

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.

Deadline for submission of written comments is September 18, 2013, unless otherwise noted.

Deadline for public hearing requests is September 25, 2013, unless otherwise noted.

(Temp & Prop) indicates the rule is both Temporary and Proposed.

(*PH) indicates that a public hearing has been scheduled.

IDAPA 02 – DEPARTMENT OF AGRICULTURE

PO Box 790 Boise, ID 83701

02-0214-1301, Rules for Weights and Measures. Establishes a minimum \$12 annual license fee for devices; adds new categories for devices emerging into the market place; increases certain license fees to more accurately reflect inspection costs.

02.03.03 – Rules Governing Pesticide and Chemigation Use and Application

02-0303-1301, Allows for a one-year time period for new or renewing licensees to obtain an applicator license without penalty and provides a cut-off time for inactive licensees to renew their licenses before they will be required to retest.

02-0303-1302, Allows pesticide use on certain new seed crops without the need for an established residue tolerance.

02-0420-1301, Rules Governing Brucellosis. Establishes a process for obtaining a permit that is required before a producer can move cattle out of a Designated Surveillance Area (DSA).

02-0421-1301, Rules Governing Importation of Animals. Requires compliance with the National Chronic Wasting Disease (CWD) Herd Certification Program (HCP) prior to domestic cervidae importation into Idaho; clarifies and defines equine infectious anemia (EIA) import testing (Coggins test) requirements for horses destined for slaughter.

02-0613-1301, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho. Consolidates the various growing districts to reflect the current status and practice of growing edible and industrial rapeseed in Idaho.

IDAPA 07 – DIVISION OF BUILDING SAFETY

PO Box 83720, Boise, ID 83720-0078

07.03.01 - Rules of Building Safety.

07-0103-1301, Updates incorporation by reference of the International Residential Code and the International Energy Conservation Code with amendments related to allowing day care facilities within a residence and providing for alternate methods of compliance with the energy code.

07-0103-1302, Adds an alternate method of bracing walls in one- and two-family dwellings by including the most recent edition of the APA System Report SR-102 as an additional standard.

07-0103-1303, Allows an owner-occupied lodging house occupancy (bed and breakfast) with 3 or fewer guestrooms to be constructed or remodeled using the Residential Code and allows same to be operated without fire sprinklers but requires installation of smoke and carbon monoxide alarms.

07-0103-1304, Deletes from the Residential Code the requirement that floors in residences not already fire resistance rated to be enhanced with an additional structural fire protection on the underside of the floor assembly.

07-0311-1301, Rules Governing Manufactured/Mobile Home Industry Licensing. Per Idaho law removes licensing requirement for individuals and companies providing service and repair work on manufactured and mobile homes; clarifies definitions.

IDAPA 09 - DEPARTMENT OF LAROR

317 W. Main St., Boise, ID 83735

09-0130-1301, Unemployment Insurance Benefit Administration Rules. Adds enhanced work search reporting requirements to the Department's existing internet-based reporting system for unemployment insurance benefit claimants; amends "reasonable length of time" job attached classification standard with a maximum 12-week standard.

09-0135-1301, Unemployment Insurance Tax Administration Rules. Requires employers to report contributions online unless a waiver is granted by the Department; revises current "independently established" prong of the independent contractor test for unemployment insurance tax purposes with an economic reality test.

IDAPA 11 – IDAHO STATE POLICE

700 S. Stratford Dr., Meridian, ID 83652

11-1101-1301, Rules of the Idaho Peace Officers Standards and Training Council.

Defines and clarifies the character qualifications for applicants in the area of moral turpitude, drug use, and criminal record; allows students who are applicants to attend college training programs to appeal denial of application to the POST Council Hearing Board.

IDAPA 15 – OFFICE OF THE GOVERNOR DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

PO Box 83720, Boise, ID 83720-0066

15-0401-1302, Rules of the Division of Human Resources and Personnel Commission. Per Idaho statute revises definition of 'veteran' and defines 'disabled veteran'; further defines and clarifies 'administrative leave', 'salary equity increase', 'merit increase' and 'underfill'.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

PO Box 83720, Boise, ID 83720-0036

16-0501-1301, Use and Disclosure of Department Records. Aligns rule with recent changes in HIPAA to permit a covered entity to disclose or use health information, as allowed by the Privacy Rule.

16.05.06 - Criminal History and Background Checks.

16-0506-1302, Clarifies application and fingerprint submission requirements and process; provides an appeal process for individuals whose records are disputed; updates crime list for disqualifying crimes, and conditional and unconditional denials; clarifies when a clearance may be revoked and actions for noncompliance with rules; and clarifies reporting changes to the Department for change in ownership, location, or name.

16-0506-1303, Assesses a fee for missed fingerprint appointments on individuals who are required to have a Department criminal history and background check to help reduce the no-show rate.

16-0601-1302, Child and Family Services. Establishes a process for individuals to obtain confidential information from the child protection registry; imposes a \$20 fee for a name-based registry check.

*16-0717-1301, Alcohol and Substance Use Disorders Services. (*PH) Provides on a case-by-case basis an administrative review process for individuals who do not receive a criminal history clearance to help establish a peer recovery system for providers of alcohol and substance use disorders services.

*16-0720-1301, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs. (*PH) Provides on a case-by-case basis an administrative review process for individuals who do not receive a criminal history clearance to help establish a peer recovery system for providers of alcohol and substance use disorders services and recovery programs.

*16-0733-1301, Adult Mental Health Services. (*PH) Provides on a case-by-case basis an administrative review process for individuals who do not receive a criminal history clearance to request a waiver to help establish a peer delivery system for providers of adult mental health services.

IDAPA 18 – DEPARTMENT OF INSURANCE

700 W. State St., Boise, ID 83720

18-0104-1301, Rules Pertaining to Bail Agents. Deletes section from rule that relates to allowable charges and fees to conform the rule to an Idaho Supreme Court's ruling.

IDAPA 20 – IDAHO DEPARTMENT OF LANDS

PO Box 83720, Boise, ID 83720-0063

*20-0201-1301, Rules Pertaining to the Idaho Forest Practices Act. (*PH) Defines new minimum standing tree requirements for both sides of all Class I and Class II streams in Idaho forestlands; eliminates the current streamside-protection rule sections defining required tree retention in riparian, streamside areas; defines forestry terms 'Forest Type' and 'Relative Stocking'.

IDAPA 23 - BOARD OF NURSING

PO Box 83720, Boise, ID 83720-0061

23-0101-1301, Rules of the State Board of Nursing. Deletes specific functions that a licensed nurse cannot delegate to an unlicensed assistive person; allows a licensed nurse to engage in interfaces other than delegation in certain settings.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

PO Box 700, Boise, ID 83720-0063

24-0601-1301, Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants. (Temp & Prop) Complies with HB 33 which allows the Board to issue a limited permit for a period of 6 months or as extended by the Board.

24-0701-1301, Rules of the Idaho State Board of Landscape Architects. Allows the Board to approve exams prepared and administered by CLARB and any other exams it deems appropriate; requires proof of successful passage of exam approved by Board for licensure applicants; addresses inactive applications; Board must meet

twice yearly and whenever deemed necessary by the Board.

24-0801-1301, Rules of the State Board of Morticians. Adds alkaline hydrolysis as an approved cremation process; clarifies that funeral directors can sign certain records; adds funeral directors to the discipline rule.

24-1401-1301, Rules of the State Board of Social Work Examiners. (Temp & Prop) Allows experience obtained in any state by an Idaho licensee to qualify for supervisor registration; clarifies that the supervision rule only applies to those individuals in Idaho pursuing licensure.

IDAPA 28 – DEPARTMENT OF COMMERCE

700 W. State St., Boise, ID 83720

28-0301-1301, Idaho Opportunity Fund. (Temp & Prop) New chapter establishes and administers the award and disbursement of grants provided to cities and counties through this fund.

28-0304-1301, Rules of the Business and Jobs Development Grant Fund. (Temp & Prop) Chapter is being repealed and the program replaced by IDAPA 28.03.01, "Idaho Opportunity Fund."

IDAPA 35 – STATE TAX COMMISSION

PO Box 36, Boise, ID 83722-0410

35-0105-1301, Motor Fuels Administrative Rules. Per HB 20 allows the Tax Commission to sell gaseous fuel decals; clarifies records required for exempt sales at manned and unmanned pumps; clarifies the records required for taxable and non-taxable use from a single storage tank when using the proration percentages or alternate percentages; clarifies when motor oils, other than new motor oils, are received in the state and subject to the transfer fee.

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise ID 83707-1129

39-0271-1301, Rules Governing Driver's License Violation Point System. Per HB 274 provides the option for cities to establish a Traffic Safety Education program that a driver, when issued an infraction citation for a moving violation, may elect to attend as an alternative to receiving violation points and insurance rating charges; adds certain moving violations to the list of convictions to eliminate discrepancies between ISTARS and ITD.

39-0312-1301, Rules Governing Safety Requirements of Overlegal Permits. (Temp & Prop) Amends lighting and signing requirements on towing and oversize vehicles and loads to provide greater flexibility to the industry.

IDAPA 46 – BOARD OF VETERINARY MEDICINE

PO Box 7249, Boise, ID 83707

46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine.

46-0101-1301, Clarifies the continuing education requirements for a certified veterinary technician; authorizes when certified technicians can dispense and deliver certain previously prescribed antibiotics and medications; provides veterinarians 3 business days to respond to a records request from an animal owner or another treating veterinarian; specifies procedures, passing grades and clarification on certification processes for certified euthanasia technicians.

46-0101-1302, Authorizes continuing education credits for course presenters and clarifies credit hours awarded for continuing education panel presentations.

IDAPA 59 – PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

PO Box 83720, Boise, ID 83720-0078

59-0106-1301, Retirement Rules of PERSI. Adds new section to rule that sets out PERSI's good faith interpretation of the pre-ERISA vesting requirements specified under the Internal Revenue Code.

NOTICES OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

IDAPA 35 – IDAHO TAX COMMISSION

35-0103-1302 and 35-0103-1303, Property Tax Administrative Rules.

Please refer to the Idaho Administrative Bulletin, September 4, 2013, Volume 13-9, 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 www.adminrules.idaho.gov/

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