

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 October 21, 2020, unless otherwise posted.
The proposed rule written comment submission deadline is October 28, 2020, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 08 – STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0201-2001, Rules Governing Administration. (Temp & Prop) Establishes a methodology for reporting student enrollment, to include virtual or blended instruction; removes high school equivalency certificate application requirement; and technical corrections pertaining to funding and student counts. (eff. 8-26-20)T

08-0202-2002, Rules Governing Uniformity. References new Advanced Professional Endorsement to align rule with state law; and sets provisions for career technical educator degree based certification to comport with new legislation.

08-0501-2001, Rules Governing Seed and Plant Certification. Chapter repealed to conform to legislative action.

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

16.03.09 – Medicaid Basic Plan Benefits

***16-0309-2002, (*PH)** Removes references to federal exclusion of Institutions for Mental Disease (IMD) to allow Medicaid reimbursement for services delivered to eligible adults in an IMD setting.

***16-0309-2004, (*PH)** Waives clearance requirements for Peer Support and Recovery Coaching service providers; implementation of an Electronic Visit Verification system to comply with federal law; and simplify procedures for Home Health services.

***16-0310-2002, Medicaid Enhanced Plan Benefits. (*PH)** Complying with federal law by implementing an Electronic Visit Verification system for Personal Care Services requiring in-home visit; and increases current Behavioral Care Unit census requirement to 30% for new providers.

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

35-0201-2001, Tax Commission Administration and Enforcement Rules. Adds 2021 interest rate and IRS Revenue Ruling for delinquent taxes.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT 3311 W State St, Boise, ID 83707-1129

39-0271-2001, Rules Governing Driver's License Violation Point System. (Temp & Prop) Per enacted law, adds new violation and driver's license assessed points for distracted driving. (eff. 8-20-20)T

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE 3056 Elder St, Boise, ID 83705

50-0101-2001, Rules of the Commission of Pardons and Parole. Requires service of legal documents on commissioners or agency staff to be processed by assigned deputy attorney general.

IDAPA 54 – OFFICE OF THE STATE TREASURER

700 W Jefferson St, Ste. 126, Boise, ID 83720

54-0201-2001, Rules Governing the College Savings Program. Chapter repealed to conform to legislative action.**IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)**

PO Box 83720, Boise, ID 83720-0078

59-0101-2001, Rules for the Public Employee Retirement System of Idaho (PERSI). Omission of certain terms due to enacted legislation for “Police Officer Member Status”; and changing an age requirement per federal law.**IDAPA 61 – IDAHO STATE PUBLIC DEFENSE COMMISSION**

816 W Bannock, Ste 201, Boise, ID 83702

61-0101-2001, Rules Governing Training Requirements for Defending Attorneys and Administration of Training Funds.* (*PH) Repealed.61-0101-2002, General Provisions and Definitions.* (*PH) New Chapter contains general provisions and definitions applicable to PDC.**61-0102-2001, Rules Governing Uniform Data Reporting Requirements & Forms for Defending Attorney Annual Reports.* (*PH) Repealed.**61-0102-2002, Requirements and Procedures for Representing Indigent Persons.* (*PH) New Chapter contains minimum requirements counties and attorneys must meet for public defense and representation of Indigent Persons.**61-0103-2001, Rules Governing Contracts and Core Requirements for Contracts Between Counties and Private Attorneys for the Provision of Indigent Defense Services.* (*PH) Chapter Repealed.**61-0103-2002, Records, Reporting and Review.* (*PH) New Chapter contains minimum public defense recordkeeping and reporting requirements and PDC’s review of this information.**61-0104-2001, Rules Governing Procedures and Forms for the Application and Disbursement of Indigent Defense Financial Assistance.* (*PH) Chapter Repealed.**61-0104-2002, Financial Assistance and Training Resources.* (*PH) New Chapter contains requirements for public defense financial assistance and trainings offered through the PDC.**61-0106-2001, Rules Governing Procedures for the Oversight, Implementation, Enforcement, and Modification of Indigent Defense Standards.* (*PH) Chapter Repealed.**61-0107-2001, Rules Governing Standards for Defending Attorneys that Utilize Idaho’s Principles of an Indigent Defense Delivery System.* (*PH) Chapter Repealed.**61-0108-2001, Rules Governing the Administration of Idaho’s Indigent Defense Delivery System – Rule Definitions.* (*PH) Repealed.**NOTICE OF ADOPTION OF TEMPORARY RULE ONLY****IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**

24-2001-2002, Rules of the Division of Occupational and Professional Licenses (eff. 8-7-20)T

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

39-0000-2000F, Omnibus Rulemaking – Amendment to Temporary Rule – Amends Title 02, Chapter 60 (eff. 1-1-21)T

NOTICE OF PROCLAMATION**IDAPA 13 – IDAHO FISH AND GAME COMMISSION / DEPARTMENT OF FISH AND GAME***13.01.09 – Rules Governing the Taking of Game Birds.* 13-0109-2001AP (Amended), 13-0109-2001AAP (Amended), 13-0109-2005P.*13.01.11 – Rules Governing Fish.* 13-0111-1901AAAAAAP (Amended), 13-0111-2003P.

Please refer to the Idaho Administrative Bulletin **October 7, 2020, Volume 20-10**, 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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