delayed certificates, and related services to cover operational costs.

*16-0210-1401, Idaho Reportable Diseases.* Aligns rule language with current taxonomy and public health practices; adds Echinococcosis to the list of reportable diseases; clarifies reportable disease restrictions at facilities, daycares, food establishments, and other areas of concern when the public health may be at risk.

*16.02.27, Idaho Radiation Control Rules*  
*16-0227-1401,* Chapter repeal.

**16-0227-1402**, Chapter rewrite establishes x-ray licensure requirements and fees, including specification of standard licensure cycles; incorporates by reference current standards and federal regulations to ensure current terminology, best practices, and safety standards are used.

**16.03.11 - Rules Governing Intermediate Care Facilities for People with Intellectual Disabilities (ICF/ID)**

**\*16-0311-1401**, (\*PH) Chapter repeal

**\*16-0311-1402**, (\*PH) Chapter rewrite updates licensing and enforcement provisions; incorporates by reference several documents needed for health and safety standards and for best practice, active treatment, and intervention strategies for individuals with intellectual disabilities and related conditions.

**16-0501-1401**, *Use and Disclosure of Department Records*. Allows Department to provide a “fact of death” verification to other state agencies that are in need of verifying an individual’s death.

**16.06.01 - Child and Family Services**

**16-0601-1401**, Allows eligible children in foster care to attend driver's training and obtain a permit and driver's license with written approval from the Department; provides that the Department can pay the costs for the training, permit, and license for an eligible foster child and to reimburse foster parents the cost of car insurance for the foster child.

**16-0601-1402 (VOID - Pulled and Not Published)**

**IDAPA 18 - DEPARTMENT OF INSURANCE**

**PO Box 83720, Boise, ID 83720-0043**

**18-0144-1401**, *Schedule of Fees, Licenses, and Miscellaneous Charges*. Clarifies that the registration fee is paid by all self-funded plans registering with the department; requires that public adjusters pay the same licensing and examination fees as producers and adjusters and revises the fee for examinations to an amount not to exceed \$80.

**18-0146-1401**, *Recognition of New Annuity Mortality Tables for Use in Determining Reserve Liabilities for Annuities and Pure Endowment Contracts*. (Temp & Prop) Adds the NAIC 2012 individual annuity reserve table (2012 IAR), consistent with NAIC Model Regulation 821, for annuities issued January 1, 2015, and later. There is a nationwide effort to have the table apply effective January 1, 2015, since it will require higher reserving so as not to unfairly prejudice companies in states that adopt it early.

**18-0153-1401**, *Continuing Education*. Requires that resident adjusters and public adjusters must meet continuing education requirements and that they are subject to these rules; adds required sections.

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY**

**PO Box 83720, Boise, ID 83720-0021**

**19-0101-1401**, *Rules of the Idaho State Board of Dentistry*. Revises the provisions for minimal, moderate, and general anesthesia and deep sedation; clarifies requirements for facilities, records, and patient monitoring.

**IDAPA 20 - IDAHO DEPARTMENT OF LANDS**

**PO Box 83720, Boise, ID 83720-0050**

**\*20-0702-1401**, *Rules Governing Conservation of Oil and Natural Gas in the State of Idaho*. (\*PH) Reorganizes chapter and adds new sections regarding organization reports, integration within spacing units, disclosure of chemicals used in well treatments, well site operations, step-off requests, productions reports, gas-oil ration for well classification, tank batteries, and gas processing facilities; adds definitions for “bonus payments,” “processing facility,” “surface water,” “tank,” “tank battery,” “tank dike,” and “well site”; adds abbreviations for “oilfield barrel,” “one thousand cubic foot,” and “polyvinyl chloride”; clarifies the Board of Land Commissioners no longer comprises the Oil and Gas Conservation Commission; clarifies public records compliance provisions; stipulates legal notice publication time requirement; allows for public comment on applications for geophysical permits; clarifies the location of gas wells within a spacing unit and the requirements for exemptions to well locations and changes to spacing units; increases the inactive well bond amount and clarifies where interest on cash bonds is deposited; updates requirements for well signs; revises notice and inspection requirements for spud, surface casing, blowout prevention, intermediate casing, and production casing activities; revises the requirements for cable tools; adds a standardized scale requirement for drilling logs; revises requirements for flaring of gas.

**IDAPA 23 - IDAHO BOARD OF NURSING**  
**PO Box 83720, Boise, ID 83720-0061****23.01.01 - Rules of the Idaho Board of Nursing**

**23-0101-1401**, Defines the terms “sexual conduct” and “sexual exploitation” and clarifies prohibited conduct.

**23-0101-1402**, Requires registered and licensed practical nurses to demonstrate their competency to practice nursing in Idaho for license renewal; establishes the standards and criteria to evaluate continued competency and provides several methods for compliance.

**IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**  
**PO Box 83720, Boise, ID 83720-0063**

**24-1101-1401, Rules of the Board of Podiatry**. Establishes the criteria and a renewal fee for an inactive license status.

**24-1901-1401, Rules of the Board of Examiners of Residential Care Facility Administrators**. Increases fees for application, annual renewal, and provisional/temporary licenses to increase fund balance to maintain current service delivery levels.

**24-2301-1401, Rules of the Speech and Hearing Services Licensure Board**. (Temp & Prop) Clarifies and updates what constitutes a quorum of the board.

**IDAPA 29 - IDAHO POTATO COMMISSION**  
**PO Box 1670, Eagle, Idaho 83616**

**\*29-0102-1401, Rules Governing Payment of Tax and Usage of Certification Marks and Trademarks**. (\*PH) Updates the type of containers used for packing potatoes, the size of the seal used on potato containers and the way variety labeling takes place.

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

**31-0201-1401, Public Records Act Rules of the Idaho Public Utilities Commission**. Repeal of chapter; public records guidelines will replace rule as allowed by state law.

**IDAPA 37 - DEPARTMENT OF WATER RESOURCES**  
**322 E. Front St., Boise, ID 83720**

**37-0303-1401, Rules and Minimum Standards for the Construction and Use of Injection Wells**. Updates definition of an “injection well” to match definition in Section 42-3902(10), Idaho Code.

**IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD**  
**3125 S. Shoshone St., Boise, ID 83705**

**57-0101-1401, Rules of the Sexual Offender Management Board**. Updates incorporation by reference; establishes standards and qualifications for psychosexual evaluations and evaluators, and sexual offender treatment and treatment providers, who provide services to juveniles convicted of sexual offenses.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**PO Box 83720, Boise, ID 83720-0078****58.01.01 - Rules for the Control of Air Pollution in Idaho**

**\*58-0101-1401**, (\*PH) Clarifies the application of fugitive dust rules to agricultural activities.

**\*58-0101-1402**, (\*PH) Strengthens the prohibition against new major facilities from using the FEC rule and thus circumventing PSD/NSR review; ensures air quality modeling parameters will be consistent throughout the 5-year term of the FEC permit; adds references to PM<sub>2.5</sub> in order to capture updated federal requirements; updates a source test reporting deadline to more realistically reflect existing practices

**58-0102-1401, Water Quality Standards**. Revises DEQ's Water Quality Standards for consistency with DEQ's Mixing Zone Policy.

**NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING**

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16-0201-1401**, Rules of the Idaho Time Sensitive Emergency System Council. (New chapter)

Please refer to the Idaho Administrative Bulletin, [September 3, 2014, Volume 14-9](#), 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](http://adminrules.idaho.gov).*

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