

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 16, 2020, unless otherwise posted.
The proposed rule written comment submission deadline is September 23, 2020, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 09 – IDAHO DEPARTMENT OF LABOR 317 W Main St., Boise, ID 83735

09-0101-2001, Rules of Administrative Procedure of the Department of Labor. Reflects email as an acceptable method for protest or appeal; updates language to reflect an appeal being deemed filed upon date and (Mountain) time of Department receipt to protest a determination for unemployment insurance benefit or wage and hour claim; date of mailing or service indicated on a determination is deemed date of service.

09-0130-2002, Unemployment Insurance Benefits Administration Rules. Replaces references from Immigration and Naturalization Service to US Department of Homeland Security, and from Idaho Works location to American Job Centers.

09-0160-2001, Complaint Procedures Under the Workforce Innovation and Opportunity Act (WIOA). Repeals chapter due to program administration currently being duplicated in departmental procedures and federal law.

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

13-0104-2002, Rules Governing Licensing. Changes application period for Landowner Appreciation Program controlled hunt tags to May 15 through June 15, providing additional time to notify landowners; provides Commission authority to limit discounted nonresident Disabled American Veterans tags to 500 for deer and 300 for elk to address hunter congestion.

13-0108-2001, Rules Governing the Taking of Big Game Animals. Establishes a one-year wait period for successful antelope controlled hunt applicants to be consistent with one-year wait periods for antlered deer and elk.

13-0109-2002, Rules Governing the Taking of Game Birds. Establishes consistent requirements for use of game bird tags authorized by statute and mandatory check requirements for swan; designates two special waterfowl hunting days for veterans and active military; delays opening date for pheasant season for nonresident license holders; simplifies game tag framework for hunting turkey.

13-0116-2002, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Establishes additional restrictions on use of body-gripping traps; simplifies rules associated with use of bait for trapping and provides consistency with allowances for wolf trapping, unless a restriction exists in law.

IDAPA 15 – OFFICE OF THE GOVERNOR, DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION PO Box 83720, Boise, ID 83720-0066

15-0401-2002, Rules of the Division of Human Resources and Idaho Personnel Commission. Amends current text that allows holiday pay in excess of eight hours for employees.

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

16-0307-2001, Home Health Agencies. Furthering Governor's Executive Order 2020-13 in eliminating temporarily waived rules by aligning state licensure with Federal regulations allowing Licensed Independent Practitioners to order home health services and follow patients.

16-0321-2001, Developmental Disabilities Agencies (DDA). Furthering Governor's Executive Order 2020-13 in eliminating temporarily waived rules by enabling developmental disabilities agencies flexibility in supervision of direct care staff with telehealth.

16-0417-2001, Residential Habilitation Agencies. Furthering Governor's Executive Order 2020-13 in eliminating temporarily waived rules by removing duplication in the rule chapter.

**IDAPA 18 – IDAHO DEPARTMENT OF INSURANCE
PO Box 83720, Boise, ID 83720-0021**

18-0801-2001, Adoption of the International Fire Code. Exempts food truck owners in Idaho from new requirements in the International Fire Code regarding permits and inspections by changing language to reflect local jurisdiction enforcement.

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES, Board of Medicine
345 W Bobwhite Court, Ste 150, Boise, ID 83706**

***24-3303-2001, General Provisions of the Board of Medicine.** (*PH) Furthering Governor's Executive Order 2020-13 in eliminating temporarily waived rules by deleting certain provisions suspended for COVID-19 determined by the Board to be duplicative or outdated.

**IDAPA 35 – IDAHO STATE TAX COMMISSION
PO Box 36, Boise, ID 83722-0036**

35-0101-2001, Income Tax Administrative Rules. Removes and replaces oldest (2015) Tax Rates and Income Tax Brackets table with most current (2020); adds current year and amount limit of guaranteed payments to an individual partner sourced as compensation for services; adds a new line per enacted legislation for the employee college savings account to the priority order list of nonrefundable credits applying against tax liability to match the existing pattern in governing law; extends the program end date per enacted legislation from December 31, 2020, to December 31, 2030, for available credits in the Idaho Small Employer Incentive Act.

35-0103-2001, Property Tax Administrative Rules. Clarifies that the Tax Commission does not fall under the Idaho Administrative Procedure Act contested case process; deletes section regarding verification of lawful U.S. residency for property tax reduction by moving requirement to Idaho statute; outlines process for a taxing district to recover in a subsequent year unused portions of a forgone balance, explicitly reserved through a public resolution, when setting a budget for less than the allowed 3%.

***35-0109-2001, Idaho Beer and Wine Taxes Administrative Rules.** (*PH) Removes Commission's requirement to witness the destruction of breakage and spoilage for a taxpayer to claim a percentage deduction.

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

***47-0101-2001, Rules Governing Vocational Rehabilitation Services.** (*PH) (Temp & Prop) New Chapter clarifies federal vocational rehabilitation program requirements and services. (eff. 6-10-20)T

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY
1410 N. Hilton St., Boise, ID 83706**

58-0102-2001, Water Quality Standards. Revises water quality criteria based on implementation of bacteria criteria; removes language due to EPA disapproval. Comment by 10/2/2020

58-0103-1901, Individual/Subsurface Sewage Disposal Rules and Rules for Cleaning of Septic Tanks. Updates permitting, design and construction requirements found in the Technical Guidance Manual; clarifies operation and maintenance for all systems. Comment by 9/30/2020

NOTICE OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 13 – DEPARTMENT OF FISH AND GAME

13-0104-2003, Rules Governing Licensing. (eff. 12-1-20)T

13-0109-2004, Rules Governing the Taking of Game Birds. (eff. 8-1-20)T

**IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES,
Outfitters and Guides Licensing Board**

25-0101-2000F, Rules of the Outfitters and Guides Licensing Board (amended Temporary Rule) (eff. 10-1-20)T

NOTICE OF INTENT TO PROMULGATE RULES – NEGOTIATED RULEMAKING

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

IDAPA 08 – STATE BOARD OF EDUCATION

08-0201-2001, Rules Governing Administration (respond by 9/18/2020)

08-0202-2002, Rules Governing Uniformity (respond by 9/18/2020)

Please refer to the Idaho Administrative Bulletin [September 2, 2020, Volume 20-9](#), 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/

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