

# 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 proposed rule public hearing request deadline is September 18, 2019, unless otherwise posted.  
The proposed rule written comment submission deadline is September 25, 2019, unless otherwise posted.  
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### IDAPA 02 – DEPARTMENT OF AGRICULTURE P.O. Box 7249, Boise, ID 83707

**02-0212-1901, Bonded Warehouse Rules.** Allows for issuance of electronic warehouse receipts for commodities that are stored and establishes procedures for proper usage.

**02-0301-1901, Rules Governing Pesticide Management Plans for Ground Water Protection.** Reauthorizes the previously codified rule that establishes a process for responding to pesticide detections in ground water.

**02-0303-1901, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application.** Reauthorizes the previously codified rule that regulates the use and application of pesticides, licensing of pesticide applicators, registration of pesticides, and responsibilities for chemigation in Idaho.

**02-0415-1901, Rules Governing Beef Cattle Animal Feeding Operations.** Reauthorizes the previously codified rule that establishes standards for the storage, management and application of manure on Beef Cattle Animal Feeding Operations that manage over 1,000 cattle in Idaho.

**02-0417-1901, Rules Governing Dead Animal Movement and Disposal.** Reauthorizes the previously codified rule that establish standards for the management and disposal of dead animal bodies, carcasses and body parts to best protect the environment and human health.

**02-0420-1901, Rules Governing Brucellosis.** Reduces the Brucellosis test eligible age of cattle/bison to 12 months; removes “Idaho origin” as a prerequisite for adult brucellosis vaccination of cattle/bison.

**02-0421-1901, Rules Governing the Importation of Animals.** Amends Extended Validity Equine Certificate to allow participation in an electronic certificate program and modifies certificate requirements; amends entry permit language to allow for the use of Idaho’s online livestock entry permit database; removes the brucellosis testing requirement for import of domestic cervidae that originate from a state/region that is declared free of brucellosis.

**02-0423-1901, Rules Governing Commercial Livestock Truck Washing Facilities.** Reauthorizes the previously codified rule that establishes standards for the permitting and management of commercial livestock truck washing facilities in Idaho.

**02-0432-1901, Rules Governing Poultry Operations.** Reauthorizes the previously codified rule that establish standards for the storage, management and application of nutrients from commercial poultry facilities.

**IDAPA 07 – DIVISION OF BUILDING SAFETY**

PO Box 83720, Meridian, ID 83642

**\*07-0101-1901, Rules of the Idaho Electrical Board.** (PH\*) New chapter consolidates previously approved and codified rules of the electrical bureau and aligns rule to SB 1008 (2019) by easing reporting requirements for apprentices; defines continuation training

**07-0501-1901, Rules of the Public Works Contractors License Board.** (Temp & Prop) Reduces renewal fees for public works contractor licenses. (eff. 7-15-19)T

**07-0701-1902, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems.** Changes base permit fee calculation; provides a way for an apprentice to renew a registration and stay in the trade without enrolling in or successfully completing school; eliminates and simplifies provisions in compliance with the Red Tape Reduction Act.

**07-1101-1901, Rules of the Division of Building Safety.** New Chapter provides processes, criteria, or both, to accept military education, training, or service from military members, former military members discharged under honorable conditions, veterans, or their spouses (Military Applicants) toward the requirements for a professional license with the Division of Building Safety; and issue licenses by endorsement to Military Applicants.

**IDAPA 09 – IDAHO DEPARTMENT OF LABOR**

219 Main St., Boise, ID 83735

**09.01.30 - Unemployment Insurance Benefits Administration Rules**

**09-0130-1902,** Defines the circumstances under which an unemployment insurance claimant can leave the local labor market area to attend training or school; and specifies unemployment insurance claimants cannot leave the country while collecting benefits.

**09-0130-1903,** Clarifies unemployment insurance benefit eligibility for individuals with disabilities is determined by Idaho law; identifies unemployment insurance claimants as responsible for providing competent evidence they are qualified individuals with disabilities under the ADA; and removes language concerning long-term disability inconsistent with the definition of disability under the ADA.

**IDAPA 13 – DEPARTMENT OF FISH AND GAME**

PO Box 25, Boise, ID 83707

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

**13-0108-1903,** Allows Commission to make a controlled hunt applicant wait up to 5 days to buy a general hunt tag for the same species in the same calendar year for specific hunts having limited tag numbers.

**13-0108-1904,** Limits number of non-resident deer or elk tags available in a specific general hunt unit or zone to no less than 10% of the average hunter participation estimated for that zone or unit during the preceding 5-year period.

**13-0109-1902, Rules Governing the Taking of Game Birds in the State of Idaho.** Allows Hunting Passport holders ages 8 through 17 to hunt turkey in general season turkey hunts, youth-only general hunts, turkey landowner permission hunts, and depredation hunts with the appropriate tag; replaces references related to requirements for the Department's stocked pheasant program; replaces specific references to the "WMA Upland Game Bird Permit" and "Wildlife Management Areas" with more generic references to support potential expansion of the Department's pheasant stocking program.

**13-0110-1901, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife.** Because of the threat of chronic wasting disease, the Department will not issue any permit for import into Idaho of any live cervid into Idaho not regulated as a domestic cervid by the Idaho Department of Agriculture, including mule deer, white-tailed deer, moose, and wild-origin elk.

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

PO Box 83720, Boise, ID 83720-0036

**16-0102-1901, Emergency Medical Services (EMS) – Rule Definitions.** Amends definition of "EMS" to align with statutory changes.

**16-0103-1901, Emergency Medical Services (EMS) – Agency Licensing Requirements.** Updates incorporation by reference section to include the "Time Sensitive Emergency Standards Manual" and allows Board to designate an EMS agency as TSE certified.

**16-0107-1901, Emergency Medical Services (EMS) – Personnel Licensing Requirements.** Updates reciprocity of EMS personnel license from a REPLICA member state; adjusts timeframe from 12 to 24 months for candidate to complete standardized exam given by vendor NREMT; conforms to statute for licensure by endorsement for military, veterans, and spouses; clarifies reinstatement issues for lapsed EMS license.

**16-0319-1901, Rules Governing Certified Family Homes.** Requires those needing criminal history and background check clearances to obtain a new clearance from the Department every 5 years.

**16-0322-1901, Residential Care or Assisted Living Facilities in Idaho.** Updates references and definitions; clarifies, eliminates and reduces existing requirements; increases requirements that directly impact resident health and safety; allows for accreditation by a Department-approved accreditation entity in lieu of regular re-licensure inspections.

**16.05.06 - Criminal History and Background Checks**

**16-0506-1901,** Conforms to statute authorizing the department's Criminal History Unit to complete background checks on Citizen Review Panel Members whose qualifications are then determined by Public Health Districts.

**16-0506-1902,** Clarifies who is subject to background check, recordkeeping requirements, when an incomplete application is no longer viable for processing, and when a new background check or state-only check is required for a re-hired employee; adds Section 18-909, Idaho Code, as a disqualifying offense; removes references to the federal Nation Crime Information Center and the federal Sex Offender Registry.

**IDAPA 19 – IDAHO BOARD OF DENTISTRY**

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

**\*19-0101-1901, Rules of the Idaho State Board of Dentistry.** (Temp & Prop) (\*PH) Fee rule establishes criteria for licensure and regulation of the practice of dental therapy. (eff. 7-27-19)T

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

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

**\*20-0303-1901, Rules Governing Administration of the Reclamation Fund.** (\*PH) Updates definitions and terminology to conform to statute; removes mandatory participation requirements for single operators under 40 acres and allows for alternative financial assurance; provides more flexibility in Reclamation Fund participation by removing certain restrictions; removes non-substantive provisions.

**\*20-0304-1901, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho.** (\*PH) Would increase fees for applications for encroachment permits for single-family docks, two-family docks, water-intake lines, and assignments; specifies that Department will provide notice of application to adjacent property owners for all noncommercial navigational encroachments.

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

**PO Box 36, Boise, ID 83722-0410**

**35.01.03 - Property Tax Administrative Rules**

**35-0103-1903,** Reduces number of days Commission has to notify taxing districts of errors in the boundary maps submitted for review to 28 days.

**35-0103-1906,** Permits certification of late reimbursement to counties for all circuit breaker benefits.

**35-0105-1901, Idaho Motor Fuels Tax Administrative Rules.** Adds a conversion factor for hydrogen, a gaseous special fuel. This will enable taxpayers to report and pay on Hydrogen.

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

**1410 N. Hilton St., Boise, ID 83706**

**58-0101-1904, Rules for Control of Air Pollution in Idaho.** Reauthorization and re-promulgation of previously approved and adopted fee rules.

**58-0102-1901, Water Quality Standards.** Revises selenium criteria for aquatic life.

**58-0103-1902, Individual/Subsurface Sewage Disposal Rules.** Reauthorization and re-promulgation of previously approved and adopted rules, to include the consolidation of IDAPA 58.01.15, Rules Governing the Cleaning of Septic

Tanks.

**58-0109-1901, Rules Regulating Swine Facilities.** Reauthorization and re-promulgation of previously approved and adopted fee rules.

**58-0111-1901, Ground Water Quality Rules.** Reauthorization and re-promulgation of previously approved and adopted fee rules.

**58-0117-1901, Recycled Water Rules.** Reauthorization and re-promulgation of previously approved and adopted rules.

***NOTICE OF ADOPTION OF TEMPORARY RULE ONLY***

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

**20-0302-1902, Rules Governing Mined Land Reclamation.** (Fee rule) (eff. 7-16-19)T

***NOTICES OF SCHEDULED PUBLIC HEARINGS AND MEETINGS***

(Please see the Administrative Bulletin for dates and times of hearings and other participant information)

**IDAPA 01 – IDAHO ACCOUNTANCY BOARD**

**01-0101-1900F** – Idaho Accountancy Rules (Public Hearing - Omnibus rulemaking for reauthorization of fee rule)

**IDAPA 02 – DEPARTMENT OF AGRICULTURE**

**02-0100-1901OM** – Rules of the Department of Agriculture (Negotiated Rulemaking) Please refer to the 19-9 Bulletin for a complete list of all affected IDAPA chapters being consolidated and reorganized by ISDA under this negotiated rulemaking.

**IDAPA 07 – DIVISION OF BUILDING SAFETY**

**07-0000-1900, Rules of the Division of Building Safety** (Public Hearing - Omnibus rulemaking for reauthorization of various board rules)

**07-0000-1900F, Rules of the Division of Building Safety** (Public Hearing - Omnibus rulemaking for reauthorization of various board fee rules)

**IDAPA 13 – DEPARTMENT OF FISH AND GAME**

**13-0000-1900, Department of Fish and Game Rules** (Public Hearing - Omnibus rulemaking for reauthorization of various commission rules)

**13-0000-1900F, Department of Fish and Game Rules** (Public Hearing - Omnibus rulemaking for reauthorization of various commission fee rules)

**IDAPA 15 – IDAHO COMMISSION ON AGING - OFFICE OF THE GOVERNOR**

**15-0000-1900, Rules of the Idaho Commission on Aging** (Public Hearing - Omnibus rulemaking for reauthorization of commission rules)

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

**16-0208-1901, Vital Statistics Rules** (Public Hearing)

**IDAPA 23 – IDAHO BOARD OF NURSING**

**23-0101-1900F, Rules of the Idaho Board of Nursing** (Public Hearing - Omnibus rulemaking for reauthorization of fee rules)

**IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD**

**25-0101-1900F, Rules of Idaho Outfitters and Guides Licensing Board** (Public Hearing - Omnibus rulemaking for reauthorization of fee rules)

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**58-0102-1901, Water Quality Standards** (DEQ Board Meeting)

Please refer to the Idaho Administrative Bulletin [September 4, 2019, Volume 19-9](#), for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at [www.adminrules.idaho.gov/](http://www.adminrules.idaho.gov/)*

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