

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 16, 2015 unless otherwise noted.
Public hearing request deadline is September 23, 2015 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

02-0421-1501, Rules Governing the Importation of Animals. Allows imported bulls to be considered virgins up to 18 months of age and Trichomoniasis tests to be valid for 60 days to standardize import regulations for all western states.

02-0429-1501, Rules Governing Trichomoniasis. Allows imported bulls to be considered virgins up to 18 months of age and Trichomoniasis tests to be valid for 60 days to standardize import regulations for all western states.

02-0622-1501, Noxious Weed Rules. Makes permanent the addition of Purple Starthistle (*Centaurea calcitrapa*) and Iberian Starthistle (*Centaurea iberica*) to the Early Detection Rapid Response (EDRR) section of the noxious weed list.

02-0625-1501, Rules Governing the Planting of Beans, Other Than Phaseolus Species, In Idaho. Adds a small trial ground exemption from disease testing for non-phaseolus beans from seed lots of 1 pound or less to allow researchers the ability to grow seed without a loss of seed from destruction during testing.

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

05-0102-1501, Rules and Standards for Secure Juvenile Detention Centers. Clarifies appropriate use of force by staff as determined by a certified POST instructor; requires part-time direct care staff to obtain part-time juvenile detention officer certification; provides for on-going training; clarifies that detention center must have written policies and procedures for security inspections, incident reporting and proper training on security devices; removes obsolete rules.

05-0201-1501, Rules for Residential Treatment Providers. Changes term medical "authority" to medical "health professional"; clarifies that juveniles in custody may not be transported in a personal vehicle of a provider employee unless an emergency exists.

05-0202-1501, Rules for Staff Secure Providers. Changes term medical "authority" to medical "health professional"; adds additional provisions for unclothed body searches and body cavity searches.

05-0203-1501, Rules for Reintegration Providers. Changes term medical "authority" to medical "health professional"; adds additional provisions for unclothed body searches and body cavity searches.

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

09-0106-1501, Rules of the Appeals Bureau. Allows the department to send hearing notices to interested parties by mail or electronic transmission.

**IDAPA 10 - IDAHO BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND
SURVEYORS**

1510 Watertower Street, Meridian, ID 83642

10-0101-1501, Rules of Procedure. Clarifies procedures and requirements for retired and expired license reinstatement; updates the reexamination requirements for those failing a professional licensure exam; beginning July 1, 2015, allows students to take either the Fundamentals of Engineering or of Surveying exams without first applying to the board; requires land surveyors applying for licensure to have a minimum of 2 years of boundary land surveying experience.

10-0104-1501, Rules of Continuing Professional Development. Clarifies the continuing professional development requirements for reinstatement of a retired or expired license.

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

11-0501-1401, Rules Governing Alcohol Beverage Control. Defines the term "Actual Use" as it pertains to an alcohol license; establishes criteria that define the minimum standards for placing a newly issued or transferred license into use.

**IDAPA 15 - OFFICE OF THE GOVERNOR
MILITARY DIVISION**

700 S. Stratford Drive, Bldg. 600, Meridian, ID 83642

15-0603-1501, Public Safety Communications Systems Installation and Maintenance Fee Rules. Updates rule to reflect organizational changes within the Military Division and the separation of the Public Safety Communications Branch from the Bureau of Homeland Security.

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

16-0219-1501, Food Safety and Sanitation Standards for Food Establishments (The Idaho Food Code). Updates the Idaho Food Code to current industry practices and food safety standards; incorporates by reference the 2013 FDA Model Food Code; adds definitions to clarify the status of "cottage food" operations in Idaho; adds a list of specific foods considered "cottage foods products"; and clarifies the necessary requirements for producers of "acidified foods."

16.03.19 - Rules Governing Certified Family Homes.

16-0319-1501, Adds an exception for the Veterans Affairs Medical Foster Homes; updates criminal history and background checks to be CFH specific; amends definitions to current terms and language; revises certification requirements to best practice for care and supervision, food and nutritional services, and training requirements; updates requirements for waiver, investigations, and enforcement actions, and resident rights policy requirements.

16-0319-1502, Increases the one-time application fee to become a CFH provider by \$25 and the monthly certification fee for a CFH provider by \$5 per month; an alternative, department-provided "Basic Medication Awareness" training course is being offered for a \$60 fee.

16-0601-1501, Child and Family Services. Aligns rules with federal requirements by clarifying requirements for adoption assistance and notification of relatives of children who are placed in foster care; allows the transfer of relative guardianship assistance benefits to a child's new guardian upon the death or incapacitation of the child's guardian.

16-0602-1501, Standards for Child Care Licensing. Aligns the rule with federal requirements regarding foster care and the application of the "reasonable and prudent parent standard."

16-0701-1501, Behavioral Health Sliding Fee Schedules. Combines the fee schedule for children's mental health, adult mental health, and substance use disorders services into one table; removes obsolete language and tables; update references for behavioral health services to rates set in Department contracts.

16-0710-1501, Behavioral Health Development Grants. Repeal of chapter.

16-0715-1501, Behavioral Health Programs. New chapter establishes requirements for the approval, denial, suspension, or revocation of certificates of approval for approved behavioral health programs in Idaho; sets fees for the approval process of applications and on-site reviews; and establishes requirements for the health, safety, and environment of care.

16-0717-1501, Alcohol and Substance Use Disorder Services. As part of the integration of the Behavioral Health Program by the department, mental health and alcohol and substance use disorders treatment and recovery support services and programs are combined into one chapter and include case management, alcohol and drug screening, child care, transportation, life skills, staffed safe and sober housing for adolescents and staffed safe and sober housing for adults.

16-0720-1501, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs. Repeal of chapter.

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

18-0127-1501, Self-Funded Employee Health Care Plans Rule. Clarifies the scope of the rule to conform to statutory changes; defines terms of qualified liabilities; adds the requirements for contribution rates, contracts and services, and records; removes obsolete language.

18-0144-1501, Schedule of Fees, Licenses, and Miscellaneous Charges. Clarifies that registration of self-funded student health plans is subject to the \$500 licensing/renewal fee just like self-funded employer plans; adds an \$80 licensing/renewal fee for public adjusters and changes provision regarding the cost paid to a third party vendor by an applicant for a producer, public adjuster, or adjuster license to take an exam; eliminates fees for solicitation permits, updates terminology and deletes unnecessary language.

18-0160-1501, Long-Term Care Insurance Minimum Standards. Clarifies annual inflation protection requirements applicable to long-term care partnership policies, but will not require any minimum level of inflation protection.

**IDAPA 22 - IDAHO BOARD OF MEDICINE
PO Box 83720, Boise, ID 83720-0058**

22-0101-1501, Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho. Allows international graduates enrolled in Idaho residency programs to apply for full licensure after completing 2 years of residency training, written approval of the residency program director is given, and certain other conditions are met.

22-0115-1501, Rules Relating to Telehealth Services. Defines the scope of practice for telehealth service providers and defines how the patient-provider relationship may be established without face-to-face, in-person contact, and places limitations on the prescriptions that can be authorized via telehealth tools.

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

34-0501-1501, Rules Governing Farm Products Central Filing System. (Temp & Prop) Changes simplify the fee schedule for both the customer and the state by creating a flat fee that is lower than all previous fees; changes add County Code 00 - All Idaho Counties.

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

35.01.01, Income Tax Administrative Rules

35-0101-1501, Clarifies the definition of Idaho gross income and how it is calculated; modifies the definition of real property, the list of nonqualifying property for the Idaho capital gains deduction, and the procedure when property is

distributed by an S corporation or partnership; clarifies the items allowed as a deduction to owners of an interest in a pass-through entity when the tax is paid by the entity.

35-0101-1502, Adds tax brackets for calendar year 2015 and removes old data to retain only 5 years of historical data; adds the Foreign Service Retirement and Disability System and its offset program to the list of qualified benefits for the Retirement Benefits Deduction; adds the offset program of the Civil Service Retirement System to the list of qualified benefits; clarifies who must meet the gross income limitations for the Idaho capital gains deduction when the gain is passed through from an S corporation, partnership, trust, or estate; clarifies the procedure for adjustments to a net operating loss; corrects the distortive percentage that occurs when the ratio of Idaho total income is used to allow certain deductions to part-year or nonresidents; updates the amount of guaranteed payments that is sourced as compensation for services per Idaho Code; adds tax year 2015 and the applicable grocery credit amounts to the table.

35.01.03, Property Tax Administrative Rules

35-0103-1504, Amends Rule 315, Use of Ratio Study to Equalize Boise School District, at termination of a revenue allocation area (raa), the Boise School District needs instructions on how to handle the increment value. The increment value of a terminating raa will be included in the taxable value and if a ratio study indicates that an adjustment should be made, the adjustment will be applied to the actual value including the increment value. Amends Rule 626, Property Exempt from Taxation - Certain Personal Property, provides guidance to taxpayers and both ISTC appraisers and county assessors on the implementation of HB29 and directs the reporting and apportionment procedures of the I.C. 63-602KK (2) personal property exemption for operating properties as provided for HB29.

35-0103-1505, Updates incorporation by reference of manuals used to determine the value of recreational and certain other vehicles and railcars; changes "taxpayer" to "person"; deletes requirement to apply for exemption related to oil and gas wells; changes the date for use of land and income received assessor certification to April 15; adds new provision requiring qualifying new construction which is valued by the Idaho state tax commission to be reported to the county assessor by October 1 and be listed on the immediate next new construction roll; requires that personal property replacement revenue be added back to the tort budget when computing the school district's hypothetical new construction levy and requires that personal property exemption recoveries after 2013, for which no state replacement money is paid, is to be deducted from the budget and that, for recoveries related to personal property exempt in 2013, the recovery is to be paid to the state and future replacement amounts are to be reduced by the amount of such recovery; adds school emergency fund levy to the list of those levies that will not benefit the urban renewal revenue allocation area.

35-0105-1502, Idaho Motor Fuels Tax Administrative Rules. Deletes Rule 280 and now requires that International Fuel Tax Agreement (IFTA) licensees must use the Form 75, Idaho Fuels Use Report, to claim refunds of the motor fuel tax when using tax-paid special fuels on nontaxable Idaho roads; the requirement for two sources is being removed to clarify who is required to follow the record requirements for Documentation for Idaho Full-Fee Registrants.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION PO Box 83720, Boise, ID 83720-0003

38-0301-1501, Rules Governing Group Insurance. Revises the definition for eligible active employee, adds definitions for seasonal employee and part-time temporary employee, and removes obsolete definition.

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

39-0203-1501, Rules Governing Vehicle Dealer's Principal Place of Business. Removes the minimum business-hour requirements for motor vehicle dealers and clarifies the requirement that all vehicle dealers must declare, in writing to the Department, the regular hours that their dealerships are open and when they are available to be contacted by the Department or their customers.

39-0226-1501, Rules Governing Temporary Vehicle Clearance for Carriers. Changes conform rule with current ITD fees, terminology, procedures and administrative processes.

39-0316-1501, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. (Temp & Prop) Clarifies which types of loads will be permitted as non-reducible and that those loads may be hauled on a 53-foot trailer on the majority of routes in Idaho; clarifies that vehicles hauling reducible-height loads must be of legal dimensions for the highway of travel; removes language that pertains to self-issue permits with a fee account because fee accounts will be eliminated after the implementation of the new cash drawer and the availability of escrow

accounts.

39-0319-1501, Rules Governing Annual Overlegal Permits. (Temp & Prop) Increases the load width allowed under an annual permit from the current maximum of 14' 6" to 16' wide.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

PO Box 83720, Boise, ID 83720-0078

58-0104-1501, Rules for Administration of Wastewater Treatment Facility Grants. Conforms to Clean Water Act revision requiring planning documents, used for State Revolving Fund (SRF) projects, to assess the cost and effectiveness, as practicable, of efficient water use, reuse, recapture and conservation, and energy conservation.

58-0112-1501, Rules for Administration of Water Pollution Control Loans. Requires that Idaho consider population trends and unemployment data, in addition to the existing criteria of median household income, when determining which borrowers will qualify for disadvantaged loan under the amended the Clean Water Act's requirements for the State Revolving Fund (SRF) loan effort.

58-0125-1401, Rules Regulating the Idaho Pollutant Discharge Elimination System Program. New chapter establishes the procedures and requirements for the issuance and maintenance of permits for facilities or activities to obtain authorization to discharge pollutants to waters of the United States. These permits shall be referred to in these rules as "IPDES permits" or "permits."

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

PO Box 83720, Boise, ID 83720-0078

59-0201-1501, Rules for the Judges' Retirement Fund. (Temp & Prop) The changes are proposed in anticipation of seeking for the JRF a determination letter of qualified status from the IRS; amends the rules in certain areas so that the language tracks the language in the PERSI Base Plan rules to make for easier and consistent administration and to lessen the need for future revisions.

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

08-0201-1501, Rules Governing Administration (Respond by Sept. 11, 2015)

08-0203-1507, Rules Governing Thoroughness (Respond by Sept. 11, 2015)

IDAPA 09 - DEPARTMENT OF LABOR

09-0130-1501, Unemployment Insurance Benefits Administration Rules (Respond by Sept. 16, 2015)

IDAPA 47 - DIVISION OF VOCATION REHABILITATION

47-0101-1501, Rules of the Idaho Division of Vocational Rehabilitation (Respond by Sept. 11, 2015)

Please refer to the Idaho Administrative Bulletin, [September 2, 2015, Volume 15-9](#), 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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