

# 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 written comment submission deadline is July 22, 2009 unless otherwise listed.  
(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 83701-0790**

**02-0602-0901, Rules Pertaining to the Idaho Commercial Feed Law.** Incorporates by reference the 2010 AAFCO official publication.

**02-0612-0901, Rules Pertaining to the Idaho Fertilizer Law.** Incorporates by reference the 2010 AAPFCO official publication.

**02-0641-0901, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001.** Incorporates by reference the 2010 AAPFCO official publication.

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

**07-0301-0901, Rules of Electrical Licensing and Registration - General.** (Temp & Prop)

**07-0104-0901, Rules Governing Electrical Specialty Licensing.** (Temp & Prop)

Both rulemakings comply with statutory change by providing a staggered system for issuing and renewing licenses and terms of licensure renewal.

**07-0312-0901, Rules Governing Manufactured or Mobile Home Installations.** (Temp & Prop) Requires that all new HUD manufactured homes be installed in accordance with manufacturer's HUD approved installation instructions.

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

**16-0301-0901, Eligibility for Health Care Assistance for Families and Children.** (Temp & Prop) Extends Afghani immigrant benefits to 8 months; deemed newborn remains eligible regardless of mother's eligibility or whether living with birth mother; aligns citizenship and identification documentation requirements with federal regulations for waived newborns, tribal members; excludes income as required and defined in federal law; deletes reporting requirements and income test from Transitional Medicaid.

**16-0305-0902, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled.** (\*PH) (Temp & Prop) Fee rules provides for cost-sharing for HCCDC, also known as Katie Beckett.

**16-0306-0901, Refugee Medical Assistance.** (Temp & Prop)

**16-0308-0901, Rules Governing the Temporary Assistance of Families in Idaho Program.** (Temp & Prop)

Both rulemakings extend Afghani immigrant benefits from 6 to 8 months per federal law.

**16.03.09 - Medicaid Basic Plan Benefits.**

**16-0309-0901**, (Temp & Prop) Complies with Governor's executive order to reduce general fund expenditures by reducing reimbursement percentages to Medicaid providers of hospital services.

**16-0309-0902**, (Temp & Prop) Complies with HB 123 by eliminating out-of-state providers from receiving DSH payments.

**16.03.10 - Medicaid Enhanced Plan Benefits.**

**16-0310-0903**, (Temp & Prop) Complies with HB 123 through reductions in incentive payments to nursing facilities and in percentage increases to the inflation index used to calculate the nursing facility daily reimbursement rate.

**16-0310-0904**, (Temp & Prop) Freezes the daily reimbursement rate to ICFs/MR at the same daily rate for state fiscal year 2010 as state FY 2009.

**16-0318-0901, Rules Governing Medicaid Cost-Sharing.** (\*PH) (Temp & Prop) Complies with HB 322 by adding a cost-sharing premium for HCCDC, also known as Katie Beckett.

**16-0410-0901, Rules Governing the Community Services Block Grant Program.** (Temp & Prop) Increases the income limit for program eligibility to 200% of the federal poverty guidelines.

**16-0506-0901, Criminal History and Background Checks.** (Temp & Prop) Adds individuals and providers to the list of those who are required to have checks and adds additional disqualifying crimes.

**IDAPA 18 - DEPARTMENT OF INSURANCE****PO Box 83720, Boise, Idaho 83720-0043**

**18-0144-0901, Schedule of Fees, Licenses and Miscellaneous Charges.** (Temp & Prop) Complies with HB 75 by setting forth required fees for persons registering as life settlement providers and life settlement brokers.

**IDAPA 21 - DIVISION OF VETERANS SERVICES****320 Collins Road, Boise, ID 83702**

**21-0104-0901, Rules Governing the Idaho State Veterans Cemetery.** (Amend to Temp & Prop) Complies with enforcement requirements of 38 CFR Section 39.5(d) by denying interment in the veterans cemetery to certain applicants for legal offenses.

**IDAPA 23 - BOARD OF NURSING****PO Box 83720, Boise, ID 83720-0061**

**23-0101-0901, Rules of the Idaho Board of Nursing.** Changes align with uniform rules of the Nurse Licensure Compact by: revising an existing definition; providing additional methods of proving an applicant's primary state of residency; and clarifying circumstances and procedures for issuance of a "single state" license where appropriate.

**IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION****PO Box 83720, Boise, ID 83720-0065**

**26-0120-0901, Rules Governing the Administration of Park and Recreation Areas and Facilities.** (Temp & Prop) Prohibits endangering the life of any person or creature or, except as authorized, the indiscriminate discharging of a firearm on lands administered by the Department.

**IDAPA 28 - DEPARTMENT OF COMMERCE****PO Box 83720, Boise ID 83720-0093**

**28-0201-0901, Idaho Community Development Block Grant Program.** Increases flexibility in providing access to federal funding for city and county projects.

**IDAPA 30 - COMMISSION FOR LIBRARIES****PO Box 83720, Boise ID 83702**

**30.01.01 - Rules of the Idaho Commission for Libraries Governing the Use of Commission Services.**

**30-0101-0901**, Clarifies grant application process procedures and provides a website address to the Library Services and Technology Act legislation.

**30-0101-0902**, Establishes rules regarding the circulation of materials and equipment to eligible blind and physically handicapped persons and provides for suspension of services resulting from violations.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY****1410 N. Hilton, Boise, ID 83706-1255**

**58-0101-0902, Rules for the Control of Air Pollution in Idaho.** (\*PH) Allows for use of higher sulfur content fuels in fuel burning equipment in Idaho if resulting emissions are at levels equal to or lower than those provided for in the existing rules. Comment by: 8/4/09.

**THE FOLLOWING TEMPORARY RULES HAVE BEEN ADOPTED:**

**16-0304-0902,** Rules Governing the Food Stamp Program in Idaho (Health & Welfare)

**35-0103-0901,** Property Tax Administrative Rules (Tax Commission)

**NEGOTIATED RULEMAKING MEETINGS ARE BEING HELD ON THE FOLLOWING:**

**16-0602-0901,** Rules Governing Standards for Child Care Licensing (Health and Welfare).

**20-0304-0901,** Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho (Lands).

**20-0317-0901,** Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands (Lands).

**35-0201-0901,** Tax Commission Administration and Enforcement Rules (Tax Commission).

Please refer to the Idaho Administrative Bulletin, **July 1, 2009, Volume 09-7**, for all rulemaking notices and for the text of temporary, proposed and final rules, public hearings and negotiated rulemaking meeting schedules, Governor's executive orders, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.*

To view the Bulletin or Code or for information on purchasing the Bulletin and other rules publications, visit our website at [adm.idaho.gov/adminrules/](http://adm.idaho.gov/adminrules/) or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306.