

# 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 October 19, 2016 unless otherwise noted.  
Public hearing request deadline is October 26, 2016 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**

**02-0414-1601, Rules Governing Dairy Waste.** Addresses statutory requirements that clarify scope of dairy environmental management practices and compliance with IPDES permits; changes requirements related to pasture access for dairy cattle.

**02-0415-1601, Rules Governing Beef Cattle Animal Feeding Operations.** Conforms rule to statutory changes related to pollutant discharge and compliance with IPDES permits.

**02-0416-1601, Rules Governing Agriculture Odor Management.** Clarifies that swine and poultry operations are subject to regulation under different rules.

**02-0419-1601, Rules Governing Domestic Cervidae.** Requires domestic cervidae producers to report the cause of death of each cervid to the department on the official death certificate form; clarifies the minimum surveillance requirements for Chronic Wasting Disease on domestic cervidae facilities.

**02-0421-1601, Rules Governing the Importation of Animals.** Conforms rule to federal regulations pertaining to official identification of imported dairy cattle; clarifies requirements to participate in the equine approved feedlot program and tuberculosis testing requirements for imported domestic cervidae.

**02-0432-1601, Rules Governing Poultry Operations.** Defines “Idaho Pollutant Discharge Elimination System” in rule.

#### **IDAPA 07 – DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Ste. 150, Meridian, ID 83542**

**07-0106-1601, Rules Governing the Use of the National Electrical Code.** Incorporates by reference the 2017 National Electrical Code with amendments the section related to installation of an arc-fault circuit-interrupter.

**07-0202-1601, Rules Governing Plumbing Permits.** Allows a plumbing contractor or homeowner to transfer a plumbing permit to another eligible person with specific limitations; provides for a refund of the permit fee or up to 50% of the fee if less than half the work has been completed; imposes a \$45 permit transfer fee.

**07-0206-1601, Rules Concerning Idaho State Plumbing Code.** Incorporates by reference the 2015 Uniform Plumbing Code with amendments; provides that the Division may have written interpretations of its rule that are available for review.

**07-0301-1601, Rules of Building Safety.** Incorporates by reference the 2015 International Building Code, the 2015 International Existing Building Code, and the 2015 International Energy Conservation Code, with amendments and exceptions.

**07-0501-1601, Rules of the Public Works Contractors License Board.** Requires an electrical license, or specialty electrical license, and a public works contractor's specialty construction electrical license to lawfully perform the installation, alteration, or repair of instrumentation and controls for various mechanical systems on public works projects.

**07.07.01 -- Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems.**

**07-0701-1601,** Amends Section 202 of the 2012 International Mechanical Code that is incorporated by reference by redefining electric or gas conveyor pizza oven as a Light-Duty Cooking Appliance which requires a Type II hood; would allow for Division to produce written interpretations when needed to provide guidance to HVAC installers.

**07-0701-1602,** Allows an HVAC worker to qualify to take the journeyman's exam by demonstrating 8 years of HVAC experience in lieu of the current requirement of 4 years' experience and 4 years of schooling; imposes a \$45 HVAC permit transfer fee.

**07.08 -- Idaho Minimum Safety Standards and Practices for Logging:**

In each of the following rule chapters under IDAPA 07, Title 08, required informational sections have been added at the beginning of each rule including a provision for an appeals process related to logging safety issues. The following describe additional amendments made to each rule chapter:

**07-0801-1601, -- General Provisions.** Provides updated references and citations to standards and regulations; removes obsolete language and illustrations; updates definitions; clarifies Division's role and responsibilities; provides for an appeals process.

**07-0802-1601, -- Health, Safety, and Sanitation.** Identifies practices related to providing first aid and first aid kits; amends provisions for safety and fire equipment usage and use of personal protective equipment.

**07-0803-1601, -- Explosives and Blasting.** Chapter repeal.

**07-0804-1601, -- Garages, Machine Shops, and Related Work Areas.** Makes minor clarifications to work area requirements.

**07-0805-1601, -- Signals and Signal Systems.** Clarifies requirements related to signaling and radio signals systems used in logging operations.

**07-0806-1601, -- Truck Road Standards.** Clarifies requirements for safe logging road construction and equipment operation.

**07-0807-1601, -- Transportation of Employees.** Clarifies several requirements related to safe employee transportation during logging operations including emergency situations.

**07-0808-1601, -- Falling and Bucking.** Updates provisions related to the sage cutting and falling of trees and the use of mechanical delimiters and felling equipment; illustrates and identifies the proper cutting techniques of some common cutting methods.

**07-0809-1601, -- Rigging, Lines, Blocks, and Shackles.** Clarifies and updates provisions for use of guylines, guyline anchors, ropes and lines; updates specifications for wire rope; replaces old illustrations of equipment.

**07-0810-1601, -- Canopy and Canopy Construction for Logging Equipment.** Clarifies safe operation of logging tractors and other equipment.

**07-0811-1601, -- Skidding and Yarding.** Revises and adds provisions related to skidding and yarding, cable yarding, yarding machinery, wire rope, and tree climbing; provides a table for wire rope specifications; updates illustrations.

**07-0812-1601, -- Road Transportation.** Clarifies provisions related to safe logging truck transportation.

**07-0813-1601, -- Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists.** Makes minor revisions related to log handling.

**07-0814-1601, -- Helicopter Logging.** Amends requirements related to helicopter logging operations.

**07-0815-1601, -- Commonly Used Logging Terms.** Makes minor amendments to terms commonly used in logging operations.

**07-0816-1601, -- Recommended Safety Program.** Updates provisions related to the scope of the rules, fire and safety policies, and the proper reporting of logging injuries and fatalities to appropriate authorities; establishes administrative procedures for the issuance of safety orders by the administrator and the procedural rights for those who may object to a safety order and seek to contest the matter.

**IDAPA 08 – IDAHO STATE BOARD AND DEPARTMENT OF EDUCATION  
PO Box 83720, Boise, ID 83720-0037**

**08-0102-1601, Rules Governing the Postsecondary Credit Scholarship Program.** (Temp & Prop) new chapter establishes procedures for applying for the Postsecondary Credit Scholarship and clarifies the required business or industry matching scholarship.

**08-0104-1601, Residency.** (Temp & Prop) Removes obsolete definitions and provisions; defines “accredited secondary school” and “armed forces”; sets time limits for submitting request for reclassification of residency determinations; simplifies and clarifies the factors used for determining domicile; simplifies the appeals process.

**08-0109-1601, Rules Governing the GEAR UP Idaho Scholarship Program.** Chapter repeal.

**08.02.01 -- Rules Governing Administration**

**08-0201-1602,** (Temp & Prop) Establishes statewide readiness and improvement metrics, literacy intervention plan requirements and reporting metrics, and college and career advising plan requirements and minimum metrics.

**08-0201-1603,** (Temp & Prop) Creates statewide growth targets for improving student literacy proficiency.

**08-0201-1604,** (Temp & Prop) Establishes multiple measures for determining peer groups for school districts based on district size, geographical location and pupil populations; determines how measures are combined for group districts to determine statewide class size for each peer group.

**08-0202-1607, Rules Governing Uniformity.** Allows for multiple endorsements to be earned through a single certificate that doesn't limit grade ranges; aligns administrator evaluation submittal timeline with statute; aligns certificated staff evaluations regarding student achievement with student achievement requirements that are part of the career ladder; creates middle school/grades endorsement grade ranges; and updates the occupational specialist certificates; updates endorsements to align with current/best practices.

**08.02.03 -- Rules Governing Thoroughness.**

**\*08-0203-1601,** (\*PH) Revises the Content Standards for Arts and Humanities; English Language Arts/Literacy, Health, Math, PE and Social Studies; adds Computer Science to standards.

**\*08-0203-1603,** (\*PH) (Temp & Prop) Adds provisions and clarity to the Advanced Opportunities section on the administration of the new Early Graduation Scholarship.

**\*08-0203-1608,** (\*PH) Establishes a new public school accountability system framework, including all federally required indicators; makes technical corrections; adds and amends definitions; removes obsolete sections.

**08-0203-1609,** No longer requires a proficient or advanced score on the grade ten ISAT as a public school graduation requirement; clarifies that students can earn credits toward graduation through mastery of content.

**08-0203-1610,** Includes the recently approved 2016 Career Technical Education content standards as part of the Idaho Content Standards that are incorporated by reference.

**08-0203-1611,** (Temp & Prop) Clarifies that each LEA may establish an alternate path for determine if a student has met the state civics and government content standards requirement.

**08-0205-1601, Rules Governing Pay for Success Contracting.** New chapter establishes the requirements for contracting for services with private entities whose service are reimbursed based on the achievement of outcomes

pursuant to state law.

**08-0501-1601, Rules Governing Seed and Plant Certification.** Amends the Idaho Rapeseed/Canola/Mustard certification standards, which are incorporated by reference, by adding a limit to the allowable sclerotinia bodies where previously there was none.

**IDAPA 11 – IDAHO STATE POLICE  
700 S. Stratford Dr., Meridian, ID 83642**

11-0402-1601, Rules Governing Simulcasting. Deletes all provisions related to historical horse racing that was banned in 2015.

11-0403-1601, Rules Governing Licensing and Fees. Increases fees for taking and processing fingerprints for applicants for licensure to \$25.

11.11.01 -- Rules of the Idaho Peace Officer Standards and Training Council

11-1101-1601, Redefines term “Law Enforcement Profession”; establishes the minimum prohibitions for marijuana use for POST training or certification applicants; simplifies driver license status requirements for applicants; clarifies the “Agreement to Serve” requirements of, exemptions from, and proration for reimbursement of training costs to POST for officers who do not remain in the Idaho law enforcement profession for a minimum of two (2) years.

11-1101-1602, (Temp & Prop) In compliance with Idaho Code, establishes the requirement for a POST compliance review of each applicant to include a provision for inspection of the hiring agency’s background investigation file.

11-1102-1601, Rules of the Idaho POST Council for Juvenile Detention Officers. Clarifies certification requirements for part-time juvenile detention officers; eliminates the use of non-POST certified instructors for basic training.

11-1104-1601, Rules of the Idaho POST Council for Correctional Officers and Adult Probation and Parole Officers. Makes the minimum standards for employment the same for all disciplines regulated by POST.

11.13.01 -- The Motor Carrier Rules

11-1301-1601, (Temp & Prop) Adds reference to Section of Idaho Code that provides for statutory adoption of federal regulations related to transport of hazardous materials; updates incorporation by reference Part 49 of the Code of Federal Regulations.

11-1301-1602, Incorporates by reference the adoption of CFR 49 Part 380 related to driver training requirements for long combinations vehicles.

11-1301-1603, Requires the use of ELD’s by December 2017 to document record of duty status with exceptions.

**IDAPA 12 – DEPARTMENT OF FINANCE  
PO Box 83720, Boise, ID 83720-0031**

12-0110-1601, Rules Pursuant to the Idaho Residential Mortgage Practices Act. Updates the latest versions of the Truth in Lending, Regulation Z, the Real Estate Settlement Procedures Act and Regulation X that are incorporated by reference.

**IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME  
PO Box 25, Boise, ID 83707**

13-0102-1601, Rules Governing Hunter Education and Mentored Hunting. Implements a mandatory trapping education program for trappers who purchased their first trapping license on or after July 1, 2011; broadens the description of mandatory education; establishes fees for mandatory hunter, archery, and trapping education; integrates reference to existing archery education; deletes an obsolete regarding firearms.

13.01.08 -- Rules Governing the Taking of Big Game Animals in the State of Idaho

\*13-0108-1601, (\*PH) Provides for the administration of grizzly bear hunting in Idaho if season is ever established.

13-0108-1603, Increases the time to 2 years that a hunter must wait after drawing an antlered-only deer or elk tag to be eligible to apply again.

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

13-0109-1601, (Temp & Prop) Modifies the current boundary of the Hagerman goose hunting closure area to remove certain private property to allow hunting to reduce goose depredation on crops.

13-0109-1602, Simplifies and makes more consistent the age and mentor requirements for youth-only hunts.

13-0111-1601, Rules Governing Fish. (Temp & Prop) Allows harvest of unclipped summer Chinook salmon in the Clearwater River in 2016.

13-0117-1601, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. Revises the distance from road and trails for placing bear baits in the Panhandle and Clearwater regions.

**IDAPA 15 – OFFICE OF THE GOVERNOR  
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION  
304 N. 8<sup>th</sup> St., Boise, ID 83720**

*15-0606-1601, Rules Governing Use of Disaster Emergency Account Funds.* New chapter specifies what qualifies for disaster emergency fund use during a declared disaster.

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

*16-0201-1601, Rules of the Idaho Time Sensitive Emergency System Council.* Incorporates by reference the 2017-1 edition of the TSE Standards Manual.

*16-0202-1601, Rules of the Idaho Emergency Medical Services (EMS) Physician Commission.* Incorporates by reference the 2017-1 edition of the EMS Physician Commission Standards Manual.

*16-0303-1601, Rules Governing Child Support Services.* Requires reporting by Department to a consumer reporting agency a non-custodial parent for non-payment of child support when the accrued arrears exceed 3 months of due child support.

*16-0304-1601, Rules Governing the Food Stamp Program in Idaho.* Deletes language that requires rule citations to be included as part of the customer notices; aligns the 36-month fixed time limitation for the Able Bodied Adult Without Dependents (ABAWD) program requirements.

*16-0305-1601, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled.* Clarifies the primary method of determining countable self-employment income that aligns with social security rules; clarifies what establishes disability criteria for residents in a nursing home who receive Medicaid; and removes the interest rate criteria for irrevocable annuities.

*16-0308-1601, Rules Governing the Temporary Assistance for Families in Idaho (TAFI) Program.* Clarifies definitions for parents, step-parents, and caretaker relatives; modifies additional provisions that pertain to the changes made to these definitions.

**16.03.09 -- Medicaid Basic Plan Benefits**

*\*16-0309-1601, (\*PH)* Clarify requirements for physician orders for home health services and DME; add a requirement for a documented face-to-face encounter prior to delivery of services or equipment and supplies for home health services and DME providers; clarifies the non-physician practitioners who may conduct face-to-face encounters and that home health services and DME cannot be restricted to services provided in the home, and that they may be provided in any setting in which normal life activities take place.

*\*16-0309-1602, (\*PH)* Clarifies the Department's use of the appropriate pricing methodologies to provide reimbursement to pharmacies, for physician-administered drugs, and to 340B covered entities that already receive discounts from the drug manufacturers; aligns language and definitions with recent changes to federal regulations under 42 CFR 447.

*\*16-0719-1601, Behavioral Health Certification of Peer Support Specialists and Family Support Partners. (\*PH)* New chapter establishes the qualifications and requirements for certification of peer support specialists and family support partners and administration for certification including enforcement and actions for denial, revocation, or suspension.

*\*16-0737-1601, Children's Mental Health Services. (\*PH)* Changes reflect the adoption of the Child and Adolescent Needs and Strengths (CANS) assessment tool as specified in the Jeff D court-approved implementation plan; deletes references to federal child welfare requirements in the Alternate Care sections that no longer apply and updates rule

to reflect current practice.

**IDAPA 18 – DEPARTMENT OF INSURANCE**

**PO Box 83720, Boise, ID 83720-00**

**\*18-0148-1601, Rule to Implement the Privacy of Consumer Financial Information.** (\*PH) (Temp & Prop) Provides relief for insurers and producers from sending their customers an annual privacy notice in certain instances.

**18-0156-1601, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules.** Defines “social media” and clarifies its use; permits photos to be included in listing package if no additional charge is required; allows last deed of record to be provided without charge to specific entities; eliminates the quarterly publication requirement; permits advertising in annual trade association publications; prohibits donating or contributing to or otherwise sponsoring a trade association event; increases amount allowed for self-promotion and amends educational programs offerings restrictions.

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

**PO Box 83720, Boise, ID 83720-00**

**\*20-0316-1601, Rules Governing Oil and Gas Leasing on Idaho State Lands.** (\*PH) Clarifies the lease nomination and lease auction process; lease length is determined by statute and is removed from rule; improves lease area language to minimize unnecessary small acreage leases; adjusts the lease tract application/nomination fee, the annual lease rental rate per acre (and a minimum annual rental rate), the assignment fee, and the shut-in fee to current day cost recovery levels; updates definitions.

**\*20-0702-1601, Rules Governing Conservation of Oil and Natural Gas in the State of Idaho.** (\*PH) Makes terminology consistent; aligns role of Commission and Department with statute; conforms appeals process to statute; updates incorporations by reference; updates contact information; conforms public records act compliance to statute; adds and deletes definitions; clarifies protection of correlative rights; amends notice requirements, permit requirements and processing to conform to statute; redefines seismic exploration clarifies requirements; clarifies requirements for spacing units; conforms integration, unitization, and other processes to conform to statute; conditionally authorizes drill pad construction prior to permit approval; adds a setback of wells from occupied structures; modifies other permit requirements to ensure compliance with Commission authorities; application and processing for recompletions and plug backs is added; authorizes sundry notices; amends permit transfer process ensure new operator is registered and in good standing; inventory of wellhead equipment is added; amends well logging and reporting requirements to improve information gathering and retention; changes production reporting requirements; increases gas-oil ratio to 10,000:1 for gas well classification; meter calibration is modified to increase transparency; amends tank battery and processing facility standards to add flexibility; increases the reporting requirements for active wells to provide information to Commission.

**IDAPA 22 – BOARD OF MEDICINE**

**PO Box 83720, Boise, Idaho 83720-0058**

**22-0103-1601, Rules for the Licensure of Physician Assistants.** Clarifies the educational requirements and national certification requirements for licensure and renewal of licensure; addresses record reviews of graduate physician assistants; allows a physician assistant to order controlled substances for office use.

**IDAPA 23 – IDAHO BOARD OF NURSING**

**PO Box 83720, Boise, ID 83720-0061**

**23.01.01 -- Rules of the Idaho State Board of Nursing.**

**23-0101-1601,** Provides for use of e-mail in correspondence with licensees and in service of certain Board documents in contested case proceedings; deletes provisions requiring renewal and payment of renewal fees for an emeritus nursing license; modernizes language applicable to individuals with impairments; updates and clarifies rules regarding issuance of limited licenses and a Board advisory committee; deletes provisions and required fee related to prescriptive authority for advanced practice nurses.

**23-0101-1602,** (Temp & Prop) Amends definition of clinical preceptors and requires clinical preceptors to be licensed at or above the license level for which a student nurse is preparing.

**IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**

**PO Box 83720, Boise, ID 83720-0063**

**24-0101-1601, Rules of the Board of Architectural Examiners.** Incorporates by reference the most recent NCARB

Certification Guidelines and Rules of Conduct; defines 3 new terms; provides Board more flexibility in approving applicants to sit for exam; clarifies license renewal and reinstatement requirements; deletes requirement that the Attorney General provide legal services to the board.

**24-0301-1601, Rules of the State Board of Chiropractic Physicians.** Separates and sets application fee and original license fee; clarifies the peer review process.

**24-1001-1601, Rules of the State Board of Optometry.** Increases number of credited continuing education hours for licensees to 9 annually.

**24-1201-1601, Rules of the Idaho State Board of Psychologist Examiners.** Clarifies who can provide on-line continuing education; establishes that a service extender cannot provide service until after the Board approves the supervisory plan; creates a new category for a service extender who provides psychometrician services; establishes Telepsychology practice per state law.

**24-1601-1601, Rules of the State Board of Dentistry.** Provides flexibility for setting meeting dates; clarifies examination times and process; adds supervisor requirements for the apprenticeship program; clarifies the standards of conduct.

**24-1701-1601, Rules of the State Board of Acupuncture.** Removes requirement for practitioner to register business name with Board.

**24-1801-1602, Rules of the Real Estate Appraiser Board.** Requires registration of Appraisal Management Companies with Board; clarifies qualifications for appraiser licensure; updates renewal and reinstatement rules; consolidates registered trainee supervisor requirements.

**24-1901-1601, Rules of the Board of Examiners of Residential Care Facility Administrators.** Requires applicants for reinstatement to complete minimum number of continuing education courses; increase the reinstatement fee for expired residential care administrator licenses to \$35.

**24-2201-1601, Rules of the Idaho State Liquefied Petroleum Gas Safety Board.** Incorporates by reference the 2017 edition of the Liquefied Petroleum Gas Code, NFPA 58.

**24-2301-1601, Rules of the Speech and Hearing Services Licensure Board.** Defines audiology support personnel; establish qualifications for Hearing Aid Dealer and Fitter Supervisors; deletes provisions regarding Audiology Provisional Permits which are no longer relevant; reduces fees for original and license renewal.

**24-2501-1601, Rules of the Idaho Driving Businesses Licensure Board.** Clarifies that current instructors list must be submitted for original and reinstatement applications and list must be kept current and made available to Board; clarifies that if using a third party provider for on-line classroom instruction, licensee is responsible for ensuring the content meets Board-approved requirements; outlines when the business licensee must send performance information to DMV; clarifies who may provide a medical exam and the documents needed for Board verification.

**24-2701-1601, Rules of the Idaho State Board of Massage Therapy.** Establishes requirements for a temporary license and provisional permit and sets fees for each; lowers fees for original license and annual license renewal; updates list of approved licensure exam.

**IDAPA 27 – BOARD OF PHARMACY  
PO Box 83720, Boise, ID 83720-0067**

**\*27-0101-1606, Rules of the Idaho State Board of Pharmacy (\*PH)** Allows a Schedule II controlled substance prescription drug order to be partially filled and dispensed within a certain timeframe as allowed by federal law.

**IDAPA 28 – DEPARTMENT OF COMMERCE  
PO Box 83720, Boise, ID 83720-0093**

**28-0207-1601, Rules Governing the Administration of the IGEM Grant Program.** Conforms rule to statutory language; defines “industry partner”; cites responsibilities that pertain to the department and not IGEM Council; clarifies when funds may be terminated.

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

**35-0101-1602 – Income Tax Administrative Rules.** Updates incorporation by reference of the MTC Recommended Formula for the Apportionment and Allocation of Net Income of Financial Institutions; adds 2016 tax bracket and applicable grocery credit amounts; updates the amount of guaranteed payments that are sourced as compensation for services; conforms language to HB 353.

**35.01.02 -- Idaho Sales and Use Tax Administrative Rules.**

**35-0102-1601,** Clarifies exempt equipment and supplies used for a necessary quality control function; amends production exemption regarding “removal from storage” for agricultural commodities; removes the exclusion of hand tools with a unit cost of less than \$100; amends exemption on prescription eye wear; adds paddleboards to list of vessels that are not exempt when sold to nonresidents.

**35-0102-1602,** Exempts the sale, lease, purchase, or use of fixed-wing aircraft primarily used as an air tactical group supervisor platform under contract with a governmental entity for wildfire activity.

**35-0102-1603,** Corrects statutory citations to Older Americans Act.

**35-0110-1601, Idaho Cigarette and Tobacco Products Tax Administrative Rules.** Clarifies the procedure for determining the amount of the bond required for wholesalers.

**35-0201-1601, Tax Commission Administration and Enforcement Rules.** Adds interest rate for calendar year 2017 and the Revenue Ruling where the federal rate for the calculation can be found; provides that a power of attorney form for future tax periods is limited to 3 years in the future.

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

**38-0501-1601, Rules of the Division of Purchasing.** Implements the new State Procurement Act (2016) by establishing the process and factors that influence the decision to grant, continue and revoke delegated purchasing authority; establishes policies and procedures related to the administration, management, monitoring and oversight of contracts entered into by an agency; amends and adds definitions; makes minor modifications to update and clarify language.

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

**39-0315-1601, Rules Governing Excess Weight Permits for Reducible Loads.** Expands the scope of the rule to allow statewide permitting by the DMV of commercial vehicle combinations in excess of 80,000 pounds when agreed to by the local highway authority; allows for permitting of 129,000 lb commercial motor vehicles (129K trucks) on the state’s Interstate system.

**IDAPA 47 – DIVISION OF VOCATIONAL REHABILITATION  
PO Box 83720, Boise, ID 83720-0037**

**47-0101-1601, Rules of the Idaho Division of Vocational Rehabilitation.** Incorporates by reference the latest revisions to the IDVR Field Services Manual which include updates and additions to definitions; clarification of the review and assessment data used for eligibility determinations and determination of significance of disability; updates references to the Workforce Innovation and Opportunity Act; aligns Order of Selection procedures with federal guidelines and best practices.

**IDAPA 55 – DIVISION OF CAREER-TECHNICAL EDUCATION  
PO Box 83720, Boise, ID 83720-0037**

**55-0103-1601, Rules for Career-Technical Schools.** Updates definitions; makes technical corrections; clarifies the application processes and calculation of average daily attendance for Career-Technical Schools for calculating added cost funding.

**IDAPA 57 – SEXUAL OFFENDER MANAGEMENT BOARD  
1299 N. Orchard St., Ste. 110M, Boise, ID 83706**

**57-0101-1601, Rules of the Sexual Offender Management Board.** Adopts the latest revision to the SOMB’s standards and guidelines previously incorporated by reference; extends timeline for applicants to meet the clinical

experience requirements; clarifies training requirements for dual population certification; modifies some supervision requirements for certain providers; clarifies certain conditional waiver provisions for applicants; reduces quality assurance monitoring measures to available SOMB resources; aligns continuing education requirements for polygraph examiners to APA standards; modifies formal education provision for post-conviction sex offender polygraph examiners.

**IDAPA 61 – STATE PUBLIC DEFENSE COUNCIL**

**816 West Bannock St., Suite 201, Boise, ID 83702**

**61-0107-1601, Rules Governing Standards for Defending Attorneys that Utilize Idaho’s Principles of an Indigent Defense Delivery System.** Establishes standards for attorneys appointed to represent indigent persons which include conforming to performance standards, carrying a maximum number of cases per year, and attending initial court appearances.

**NOTICES OF INTENT TO PROMULGATE OF THE FISH AND GAME COMMISSION**

**IDAPA 13 - IDAHO DEPARTMENT OF FISH AND GAME**

**13-0107-1601**, Rules Governing the Taking of Upland Game Animals

**13-0109-1603**, Rules Governing the Taking of Game Birds in the State of Idaho

**13-0111-1602**, Rules Governing Fish

**13-0113-1601**, Rules Governing the Taking of American Crow in the State of Idaho

**13-0116-1601**, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals

**NOTICES OF ADOPTION OF TEMPORARY RULE**

**IDAPA 50 - COMMISSION OF PARDONS AND PAROLE**

**50-0101-1602**, Rules of the Commission of Pardons and Parole (eff.date 8-8-16)T

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

**IDAPA 42 - IDAHO WHEAT COMMISSION**

**42-0101-1601**, Rules of the Wheat Commission (2nd Notice) (See Bulletin for Meeting Schedules)

Please refer to the Idaho Administrative Bulletin, **October 5, 2016, Volume 16-10**, 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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