

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 new issue of the state Administrative Bulletin.

*The written comment deadline is October 28, 2009, unless otherwise listed.
(Temp & Prop) indicates that the Rule is both Temporary and Proposed.
(*PH) indicates that a Public Hearing has been scheduled for this docket.*

IDAPA 01 - BOARD OF ACCOUNTANCY PO Box 83720, Boise, ID 83720-0002

01-0101-0901, Idaho Accountancy Rules. Allows a licensee to apply for a retired license at age 55; updates incorporation by reference documents and corrects statutory citations.

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02.01.04 - Rules Governing the Idaho Preferred® Promotion Program.

02-0104-0901, Simplifies fee payment for new participants who join midway through the year; updates promotion opportunities to reflect current program options; clarifies annual renewal process.

02-0104-0902, Allows ISDA to charge Idaho Preferred® participants for promotional materials.

02-0105-0901, Rules Governing Certificates of Free Sale. New chapter establishes the fee and application procedures for obtaining a certificate of free sale.

02-0413-0901, Rules of the Department of Agriculture Governing Retail Raw Milk. Chapter repeal.

02-0413-0902, Rules Governing Raw Milk. Modifies raw milk quality standards and sanitary requirements for human consumption; clarifies the "cow share" program; provides a small herd exemption for facility construction requirements; incorporates by reference the sanitary milk production and milk processing provisions of the 2009 Pasteurized Milk Ordinance; establishes sanitary criteria, milk quality, and permitting protocols for "cow share" programs.

***02-0419-0901, Rules Governing Domestic Cervidae.** (*PH) Introduces herd management plans to enable the agency to conduct facility inspections and herd inventories more efficiently.

02-0431-0901, Rules Governing the Stockpiling of Agricultural Waste. New chapter establishes specific setback distances for stockpiled livestock waste that is not stored on agricultural waste storage property.

02-0501-0901, Resource Conservation and Rangeland Development Program. Addresses needed security changes; completes an update of the RCRDP loan program and removes RCRDP grant program now covered by WQPA rules; sets new application requirements and improves loan servicing.

02-0603-0901, Rules Pertaining to the Idaho Nursery and Florists Law. (Temp & Prop)

02-0604-0901, Phytosanitary and Post-Entry Seed Certification. (Temp & Prop)

Both fee rules drop the hourly rate for the issuance of federal phytosanitary certificates and initiate a \$60 per certificate fee to cover the federal administrative fee and increased costs to the programs.

02-0608-0901, Quarantine Rules Pertaining to Apples and Cherries. Removes peach, nectarine, and apricot from list of regulated articles that host apples maggots.

02-0622-0901, Noxious Weeds Rules. Updates list of noxious weeds by adding new species and removing or reclassifying currently listed species.

02-0633-0901, Organic Food Product Rules. Changes application and registration deadline to July 1st and removes late fees for certification and registration.

**IDAPA 03 - STATE ATHLETIC COMMISSION
1109 Main St., Ste. 220, Boise, ID 83702**

03.01.01 - Rules of the State Athletic Commission.

03-0101-0901, Requires application for a sanctioning permit; requires all combatants to apply for a license; adds \$30 application and renewal fee for a ring official; allows commissioner to lower the age of a ring official to 18 given good cause; changes term "boxer" to "combatant".

03-0101-0902, Defines the types of events regulated; clarifies blood testing requirements, the criteria for approval of amateur sanctioning authorities, and the annual review of such approval; provides other security in lieu of a bond; requires a physical and eye exam within 36 hours of an event; clarifies fair techniques and fouls in MMA and limits MMA contests to 3 rounds for amateur events and 5 rounds for professional events.

**IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS
PO Box 83720, Boise, ID 83720-0285**

05-0101-0901, Rules for Contract Providers. Clarifies and updates current practices; updates definitions and removes redundancies.

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

07-0106-0901, Rules Governing the Use of the National Electrical Code. Would allow the installation of certain cables in crawl spaces to be run at angles with floor joists without the need for drilling holes or a running board.

07.02.05 - Rules Governing Plumbing Safety Licensing.

07-0205-0901, Outlines the specific skills that will be tested as part of the journeyman plumbing practical exam.

07-0205-0902, Specifies the continuing education requirements and deadlines for certificate of competency renewals for journeyman and contractor plumbers and requires division's approval of CE courses and instructors.

07-0205-0903, Requires apprentices to register for 5-year period and specialty apprentices to register for 3-year period; to be eligible to sit for the journeyman exam, an apprentice must provide the division proof of completion of the required number of employment and instructional hours.

07.03.01 - Rules of Building Safety.

07-0301-0901, Adopts 2009 editions of the International Building Code, International Residential Code, the International Energy Conservation Code, and the International Existing Building Code, with specified amendments.

07-0301-0902, Adopts 2009 edition of the International Energy Conservation Code with specified amendments.

07-0301-0903, Provides notice of availability of guidance, educational, and technical support to school districts to implement the processes of integrated design and fundamental commissioning and of a list of all third party commissioning agents in the state; provides for a process of performing and certifying the annual optimization review to ensure energy efficiency; and provides for certifications regarding qualification of schools for the building replacement value calculation.

07-0303-0901, Rules for Modular Buildings. Identifies organizations designated by the Board from which inspectors may obtain certification as a qualified inspector.

07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing.

07-0311-0901, Provides for civil penalties for violators of Idaho's manufactured housing industry licensing laws and rules; more accurately identifies those who sell manufactured homes as "retailers" instead of "dealers."

07-0311-0902, (Temp & Prop) No longer requires that original and renewal applications for manufactured home retailers (dealers) and installers show proof of completion of required education hours.

07-0601-0901, Rules Governing Uniform School Building Safety. Eliminates references to specific editions of the various codes that are adopted and updates the statutory authority requiring code adoption.

07.07.01 - Rules Governing the Installation of Heating, Ventilation and Air Conditioning.

07-0701-0901, Provides the division authority to impose a civil penalty against any person who fails to request an inspection of an HVAC installation.

07-0701-0902, Amends the Fuel Gas Code to require piping, regulators, meters, and other equipment to be installed in a manner that protects it from any physical damage and heavy snowfall; specifies requirements for the location and minimum spacing of certain gas piping stubbed out for meter or regulator connection; makes the International Fuel Gas Code and the International Mechanical Code the applicable minimum standards for installations performed in residential buildings and commercial buildings.

IDAPA 08 - STATE BOARD AND DEPARTMENT OF EDUCATION

PO Box 83720, Boise, ID 83720-0037

08-0104-0901, Rules Governing Residency Classification. (Temp & Prop) Changes align with statutory changes and clarify language allowing students to retain resident status when they leave the state for educational purposes.

08-0111-0901, Registration of Postsecondary Educational Institutions and Proprietary Schools. (Temp & Prop) Clarifies that postsecondary institutions must register with the State Board to ensure they are legitimate degree granting institutions and that proprietary schools are legitimate.

08-0114-0901, Idaho Rural Physician Incentive Program. New chapter sets out requirements for program and procedures for accessing the rural physicians incentive fund.

08.02.02 - Rules Governing Uniformity.

08-0202-0906, Requires teachers and administrators to take 1 of 3 courses in Mathematical Thinking for Instruction that most closely aligns with their current assignments as part of their professional development.

08-0202-0907, Creates a mathematical consulting teacher endorsement to ensure that qualified educators are conducting follow up support for the Mathematical Thinking for Instruction course.

08.02.03 - Rules Governing Thoroughness.

08-0203-0905, Defines an Idaho high school credit as a minimum of 60 hours of instruction; provides a waiver process for requiring less than 60 hours of total instruction if substantiated; establishes a policy for mastery of a subject.

08-0203-0906, (Temp & Prop) Defines and establishes the Idaho Special Education Manual as the official policies, procedures and criteria for special education in Idaho in accordance with federal law; removes obsolete references and requirements.

08-0203-0907, Changes the term "Idaho Achievement Standards" to the "Idaho Content Standards".

IDAPA 09 - DEPARTMENT OF LABOR

317 W. Main St., Boise, ID 83735

09-0301-0901, Rules of the Rural Broadband Development Matching Fund Program. (Temp & Prop) Chapter repeal.

IDAPA 11 - IDAHO STATE POLICE

700 S. Stratford Drive, Meridian, ID 83643

11-0501-0901, Rules Governing Alcohol Beverage Control. Increases fingerprint fees; establishes definitions and fees for multi-purpose arenas; provides specific circumstances when minors are permitted or prohibited on premises; requires display of suspension notices for providing notification to the public.

11.11.01 - Rules of the Idaho Peace Officer Standards and Training Council.

11-1101-0901, (Temp & Prop) Establishes that the certification of a former officer who is under decertification investigation will not lapse while under investigation and requires applicants to disclose any prior decertification proceedings against them and the results thereof.

11-1101-0902, Establishes requirements for Conducted Energy Device certification; updates language to encompass all disciplines the Council certifies; requires an officer charged with a felony or non-traffic misdemeanor to notify the

POST executive director; establishes that a decertified officer is not eligible for POST certification of any kind in the future and that an officer under decertification investigation is not eligible for certification while under investigation; updates contact information.

11-1104-0901, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers. Allows the POST executive director to review “general under honorable conditions” and “uncharacterized” military discharges for possible waiver; requires applicants to disclose any decertification proceedings against them and the results thereof.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
PO Box 25, Boise, ID 83707

13-0103-0901, Public Use of the Lands Owned or Controlled by the Department of Fish and Game. Allows director to delegate more authority to regional staff; defines “designated roads and trails” and “commercial use”; prohibits certain unpermitted uses, such as landing or launching aircraft, discharging paintball guns, placing geocaches, group events of over 15 people, and use of non-certified weed-seed-free hay; prohibits leaving portable hunting blinds and tree stands unattended for more than 30 minutes.

13-0111-0901, Rules Governing Fish. Eliminates definition of “no bait”; corrects wording regarding the 2 pole permit, steelhead and salmon permits, and recording of harvested fish; requires a sliding sinker for sturgeon fishing; allows unlimited poles for boat fishing on Lake Pend Oreille in conjunction with the Angler Incentive Program; amends requirements for trapping or seining minnows or crayfish; eliminates statewide bag and possession limits to allow regional limits; requires a maximum 5/8” hook gap for steelhead fishing.

13.01.14 - Rules Governing Falconry.

13-0114-0901, Repeal of chapter.

13-0114-0902, Chapter rewrite implements major revisions made to federal falconry regulations that eliminates federal permitting requirements and increases state management authority for falconry.

IDAPA 15 - OFFICE OF THE GOVERNOR - MILITARY DIVISION
4040 Guard Street, Boise, ID 83705

Bureau of Homeland Security

15-0301-0901, Hazardous Substance Response Rules. Creates local emergency response authorities and regional response teams; establishes the location and jurisdiction of regional response teams; determines liability for incident response costs; provides procedures for notification to local and state emergency response authorities of a hazardous substance incident and the call-out procedure for emergency response agencies; provides for cost recovery and cost reimbursement procedures for emergency response agencies.

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

16-0202-0902, Rules of the Emergency Medical Services (EMS) Physician Commission. (Temp & Prop) Chapter rewrite defines the allowable scope of practice, act and duties that can be performed by licensed EMS personnel and defines required level of physician supervision; incorporates by reference the Commission's Standards Manual; and conforms rule to statutory changes.

16-0203-0901, Rules Governing Emergency Medical Services. Changes align definitions and terms with statutory changes; removes waiver provision for nontransport EMS service minimum standards waiver requests; removes references to EMT-1 licensure level.

16-0304-0904, Rules Governing the Food Stamp Program in Idaho. (Temp & Prop) Clarifies the criteria used to determine a full month of income for food stamp households.

16.03.09 - Medicaid Basic Plan Benefits.

16-0309-0903, Removes limitation on the “place of service” where medically necessary services can be delivered; revises psychosocial rehabilitation rules to match new rewritten mental health rules; revises paraprofessionals rules to align with licensure rules and DDA rules.

16-0309-0904, Removes the cap on benefits to allow a participant to earn the maximum number of points in both the Behavioral Preventative Health and Wellness Preventative Health programs; limits points received to offset

premiums only; aligns pharmacy provider qualifications; removes sporting or fitness programs; removes references to vouchers, and requires prior authorization for PHA services and products.

16.03.10 - Medicaid Enhanced Plan Benefits.

16-0310-0905, Updates Personal Care Services to reflect changes in the payment methodology for PCS homes; separates, aligns, clarifies, and augments rules for adult PCS and children's PCS; and clarifies PCS medication rules.

16-0310-0906, Removes requirement that developmental disability and psychosocial rehabilitation providers must contract with schools to provide services; removes references to the ISSH Waiver; revises rule on negotiations for the plan of service since Independent Assessor Provider no longer reviews individual support plans.

16-0310-0907, Removes current fiscal intermediary rules for the HCBS A&D waiver and replaces them with a reference to the self-direction rules found in IDAPA 16.03.13, and references to requirements for providers of FI services; clarifies agency training and criminal history requirements that pertain to personal assistance agencies.

16-0313-0901, Consumer-Directed Services. (Temp & Prop) Aligns, clarifies, and augments the self-direction programs to include the HCBS A&D programs; requires use of a provider agreement rather than a contract with the fiscal employer agent.

16-0410-0902, Rules Governing the Community Services Block Grant Program. (Temp & Prop) Excludes child support income when determining program eligibility; increases income limit for CSBG Program eligibility to 200% of the federal poverty guidelines.

16-0414-0901, Rules Governing the Low Income Home Energy Assistance Program. (Temp & Prop) Uses 60% of State Median Income to determine income eligibility and excludes child support as countable income.

16-0750-0901, Rules and Minimum Standards Governing Nonhospital, Medically-Monitored Detoxification/Mental Health Diversion Units. Provides the minimum standards, licensing, and regulations for a certificate of approval to operate a nonhospital, medically-monitored detoxification/mental health diversion unit in Idaho.

**IDAPA 17 - INDUSTRIAL COMMISSION
PO Box 83720, Boise, ID 83720-0041**

17-0203-0901, Security for Compensation. Self-insured employers must maintain a licensed resident claims adjuster located within Idaho to service claims; requires documents to be date-stamped with the name of the receiving office and by each receiving agent or vendor acting on behalf of the claims office to determine where delays in claims processing may be occurring; requires prompt and accurate reporting of each adjuster for each policyholder of the surety; deletes obsolete order.

17.02.08 - Miscellaneous Provisions.

17-0208-0902, Requires attorneys to provide an itemization of the amount and disposition of any and all medical bills or medical obligations to third-party payers remaining due after approval of a lump sum settlement.

17-0208-0903, Updates the conversion factors on the medical fee schedule.

17.06.01 through 17.06.05 - Boiler and Pressure Vessel Safety Rules.

17-0601-0901, General. Chapter repeal.

17-0602-0901, Administration. Chapter repeal.

17-0603-0901, Inspections. Chapter repeal.

17-0604-0901, Repairs and Alterations. Chapter repeal.

17-0605-0901, Boiler Attendants. Chapter repeal.

17.08 - Idaho Minimum Safety Standards and Practices for Logging.

17-0801-0901, General Provisions. Updates meet OSHA requirements regarding logging signs.

17-0802-0901, Health, Safety, and Sanitation. Updates meet OSHA requirements relating to first aid transportation, required first aid training, identifying proper contents of first aid kits, clarifying safety shoe and life jacket requirements.

17-0803-0901, Explosives and Blasting. Updates meet OSHA requirements relating to crimping of fused detonator caps.

17-0805-0901, Signals and Signal Systems. Updates meet OSHA requirements relating to signaling of dangerous conditions.

17-0808-0901, *Falling and Bucking.* Updates meet OSHA requirements relating to first aid training by logging cutters, back-cuts of timber, and properly identifies illustrations of undercuts.

17-0809-0901, *Rigging, Lines, Blocks, and Shackles.* Updates meet OSHA requirements relating to rope clip fastening.

17-0810-0901, *Canopy and Canopy Construction for Logging Equipment.* Updates meet OSHA requirements relating to seatbelts for logging construction equipment.

17-0816-0901, *Recommended Safety Program.* Updates meet OSHA requirements relating to first aid training, and to clarify reporting of injuries and fatalities, management responsibilities, record keeping and establishment of a safety committee.

IDAPA 18 - DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0144-0901, *Schedule of Fees, Licenses and Miscellaneous Charges.* (Temp & Prop) Establishes application, licensing, and renewal fees for an Independent Review Organization.

18-0153-0901, *Continuing Education.* Changes law and ethics course requirement; adds general subjects acceptable for public adjusters; clarifies the qualifications and standards for credit for courses taught on-line; requires reporting of course completion within 180 days or 30 days prior to the producer's license expiration date; addresses requirements for pursuing independent study courses; provides for additional credit when an individual teaches a course for credit.

IDAPA 19 - BOARD OF DENTISTRY

PO Box 83720, Boise, ID 83720-0021

19-0101-0901, *Rules of the State Board of Dentistry.* Provides procedures for specialty examinations for licensure for dental specialists; restricts continuing education credits from self-study for license renewals to 8 for dentists and 6 for dental hygienists; allows a dentist with no anesthesia permit to use other anesthesia personnel in his office during dental procedures, as long as the dentist's facilities meet anesthesia permit holder requirements.

IDAPA 20 - DEPARTMENT OF LANDS

PO Box 83720, Boise, ID 83720-0043

20-0304-0901, *Rules Governing the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho. (*PH) Removes fees from rule and allows the Board to set fees per statute; clarifies several definitions and encroachment standards; allows some boat lifts to be approved with an abbreviated permitting process; provides for lake specific encroachment standards.

20-0317-0901, *Rules Governing Leases on State-Owned Submerged Lands and Formerly Submerged Lands.* Removes fees from rule and allows the Board to set the fees; clarifies the rights granted, how rental rates are determined, and the lease modification process.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

1109 Main St., Suite 220, Boise, ID 83702

24-0101-0901, *Rules of the Board of Architectural Examiners.* (Temp & Prop) Updates the board's website address and the incorporation by reference section to include the 2009-2010 NCARB Handbook for Interns and Architects.

24-0301-0901, *Rules of the Board of Chiropractic Physicians.* Updates the board's website address; adds definition for direct personal supervision; clarifies who qualifies as a chiropractic intern and when a temporary permit is available.

24-0501-0901, *Rules of the Board of Drinking Water and Wastewater Professionals.* Updates the board's website address; reduces fees for endorsement, original license, and license renewal; creates, defines, and sets forth the qualifications for a Class 1 Restricted license and Very Small Wastewater System license; clarifies an ambiguity in the qualifications for a land application license.

24-0601-0901, *Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants.* (Temp & Prop) HB 261 moved the licensing from the Board of Medicine to the Bureau of Occupational Licenses; changes comply with statutory amendments to protect the public health, safety and welfare.

24-0701-0901, Rules of the Idaho State Board of Landscape Architects. Clarifies reference requirement for applicants; updates web address.

24-0801-0901, Rules of the State Board of Morticians. Updates the board's website address; outlines the requirements for continuing education to maintain licensee competency.

24-1001-0901, Rules of the State Board of Optometry. (Temp & Prop) Defines "opticianry"; clarifies that failure to release contact lens prescriptions as required by federal law could be gross incompetence; clarifies the expiration date for prescriptions, spectacles and contact lenses.

24-1101-0901, Rules of the State Board of Podiatry. Updates the board's contact information; updates the American Podiatric Medical Association's Code of Ethics to current edition; clarifies licensure by endorsement requirements for residency programs and disciplinary action.

24.12.01 - Rules of the Idaho State Board of Psychologist Examiners.

24-1201-0901, Creates an inactive status; establishes and clarifies board's ability to require a licensee complete a rehabilitation program as part of discipline for a violation; allows board to waive a licensee's continuing education in a hardship circumstance; allows additional activities to qualify for continuing education and clarifies continuing education requirements.

24-1201-0902, Clarifies the experience required for a psychology license to allow credit for an internship; allow for licensure through endorsement; establishes a temporary license to practice in Idaho in an emergency or special circumstance.

24-1501-0901, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. Clarifies the content of the graduate program to ensure competency; allows for supervision to be provided by a counselor education faculty member for the benefit of a student and it clarifies interns; supervised experience need not be provided by a registered supervisor for out-of-state applicants; deletes reference to professional counselor administration fees for examination; clarifies endorsement for applicants from a foreign country; updates language for various methods of meeting licensure requirements; updates Board website address.

24-1601-0901, Rules of the State Board of Dentistry. Updates board contact information; clarifies that supervising denturist or dentist must be present and directly observe any intern interaction with a patient.

24-1701-0901, Rules of the State Board of Acupuncture. Decreases application and annual renewal fees for licensure, certification, and technician certification; updates board's website address.

24-1801-0901, Rules of the Real Estate Appraiser Board. Updates the incorporation by reference of the Uniform Standards of Professional Appraisal Practice document to the current edition; clarifies the definition of a classroom hour and a residential unit; increases license renewal fee to \$350; adds a lack of activity section to allow for termination of incomplete applications upon notification; clarifies requirements for licensure as established by the federal Appraisal Qualifications Board; clarifies continuing education for registered trainees; corrects education classroom hours for residential appraisers and clarifies education requirements for general appraisers in compliance with the AQB; clarifies continuing education requirements and provides an exemption from CE for health or other good cause.

24-1901-0901, Rules of the Board of Examiners of Residential Care Facility Administrators. Updates Board's contact information; allows for termination of inactive applications upon notification to the applicant; clarifies qualifications for applicants licensed as nursing home administrators to ensure competency; adds a special exemption from continuing education requirements to allow the board to consider a hardship.

24-2201-0901, Rules of the Idaho Liquefied Petroleum Gas Safety Board. Updates board's website address; increases fees for inspections to align the board's revenues to expenditures to eliminate its budget deficit.

24-2301-0901, Rules of the Speech and Hearing Services Licensure Board. Updates board's website address; establishes an endorsement fee; increases renewal fee; exam fees for unexcused applicants are non refundable; clarifies the need for continuing education when reinstating a license and the requirements for endorsement for out-of-state applicants; adds provision to carry over continuing education and adds a special exemption for continuing

education; clarifies issuance of provisional permits and number of permit holders that can be supervised at a time; clarifies what records must be maintained by the supervisor of a hearing aid dealer and fitter and the contents of quarterly reports for audiology and hearing aid dealers and fitters.

24-2601-0901, Rules of the Idaho Board of Midwifery. Establishes the framework for licensure and the scope of practice for midwives.

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

1365 North Orchard, Suite 172, Boise, ID 83706

25-0101-0901, Rules of the Outfitters and Guides Licensing Board. Updates board's website address; adds additional activities to the definition of "hazardous excursions"; eliminates the multiple-year license and clarifies on line fees, Outfitter bond cancellations and the fee for controlled hunts; eliminates the rule associated with cash bonds; clarifies executive director's limited authority to grant or deny certain license applications or temporary authorization applications.

IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION

PO Box 83720, Boise, ID 83720-0065

26.01.20 - Rules Governing the Administration of Park and Recreation Areas and Facilities.

26-0120-0902, Prohibits the use of saddle or other recreational packing livestock on trails, roadways, and other areas unless designated through signing for that purpose or with permission of the park manager or designee.

26-0120-0903, Provides definitive guidance for agency staff in wildfire management by providing procedures to follow when large geographic areas may be affected by fire closures.

26-0120-0904, Clarifies that any hunting or pursuit of wildlife in a park setting must also comply with current IDFG rules and regulations.

26-0131-0901, Rules Governing the Administration of Idaho Department of Parks and Recreation Recreational Program Grant Funds. Increases the off-highway vehicle registration sticker fee by \$1 to fund county sheriffs for off-highway vehicle related law enforcement and establishes a formula to distribute these funds to sheriffs of counties with a current or an actively developing off-highway vehicle law enforcement program.

IDAPA 27 - BOARD OF PHARMACY

PO Box 83720, Boise, ID 83720-0067

27.01.01 - Rules of the Idaho State Board of Pharmacy.

27-0101-0901, Amends standards of conduct to require licensees to provide the board with notice of any changes to the licensee's name, address, or telephone number within 10 business days from the date of any such change.

27-0101-0902, Establishes criteria for registration of drug outlets and pharmacists engaged in the practice of telepharmacy across state lines; provides necessary regulatory framework for the practice of telepharmacy across state lines to meet statutory mandates; establishes a registration fee and annual renewal fee for out-of-state pharmacists engaged in the practice of telepharmacy across state lines; deletes the Idaho Telepharmacy Pilot Project rules; authorizes and establishes criteria for outsourcing, under certain circumstances, of "central prescription processing or filling" to a "central pharmacy" and defines those terms; defines "institution engaged in the practice of telepharmacy across state lines," "central order entry pharmacy," and "hospital system."

27-0101-0903, Requires pharmacies to notify the board in writing of their hours of operation and of any change in those hours at least 30 days prior to commencing new hours of operation and requires pharmacies to remain open during their stated hours of operation and to maintain sufficient staffing to ensure pharmacies are open during their stated business hours.

27-0101-0904, Provides standards and procedures for the inspection, distribution, transfer, acceptance, storage, and dispensing of donated drugs; and establishes provisions to enforce the Idaho Legend Drug Donation Act.

27-0101-0905, Clarifies that a pharmacist, filling a drug order for a legend drug that is not a controlled substance, may provide up to a 3-month supply when the practitioner has written a prescription for a smaller supply with refills in sufficient numbers to fill the larger supply.

27-0101-0906, Sets forth conditions for a licensed pharmacist to practice outside a licensed pharmacy; addresses access to records and information, provides for security and documentation, and mandates the maintenance of records to provide accountability and an audit trail.

27-0101-0907, Adds repackagers who are authorized distributors of record for FDA registered manufacturers to the definition of normal distribution channel per the Wholesale Drug Distribution Act

27-0101-0908, Clarifies that a pharmacy may transfer a prescription to another pharmacy without first having to fill it and clarifies the recordkeeping responsibility of the receiving pharmacy.

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

28.02.03 - Rules of the Idaho Regional Travel and Convention Grant Program.

28-0203-0901, (Temp & Prop) Chapter repeal.

28-0203-0902, (Temp & Prop) Establishes framework for the distribution of grant funds to eligible non-profit, incorporated organizations to stimulate and expand the travel and convention industry throughout the state.

**IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION
PO Box 83720, Boise, ID 83720-0074**

31-4101-0901, The Telephone Customer Relations Rules. Simplifies regulatory requirements and allows companies more flexibility to respond to customers' service requests, while maintaining some service quality standards related to basic local exchange service to encourage competition in telephone services.

31-4102-0901, Information to Customers of Telephone Companies. Chapter repeal.

31-4201-0901, The Title 62 Telephone Corporation Rules. Chapter repeal.

**IDAPA 33 - IDAHO REAL ESTATE COMMISSION
PO Box 83720, Boise, ID 83720-0077**

33.01.01 - Rules of the Idaho Real Estate Commission.

***33-0101-0901**, (*PH) Establishes the conditions for accepting a late license renewal application.

***33-0101-0902**, (*PH) Clarifies that a late renewal constitutes a lapse of the required errors and omissions coverage, even if coverage is later made retroactive by the carrier.

33-0102-0901, Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested Cases. Provides that a non-Idaho attorney may represent a party and appear before the commission in a contested case under the procedures for limited admission.

33-0103-0901, Rules Governing Subdivided Lands Registration. Reduces registration fees to encourage use of the on-line documents management system.

**IDAPA 35 - IDAHO TAX COMMISSION
PO Box 36, Boise, ID 83722-0410**

35-0101-0901, Income Tax Administrative Rules. Adds new tax brackets; includes trusts and estates into discussion of capital gains deduction and pass-through entities; modifies how a taxpayer can make the election to forego the net operating loss carryback by removing the option of attaching the federal election; provides rules for nonresidents for calculating deductions in computing Idaho adjusted gross income; provides that unemployment compensation for nonresidents is sourced to state that paid it; directs taxpayers on how to make intercompany eliminations; provides that commissions and fees related to the sale of another taxpayer's real property are sourced to the state where the property related to the commission and fees is located; clarifies that one qualified corporation within the water's edge group that makes the election binds the other corporations to that election, including corporations added to the combined group in years after the initial election; states that filing of a protective 1120-F return by itself will not constitute the filing of a federal return for purposes of the water's edge combined report; allows a resident trust or estate an income tax credit for taxes paid to other states; corrects terms and delete obsolete information relating to the tax paid by an S corporation; notes the reduction required to qualified investment for grants received from the rural Idaho economic development biofuel infrastructure matching grant fund; amends grocery tax credit; requires all W-2s to be filed with commission by the last day of February.

35-0102-0901, Idaho Sales and Use Tax Administrative Rules. Contractors who install materials into real property are consumers of the property and material suppliers who do not install building materials are retailers and are required to collect sales tax; defines "transportation of freight or passengers" and stipulates that service provision must be indiscriminate and must transport people and goods; removes terms "zoos and museums" from rule; deletes tire pressure requirement for ATVs and clarifies that the new resident exemption applies to motor vehicles, privately owned aircraft and off-road vehicles; if seller holds valid certificate he is not required to collect sales tax; amends the Demonstration Pilot Project Fund requirements.

35.01.03 - Property Tax Administrative Rules.

35-0103-0902, Updates references to appropriate and current editions of guides and professional standards; clarifies that a candidate must pass at least 2 appraisal courses in the property tax certification program; rewrites assessment procedures for section 42 low income housing properties; requires commission to notify the urban renewal agency of the pending dissolution of a revenue allocation area; makes January 1 the date for establishing market value for determining the occupancy value upon which the tax is based; requires assessor to notify commission when the homeowner's exemption is erroneously claimed; provides the reporting process to be used by taxpayers per statute; when a taxing district annexes parcels, the annexation value may be included on the new construction roll, but the new construction roll can not include the value of new construction that has been included in the annexation value; require that the personal property declaration form be filed for taxpayers who are eligible for and expect to receive the benefit of the QIE; define the due date as irrespective of any income tax extensions that may have been granted.

35-0103-0903, (Temp & Prop) Provides and explains the formula to compute the voter test; adds school two-year temporary supplemental funds and the Cooperative Service Agency funds to list of funds to be left in the base when computing levies for taxing districts encompassing urban renewable revenue allocation areas.

35-0105-0902, Motor Fuels Tax Administrative Rules. Ethanol must be reported as a receipt on the motor fuels distributors report when it is blended with gasoline; deductions on the monthly motor fuel distributor report for ethanol and biodiesel cannot be claimed for periods before 6/1/09; requires motor fuels distributor who reports at least 25 receipts or disbursements of motor fuel on its monthly fuel tax return to file electronically and adds an exemption to this; exempts persons who produce 5,000 gallons or less of biodiesel fuel in a calendar year for their personal consumption from paying the 1¢ per gallon petroleum transfer fee; informs consumers of new penalties for using dyed diesel fuel for an illegal purpose; sets recordkeeping requirements for carriers registered under the Full Fee Plan.

35-0109-0901, Idaho County Option Kitchen and Table Wine Tax Administrative Rules.**35-0112-0901, Idaho Beer Tax Administrative Rules.**

Both rulemakings allow for quarterly, semiannual, and annual returns for distributors and wine direct shippers who are remitting less than \$600 per reporting of tax.

35.02.01 - Tax Commission Administration and Enforcement Rules.

35-0201-0901, Corrects Twin Fall's field office address; adds recordkeeping and retention requirements; adds interest rate and applicable Revenue Ruling for 2010 to the table that identifies this information by year; clarifies what a "perfected protest" is and to define "unperfected protest"; addresses "settlements" rather than "compromises," defines "disputed liability," "doubt as to collectability" and "economic hardship"; adds "promotion of effective tax administration" as an additional ground; adds the ISP's Alcohol Beverage Control Bureau to the list of disclosure agreements.

35-0201-0902, (Temp & Prop) Details procedures the commission will follow when the commission settles an administrative proceeding in which the amount in dispute exceeds \$50,000.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION**PO Box 83720, Boise, ID 83720-0003**

38-0301-0901, Rules Governing Group Insurance. Establishes active and retired state employee eligibility requirements and the 2 year supplemental reimbursement for individuals in the Medicare prescription drug gap.

38.04.04 - Rules Governing Capitol Mall Parking.

38-0404-0901, Chapter repeal.

38-0404-0902, Chapter rewrite updates rules with existing or desired practices and parking space limitations.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**PO Box 7129, Boise ID 83707-1129**

39-0222-0901, Rules Governing Registration and Permit Fee Administration. Allows cancellation of future installment payment plan privileges after 2 or more suspensions and provides for the reinstatement of installment payment plan privileges after 12 consecutive months of no suspensions of any type on their account; provides for collection of a \$50 installment payment plan fee for each plan to cover administrative costs.

39-0241-0901, Rules Governing Special Provisions Applicable to Fees for Services. Removes fixed rates and replaces them with a reference to charges in statute; change terms "microfilm" to "imaged" and "magnetic tapes" to "electronic media".

39-0260-0901, Rules Governing License Plate Provisions. Provides for issuing Restricted Vehicle plates to Idaho licensed motorbike, all terrain vehicle, and utility vehicle dealers and Restricted Vehicle dealer plates and wrecker plates; clarifies what is considered an unacceptable personalized plate message; provides for the creation of a business logo plate available as permanent commercial trailer plates for businesses wanting their own logo plate for registering their commercial trailers and provides for the periodic validation for non-resident owners every 3 years.

39-0312-0901, Rules Governing Safety Requirements of Overlegal Permits. Changes the required dimension for flags from 12"x12" to 18"x18" per federal regulation.

39-0316-0901, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads. Allows for 7 feet of front trailer overhang for night operations on 2-lane, 2-way highways; overhangs exceeding 7 feet will be restricted to daylight only travel when operating on 2-lane, 2-way highways.

39-0341-0901, Rules Governing Traffic Control Devices. Adopts by reference the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways; adds conforming additions to the manual; allows the optional use of the IdaShield object marker for additional delineation of non-signalized at-grade railroad/road crossings of public roads.

39-0345-0901, Rules Governing Aircraft Registration. Clarifies required application information for aircraft registration.

**IDAPA 40 - IDAHO COMMISSION ON THE ARTS
2410 Old Penitentiary Rd. N., Boise, ID 83712**

40-0101-0901, Rules of the Idaho Commission on the Arts. Changes revise deadline dates for consistency; identify eligible artists and art organizations; provides that ongoing projects and programs are eligible for grants.

**IDAPA 46 - BOARD OF VETERINARY MEDICINE
PO Box 7249, Boise, ID 83707**

46-0101-0901, Rules of the State of Idaho Board of Veterinary Medicine. Adopts by reference the April 2008 version of the Principles of Veterinary Medical Ethics of the AVMA; provides that applicants for veterinarian technician licensure provide certified copies of school records or letters verifying completion of education requirements; clarifies that technician applicants may take the state jurisprudence examination more than once, but at three month intervals; eliminates multiple references in various parts of the rules requiring technicians and assistants to be employed by a supervising veterinarian; strikes verbal abuse or harassment of patient as grounds for discipline of a veterinary technician to be consistent with grounds for discipline of a veterinarian; requires that the route of administration of drugs be noted in the patient's medical records; requires that veterinarians provide a copy of a patient's records within a specified period of time; changes time period for a veterinarian to provide a written order as a follow-up to an oral order given a veterinary drug outlet; clarifies the disposal of controlled substances and outdated stock and material; removes a reference to law enforcement agencies and personnel as certified euthanasia technicians; modifies requirements on needle sizes for euthanasia agencies; adds requirement that drugs approved for use by certified euthanasia technicians be transported only in a storage cabinet securely bolted to the transporting vehicle; modifies the supplies and items required to be in a euthanasia room, including current certifications; strikes reference to law enforcement CETs working under the supervision of a veterinarian; clarifies provisions for reinstatement of a CET.

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

47-0101-0901, Rules of the Idaho Division of Vocational Rehabilitation. Clarifies the appeals process.

**IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION
PO Box 1218, Caldwell, ID 83606**

***48-0101-0902, Rules of the Idaho Grape Growers and Wine Producers Commission.** (*PH) Revises the tax (to be phased in over a 3-year period with a cap for taxes on wineries imposed in the first year) on wine production to \$.04 per gallon, \$7 per ton of grapes, and \$6.68 per 167 gallons of grape juice produced outside of Idaho.

NOTICE OF PROCLAMATION OF RULEMAKING

Board of Correction

06-0101-0901, Rules of the Board of Correction.

NOTICE OF ADOPTION OF TEMPORARY RULES

Dept. of Health and Welfare

16-0210-0902, Idaho Reportable Diseases.

16-0603-0902, Rules and Minimum Standards Governing Alcohol/Drug Abuse Prevention and Treatment Programs.

NOTICE OF PUBLIC HEARING

Dept. of Education

08-0202-0905, Rules Governing Uniformity.

08-0203-0903, Rules Governing Thoroughness.

Idaho Grape Growers and Wine Producers Commission

48-0101-0901, Rules of the Idaho Grape Growers and Wine Producers Commission

NOTICE OF NEGOTIATED RULEMAKING MEETINGS

Dept. of Agriculture

02-0414-0902, Rules Governing Dairy Waste.

Dept. of Environmental Quality

58-0101-0901, Rules Governing the Control of Air Pollution in Idaho.

Please refer to the Idaho Administrative Bulletin, **October 7, 2009, Volume 09-10**, 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.

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