

LEGAL NOTICE

Summary of Proposed Rulemakings

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

*The proposed rule public hearing request deadline is October 19, 2022, unless otherwise posted.
The proposed rule written comment submission deadline is October 26, 2022, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – IDAHO STATE DEPARTMENT OF AGRICULTURE 2270 Old Penitentiary Rd, PO Box 7249, Boise, ID 83707

02-0425-2201, Rules Governing Private Feeding of Big Game Animals. Chapter repealed; necessary provisions moved to 13-0118-2201.

IDAPA 08 – STATE BOARD OF EDUCATION 650 W State St, PO Box 83720, Boise, ID 83720-0037

08-0111-2201, Registration of Postsecondary Educational Institutions and Proprietary Schools. Zero Based Regulation (ZBR) chapter rewrite sets requirements for the registration of postsecondary educational institutions and proprietary schools required to register with the Board.

08-0113-2201, Rules Governing the Opportunity Scholarship Program. ZBR Chapter Rewrite establishes eligibility, application, and selection process for the Opportunity Scholarship Program.

08-0202-2201, Rules Governing Uniformity. Amendments clarify certification requirements for certificated staff and certification and endorsement requirements due to legislative changes; and transportation reimbursement requirements for alternative fuel buses.

08-0203-2201, Rules Governing Thoroughness. Changes remove incorporated documents for achievement, development, and performance level descriptors and standards and are moved to online format; adds computational thinking to elementary and middle school instructional requirements; updates financial literacy graduation requirements; adds a computer science graduation requirement; updates and restructures accountability framework to include chronic absenteeism as school measurable; moves the parent and student survey; and aligns student safety policies with Idaho statute.

08-0204-2201, Rules Governing Public Charter Schools. ZBR chapter rewrite provides public charter schools an application and review process.

08-0301-2201, Rules of the Public Charter School Commission. ZBR chapter repealed; necessary provisions moved to 08-0204-2201.

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

11-0401-2201, Rules Governing the Idaho State Racing Commission. ZBR Chapter Rewrite contains all governing functions of the Commission to include; licensing fees and procedures; the controlled substance and alcohol testing of licensees and applicants; disciplinary hearings and appeals; racing associations conduct and licensing; racing officials governance; conduct of owners, trainers, authorized agents, jockeys, apprentice jockeys, and jockey agents; licensed veterinarians practices; permitted medication and drug testing of horses; live horse racing, procedures for claiming races; Pari-mutuel wagering; regulating all aspects of simulcasting; and rules governing advanced deposit wagering.

11-0402-2201, Rules Governing Simulcasting. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0403-2201, Rules Governing Licensing and Fees. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0404-2201, Rules Governing Disciplinary Hearings and Appeals. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0405-2201, Rules Governing Advanced Deposit Wagering. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0406-2201, Rules Governing Racing Officials. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0407-2201, Rules Governing Racing Associations. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0408-2201, Rules Governing Pari-Mutuel Wagering. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0409-2201, Rules Governing Claiming Races. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0410-2201, Rules Governing Live Horse Races. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0411-2201, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0413-2201, Rules Governing the Idaho State Racing Commission. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0414-2201, Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

11-0415-2201, Rules Governing Controlled Substance and Alcohol Testing of Licensees and Applicants. ZBR Chapter Repeal, necessary provisions moved to 11-0401-2201.

***11-1001-2201, Rules Governing Idaho Public Safety and Security Information System.** (*PH) Increases user access fees for ILETS System.

11-1003-2201, Rules Governing the Sex Offender Registry. Reinstates a statutorily required rule for expunging records of a deceased persons.

11-1101-2201, Rules of the Idaho Peace Officer Standards and Training Council. Changes fix omitted in-service training requirement for certified Detention officers; and correct a requirement for Misdemeanor Probation experience as qualifying for advanced certifications.

IDAPA 13 – DEPARTMENT OF FISH AND GAME

600 S Walnut St, PO Box 25, Boise, ID 83707

13-0102-2201, Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges. ZBR Chapter Rewrite addresses education for hunting, archery, and trapping, mentored hunting, and fees for shooting ranges and departmental education.

13.01.04 – Rules Governing Licensing

13-0104-2201, Rulemaking aims at balancing the outfitting industry through nonresident deer and elk tag allocation for sale to outfitted hunters.

13-0104-2202, Changes establish criteria and permitting process for the use of an electronic device to aid a blind or visually impaired hunter.

***13-0110-2201, Rules Governing Importation, Possession, Release, Sale, or Salvage of Wildlife.** (*PH) ZBR Chapter Rewrite governs commercial and non-commercial importation, possession, release, sale, and salvage of wildlife.

13-0114-2201, Rules Governing Falconry. ZBR Chapter Rewrite establishes a falconry program in Idaho for federal certification.

13-0118-2201, Rules Governing Feeding of Wild Cervids. ZBR Chapter Rewrite regulates the feeding and Chronic Wasting Disease management of wild cervids to continue protection of the health of livestock, domestic cervids, domestic bison, and wildlife.

IDAPA 15 – OFFICE OF THE GOVERNOR

Idaho Commission on Aging – 6305 Overland Rd Ste 110, Boise, ID 83709

Division of Human Resources and Personnel Commission – 304 N 8th St, PO Box 83720, Boise, ID 83720-0066

***15-0102-2201, Rules Governing Adult Protective Services Programs.** (*PH) ZBR Chapter Rewrite relates to authority and responsibilities of Providers to administer adult protective services.

15-0401-2201, Rules of the Division of Human Resources and Idaho Personnel Commission. Rule changes comport with recent statutory amendments, simplify existing language, and reduce or eliminate unnecessary restrictions already addressed in statute.

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

***16-0317-2201, Medicare/Medicaid Coordinated Plan Benefits.** (*PH) ZBR Chapter Rewrite covers the benefit plan option for enrollees that are eligible for both Medicare and Medicaid.

***16-0612-2201, Idaho Child Care Program (ICCP).** (*PH) Proposed rule increases the federal poverty limit for child care assistance to allow for access to benefits.

IDAPA 17 – INDUSTRIAL COMMISSION**11321 W Chinden Blvd, Boise, ID 83714, PO Box 83720, Boise, ID 83720-0041**

***17-1101-2201, Administrative Rules of Peace Officer and Detention Officer Temporary Disability Act.** (*PH) ZBR Chapter Rewrite includes the application, payment, and dispute process for reimbursement from the Peace Office Temporary Disability Fund.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES**11341 W Chinden Blvd, Bldg 4, Boise, ID 83714**

(*PH) 24-0000-2201F - the following fee chapters within DOPL that relate to health care are being reauthorized in this omnibus rulemaking: Title 03, Chapter 01; Title 06, Chapter 01 (with minor amendment); Title 09, Chapter 01; Title 10, Chapter 01; Title 11, Chapter 01; Title 12, Chapter 01; Title 13, Chapter 01; Title 14, Chapter 01; Title 15, Chapter 01; Title 16, Chapter 01; Title 17, Chapter 01; Title 19, Chapter 01; Title 23, Chapter 01; Title 24, Chapter 01; Title 26, Chapter 01; Title 27, Chapter 01; Title 31, Chapter 01; Title 33, Chapters 01, 02, 04-07; Title 34, Chapter 01; and Title 36, Chapter 01 (with minor amendment). Below lists Zero Based Regulation (ZBR) Chapters rewritten and included in this rulemaking:

- **24.10.01, Rules of the State Board of Optometry.** ZBR Chapter Rewrite governs the practice of optometry in Idaho to include licensing and registration, practice standards, discipline, and fees.
- **24.12.01, Rules of the Idaho State Board of Psychologist Examiners.** ZBR Chapter Rewrite governs the practice of psychology in Idaho to include licensure, educational credentialing requirements, practice standards, and fees.
- **24.17.01, Rules of the State Board of Acupuncture.** ZBR Chapter Rewrite establishes the minimum requirements for licensure/certification of acupuncturists to include continuing education, discipline, and fees.
- **24.23.01, Rules of the Speech, Hearing and Communication Services Licensure Board.** ZBR Chapter Rewrite outlines the licensure, practice standards, and fees for speech, hearing, and communication services in Idaho.
- **24.26.01, Rules of the Idaho Board of Midwifery.** ZBR Chapter Rewrite governs the licensure and regulation of the practice of midwifery.
- **24.34.01, Rules of the Idaho Board of Nursing.** ZBR Chapter Rewrite governs the standards of nursing practice, licensure, educational programs, and discipline in Idaho.

(*PH) 24-0000-2202F - the following fee chapters within DOPL that relate to occupations, building, construction, and real estate are being reauthorized in this omnibus rulemaking: Title 01, Chapter 01; Title 04, Chapter 01; Title 07, Chapter 01; Title 08, Chapter 01; Title 18, Chapter 01; Title 21, Chapter 01; Title 22, Chapter 01; Title 25, Chapter 01; Title 28, Chapter 01; Title 29, Chapter 01; Title 30, Chapter 01; Title 32, Chapter 01; Title 37, Chapter 01; and Title 39, Chapters 10, 20, 31, 40, 50, 70, 90 (with minor amendment). Below lists Zero Based Regulation (ZBR) Chapters rewritten and included in this rulemaking:

- **24.25.01, Rules of the Idaho Driving Businesses Licensure Board.** ZBR Chapter Rewrite implements the Idaho Driving Businesses Act through instructor and business licensing, continuing education, discipline, and fees.
- **24.30.01, Idaho Accountancy Rules.** ZBR Chapter Rewrite prescribes the administration of the certified public accountant examination, the issuance and renewal of licenses, registration of firms, and limitation of non-licensees.
- **24.39.20, Rules Governing Plumbing.** ZBR Chapter Rewrite prescribe criteria and fees for issuance of certificates of competency, plumbing permits, and inspections of plumbing installations, civil penalties, and adoption and amendment of the Idaho State Plumbing Code.
- **24.39.70, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems.** ZBR Chapter Rewrite establishes minimum standards for HVAC installation practice, certification, registration, and educational programs.

(*PH) 24-0201-2200F, Rules of the State Athletic Commission - the following fee chapter within DOPL is being reauthorized in this omnibus rulemaking: Title 02, Chapter 01.

(*PH) 24-0501-2200F, Rules of the Board of Drinking Water and Wastewater Professionals - the following fee chapter within DOPL is being reauthorized in this omnibus rulemaking: Title 05, Chapter 01.

(*PH) 24-3801-2200F, Rules of the State of Idaho Board of Veterinary Medicine - the following fee chapter within DOPL is being reauthorized in this omnibus rulemaking: Title 38, Chapter 01.

IDAPA 35 – IDAHO STATE TAX COMMISSION**11321 W Chinden Blvd, Bldg 2, Boise, ID 83714, PO Box 36, Boise ID 83722-0036*****35.01.01 – Income Tax Administrative Rules***

35-0101-2201, 1 of 2 ZBR Chapter Rewrite provides Commission the full jurisdictional authority to impose tax on income from Idaho sources.

35-0101-2202, 2 of 2 ZBR Chapter Rewrite changes the way business income is apportioned from a three-factor to a single-sales factor method. Also changes from a cost-of-performance method to market-based sourcing when taxing multistate income.

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES**322 E Front St, PO Box 83720, Boise, 83720-0098**

37-0203-2201, Water Supply Bank Rules. ZBR Chapter Rewrite provides Board rules when considering purchase, sale, lease, or rental of natural flow or stored water; use of any generated funds; and appointment of local committees to facilitate leasing of water from a rental pool.

37-0304-2201, Drilling for Geothermal Resources Rules. ZBR Chapter Rewrite establishes the framework for the drilling, operation, maintenance, and abandonment of all geothermal wells in the state.

37-0305-2201, Mine Tailings Impoundment Structures Rules. ZBR Chapter Rewrite includes minimum design criteria for all mine tailings impoundment structures designed for installation in Idaho.

37-0306-2201, Safety of Dams Rules. ZBR Chapter Rewrite establishes acceptable standards for design and construction, and guidelines for evaluating the safety of new or existing dams.

37-0310-2201, Well Driller Licensing Rules. ZBR Chapter Rewrite details requirements for obtaining and renewing authorization to drill wells and operate drilling equipment in the state of Idaho.

NOTICE OF PROCLAMATION**IDAPA 13 – IDAHO FISH AND GAME COMMISSION*****13-0000-2200P6***, Establishing Seasons and Limits for Hunting, Fishing, and Trapping in Idaho

Please refer to the Idaho Administrative Bulletin **October 5, 2022, Volume 22-10**, for the notices and text of all rulemakings, proclamations, negotiated rulemaking and public hearing information and schedules, executive orders of the Governor, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adminrules.idaho.gov/

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