

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 proposed rule public hearing request deadline is September 19, 2018, unless otherwise posted.
The proposed rule written comment submission deadline is September 26, 2018, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 01 – IDAHO STATE BOARD OF ACCOUNTANCY PO Box 83720, Boise, ID 83720-0002

01.01.01 – Idaho Accountancy Rules

01-0101-1801, Requires a firm to notify the Board within 30 days of the date the peer reviewer or a team captain advises the firm that a grade of fail will be recommended; allows Board to take appropriate action against a licensee not meeting professional standards.

01-0101-1802, Removes references to obsolete paper-based exam; streamlines reciprocal licensure for qualified CPAs; allows CPA-Retired or CPA-Inactive status licensees to provide volunteer accounting services for Boards of non-profit organizations and assist citizens in the Volunteer Income Tax Assistance, VITA, program.

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

02-0408-1801, Rules Governing Grade A Milk and Milk Products. Incorporates by reference the following: 2017 Grade A Pasteurized Milk Ordinance; 2017 Evaluation of Milk Laboratories reference document; 2017 Methods of Making Sanitation Ratings of Milk Shippers reference document; 2017 Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration reference document.

02-0409-1801, Rules Governing Milk and Cream Procurement and Testing. Clarifies and adds definitions; sets sample tolerance standards; establishes enforcement protocols and the recertification process for labs that fail to meet performance standards.

02-0413-1801, Rules Governing Raw Milk. Incorporate by reference the 2017 edition of the Grade A Pasteurized Milk Ordinance, except those provisions establishing raw milk standards for raw milk for pasteurization.

02-0429-1801, Rules Governing Trichomoniasis. Incorporates by reference the 2018 Edition of Idaho “Protocol for *Trichomonas foetus* Diagnosis in Cattle”.

02-0601-1801, Rules Governing the Pure Seed Law. Updates list of services and fees provided for seed testing.

02-0602-1801, Rules Pertaining to the Idaho Commercial Feed Law. Incorporates by reference the 2019 Official Publication of the Association of American Feed Control Officials (AAFCO) pertaining to regulatory commercial feed registration and label review methodology and practice.

02-0612-1801, Rules Pertaining to the Idaho Fertilizer Law. Incorporates by reference the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) pertaining to regulatory fertilizer registration and label review methodology and practice.

02-0641-1801, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001. Incorporates by reference the 2019 Official Publication of the Association of American Plant Food Control Officials (AAPFCO) pertaining to regulatory soil and plant amendment registration and label review methodology and practice.

**IDAPA 07 – DIVISION OF BUILDING SAFETY
PO Box 83720, Meridian, ID 83642**

07-0101-1801, Rules Governing Electrical Inspection Tags. Updates procedures and terminology for electrical facility accounts and issuing electrical permits to align rule to recent statutory changes.

07-0102-1801, Rules Governing Fees for Electrical Inspections. Updates procedures and terminology for issuing electrical permits to align with recent changes to statute; allows for and adds a fee for the transfer of an electrical permit.

07.01.03 - Rules of Electrical Licensing and Registration – General.

07-0103-1801, Clarifies that a contractor is in violation only when one journeyman employed by the contractor supervises more than two apprentices employed by the contractor.

07-0103-1802, Updates terminology for electrical licensing and registration to align rule to recent statutory changes.

07-0104-1801, Rules Governing Electrical Specialty Licensing. Updates procedures and terminology for limited electrical licensing and registration to align rule to recent statutory changes.

07-0105-1801, Rules Governing Examinations. Updates terminology for electrical licensing and registration to align rule to recent statutory changes.

07-0106-1801, Rules Governing the Use of National Electrical Code. Clarifies that cables located in the attics and underfloor areas of other structures that are not designed to be occupied are considered concealed; allows gray HDPE water pipe rated at 200 PSI to be used as a chase only under certain circumstances.

07-0107-1801, Rules Governing Continuing Education Requirements. Allows licensees to obtain continuing education credit for attending Board meetings and negotiated rulemaking meetings; defines code-related programs; readjusts CE required courses.

07-0108-1801, Rules Governing Electrical Inspection Tag Appeals. Updates procedures and terminology for and conducting electrical inspection appeals to align rule to recent statutory changes.

07-0111-1801, Rules Governing Civil Penalties. Updates terminology for electrical facility accounts and electrical licensing and registration to align rule to recent statutory changes.

07-1001-1801, Rules Governing the Damage Prevention Board. Changes terms “utility” to “facility” and “underground utility owner” to “underground facility owner” to align with statute; requires parties requesting an appeal to pay a \$200 bond; defines “locator” and subjects them to civil penalties.

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

12-0109-1801, Rules Pursuant to the Idaho Credit Code. Incorporates by reference the federal Consumer Credit Protection Act and regulations issued pursuant to the Act.

12-0110-1801, Rules Pursuant to the Idaho Residential Mortgage Practices Act. Updates the federal laws and regulations and nationally adopted standards that are incorporated by reference.

12-0111-1801, Rules Pursuant to the Idaho Collection Agency Act. New chapter incorporates by reference the federal Fair Debt Collection Practices Act.

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

13-0110-1801, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. Would not allow possession, importation, transport, sale, barter, or trade of wild elk, moose, mule deer, white-tailed deer, fallow deer or muntjac deer because of fear of transmission of Chronic Wasting Disease.

13-0117-1802, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals. (Temp & Prop) Allows synthetic liquid scent only to attract deer and elk to reduce risk of Chronic Wasting Disease entering Idaho. (eff. 7-26-18)T

13-0118-1801, Rules Governing Emergency Feeding of Antelope, Elk, and Deer of the Idaho Fish and Game Commission. Would allow the risk of transmission of CWD to factor into decisions made on supplemental emergency winter feeding of deer and elk; prohibits private feeding within a CWD Management Zone.

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

16-0208-1802, Vital Statistics Rules. Clarifies that any circumstance resulting in a replacement certificate will result in a fee being charged.

***16-0215-1802, Immunization Requirements for Idaho School Children.** (*PH) Adds a new school entry immunization requirement to require a second dose of meningococcal (MenACWY) vaccination before a student enters the 12th grade in Idaho, starting with school year 2020-2021.

16.03.10 – Medicaid Enhanced Plan Benefits

***16-0310-1802,** (*PH) To sustain the necessary grant benefits amendments are being made to continue to provide support services for moving participants from institutional-living settings to community settings.

***16-0310-1803,** (*PH) Simplifies and streamlines the current ventilator and tracheostomy special rate process to allow for less administrative burden, and to allow rates to start on the day of admission and no semi-annual renewals.

***16-0310-1804,** (*PH) Aligns rule with statute regarding covered organ transplants for children under 21.

16-0314-1801, Rules and Minimum Standards for Hospitals in Idaho. Clarifies which licensed medical professionals are permitted to order restraints or seclusion; additional changes strengthen patient rights.

16-0612-1801, Rules Governing the Idaho Child Care Program (ICCP). (Temp & Prop) Clarifies the processes for determining eligibility; updates terms to align with the Reauthorization of the Child Care and Development Block Grant federal regulations. (eff. 10-1-18)T

16-0737-1801, Children's Mental Health Services. Removes reference to obsolete alternate funding standard and clarifies the parental financial obligation for a child's Alternate Care via the sliding fee scale.

16-0750-1801 Minimum Standards for Nonhospital, Medically Monitored Detoxification/Mental Health Diversion Units. Updates certain documents incorporated by reference; removes obsolete and adds new definitions; removes obsolete provisions and terms; updates chapter to reflect best practices and to align rule to other division behavioral health rules.

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

18-0106-1801, Rule to Implement Uniform Coverage for Newborn and Newly Adopted Children. Clarifies that the terms "contribution" and "premium" are interchangeable when applied to a self-funded health plan.

18-0123-1801, Rules Pertaining to Idaho Acquisitions of Control and Insurance Holding Company Systems. Amends rule regarding extraordinary dividends and other distributions to align rule to recent statutory changes.

18-0124-1801, Advertisement of Disability (Accident and Sickness) Insurance. Eliminates references to "direct response" advertising regarding disability accident and sickness policies.

18-0149-1801, Fire Protection Sprinkler Contractors. Removes references to an advisory board; removes one percent of bid amount language regarding fees for inspection; clarifies that fee applies to each fire protection system as defined in rule.

18-0154-1801, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Updates incorporation by reference the 2018 NAIC Model Regulation 651; adds definitions for the 2020

Standardized Medicare Supplement Benefit Plans and add more detailed sections with respect to such plans.

18-0162-1801, Annual Financial Reporting. Requires an independent internal audit function for large insurance companies or insurance holding company groups with over \$500 million in annual premiums written or \$1 billion if a member of a group.

**IDAPA 19 – IDAHO BOARD OF DENTISTRY
PO Box 83720, Boise, ID 83720-0021**

19.01.01 – Rules of the Idaho State Board of Dentistry

19-0101-1803, Eliminates the option of supplemental dosing when providing minimal sedation; reduces the maximum amount of sedation that can be given to no more than the MRD on the day of treatment.

19-0101-1804, Amends the eligibility requirements for specialty licensure and updates the provisions for specialty advertising.

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS
PO Box 83720, Boise, ID 83720-0050**

***20-0301-1801, Dredge and Placer Mining Operations in Idaho.** (*PH) Removes requirement that applications and other documentation be submitted in paper copies and allows for electronic filing; adds required informational sections; adds references to DEQ water quality standards for clarification.

***20-0302-1801, Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities.** (*PH) Removes requirement that applications and other documentation be submitted in paper copies and allows for electronic filing; adds required informational sections; adds an abbreviation; removes obsolete bonding requirement; increase maximum reclamation bond amount per acre to align with statute; adds requirement for operators to illustrate the floodplain and describe surface water mitigation plans.

***20-0304-1801, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho.** (*PH) Allows for electronic filing of documents and removes requirement that applications and other documentation be submitted in paper copies; removes unnecessary incorporated documents; allows existing permitted boat garages to be maintained or replaced at the existing height and at the existing footprint square footage; aligns rule to Idaho statute requiring an applicant to publish and pay for a notice of application for nonnavigational encroachments in local newspaper and that the publication deposit be submitted with an application to permit riprap; clarifies that the Department will provide a notice of noncompliance to anyone who may be in violation of the rules.

**IDAPA 23 – IDAHO BOARD OF NURSING
PO Box 83720, Boise, ID 83720-0061**

23-0101-1801, Rules of the Idaho Board of Nursing. Would provide recent graduates a reasonable time frame for receipt of the necessary paperwork before they are no longer eligible for nursing assistant status; deletes obsolete multi-state licensing provision; standardizes prescription forms used by advanced practice nurses to those used by physicians and other authorized prescribers; expands definition of “nurse apprentice”.

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

35-01.03 – Property Tax Administrative Rules

35-0103-1801, Changes when government-owned property transferred to a private owner becomes taxable; changes operating properties values to preliminary values for purposes of timely complaint filing by assessors; primary guidance for determining partial ownership for homeowners exemption program is the transfer deed language; defines “agricultural area” from which whole farm rents and expenses can be extracted; clarifies that only crops grown on a typical farm in an “agricultural area” should be included in the crop rotation when computing value; requires taxpayers to apply to ISTC for the exemption whenever operating property is involved in the exemption; provides for the deduction from the new construction listing for any exemption of property that was previously added to the new construction listing; creates a provisional property tax exemption and clarifies dates when solar farm gross earnings receipts are to be reported and deducted from property tax revenue; revises the levy process used when cemetery taxing districts consolidate; clarifies whether the “base assessment roll” includes the property that existed in the revenue allocation area (RAA) at the time of RAA formation and subsequently became taxable; changes taxation of designated forestlands.

35-0103-1802, Clarifies that property tax reduction benefit for veterans with a 100% service-connected disability

continues for a surviving spouse but may not be transferred to a different homestead.

35-0103-1803, Explains the new provisional exemption, which may be granted to property to be used for a tax exempt purpose.

35-0106-1801, Hotel/Motel Room and Campground Sales Tax Administrative Rules. Adds cross reference to rules used in the appeal process.

35-0110-1801, Idaho Cigarette and Tobacco Products Tax Administrative Rules. Limits all wholesalers that stamp cigarettes to an unused stamp inventory equal to 2 times their average tax liability.

35-0114-1801, Prepaid Wireless E911 Fee Administrative Rules. Adds cross reference to rules used in the appeal process.

IDAPA 38 – DEPARTMENT OF ADMINISTRATION

PO Box 83720, Boise, ID 83720-0013

38-0409-1802, Rules Governing Use of the Chinden Office Complex. Establishes rules for the management and use of the state-owned Chinden office complex.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise, ID 83707-1129

39-0246-1801, Rules Governing Temporary Motor Vehicle Registration Permit. (Temp & Prop) Allows vehicle dealers to issue temporary registration permits to retail purchasers, which must be noticeably displayed, of vehicles 8,000 pounds and over that must be moved to their home states for titling and registration. (eff. 8-6-18)T

39-0348-1801, Rules Governing Routes Exempt from Local Plans and Ordinances. Removes reference to obsolete computer system.

IDAPA 40 – IDAHO COMMISSION ON THE ARTS

PO Box 83720, Boise, ID 83720-0008

40-0101-1801, Rules of the Idaho Commission on the Arts. Updates, clarifies, and simplifies grant application terminology and procedures; adds folk and traditional arts disciplines for which Fellowships are awarded; revises a matching requirement that currently restricts college and university grant recipients to the use of non-public funds when matching grants from the Commission.

IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY

1410 N. Hilton, Boise, ID 83706-1255

58.01.02 - Water Quality Standards

58-0102-1802, Complies with federal water quality standards by adopting aquatic life criteria for acrolein, carbaryl, and diazinon in accordance with EPA's current recommended criteria; adopts EPA's current recommended criteria for bacteria; clarifies definition of recreational use. Comment by 10/5/2018

58-0102-1803, Allows human sources of heat loading to specific de minimus increases in receiving water temperatures when waters exceed applicable temperature criteria. Comment by 10/5/2018

58-0124-1801, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites. Updates the toxicity criteria as established by EPA to promote current and consistent corrective action decision-making at petroleum release sites. Comment by 10/3/2018

IDAPA 61 – STATE PUBLIC DEFENSE COMMISSION

816 W. Bannock St., Suite 201, Boise, ID 83702

61-0102-1801, Rules Governing Standards for Uniform Data Reporting Requirements and Forms For Defending Attorney Annual Reports. New chapter establishes uniform data collection and reporting requirements and model forms for the annual reports by defending attorneys. Comment by 11/9/2018

61-0103-1801, Rules Governing Contracts and Core Requirements for Contracts Between Counties and Private Attorneys for the Provision of Indigent Services. New chapter establishes the standards and guidelines for contracts between counties and private attorneys for the provision of indigent defense services. Comment by 11/9/2018

61-0108-1801, Rules Governing the Administration of Idaho's Indigent Defense Delivery Systems – Rule Definitions. Adds definitions for “contracting authority” and “reporter”; adds references to other PDC rules; adopts the 2018 edition of “Standards for Defending Attorneys” that is incorporated by reference. Comment by 11/9/2018

NOTICE OF ADOPTION OF TEMPORARY RULE

IDAPA 35 – IDAHO STATE TAX COMMISSION

35-0101-1803, Income Tax Administrative Rules (eff. 1-1-18)T

NOTICES OF PROCLAMATION

IDAPA 13 – IDAHO FISH AND GAME COMMISSION / DEPT OF FISH AND GAME

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

13-0108-1701AAP – Notice of Amended Amended Proposed Proclamation

13.01.11 – Rules Governing Fish

13-0111-1805P – Notice of Proposed Proclamation

NOTICES OF INTENT TO PROMULGATE – NEGOTIATED RULEMAKING

IDAPA 22 – IDAHO BOARD OF MEDICINE

22-0101-1801, Rules of the Board of Medicine for the Licensure to Practice Medicine & Surgery & Osteopathic Medicine & Surgery in Idaho

22-0103-1801, Rules for the Licensure of Physician Assistants

22-0105-1801, General Provisions for the Board of Medicine (New Chapter)

Please refer to the Idaho Administrative Bulletin, [September 5, 2018, Volume 18-9](#), 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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