

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 written comment submission deadline is September 23, 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

02-0303-0901, Rules Governing Pesticide and Chemigation Use and Application. Adds 7 additional seed crops to list of crops exempt from the need for a pesticide tolerance allowing these crops to have additional pesticide products registered for use to control pests and adds restrictions on seed screenings disposal and the use of treated plant parts as feed.

IDAPA 09 - DEPARTMENT OF LABOR 317 W. Main St., Boise, ID 83735

09-0130-0902, Unemployment Insurance Benefits Administration Rules. (Temp & Prop) Change to Idaho Code provides that a claimant who establishes that a majority of the weeks worked in the base period was for less than full-time work may be eligible for unemployment insurance benefits.

IDAPA 11 - IDAHO STATE POLICE 700 S. Stratford Drive, Meridian, ID 83643

11-0701-0901, Rules Governing Motor Vehicles - General Rules. Updates the standards and specifications applicable to Idaho equipment Code in Title 49, Chapter 9, to current standards and specifications in federal guidelines.

11-1301-0901, Rules Governing Motor Carriers. Adds definitions for “commercial motor vehicle” and “hazardous material” to be consistent with current federal regulations.

IDAPA 12 - DEPARTMENT OF FINANCE PO Box 83720, Boise, ID 83720-0031

12-0110-0901, Rules Pursuant to the Idaho Residential Mortgage Practices Act. (Temp & Prop) Changes conform to rewrite of the Act and establishes requirements for providers of residential mortgage loans and loan modification services and continuing education requirements for licensees; and authorizes Director to limit fees and charges imposed by providers of residential mortgage loan modification services.

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

13-0101-0901, Rules of Practice and Procedure of the Idaho Fish and Game Commission. Defines the duties of the Commission Chairman and Vice-Chairman and deletes obsolete rules.

13.01.04 - Rules Governing Licensing

13-0104-0901, Sets the nonresident deer tag quotas, outfitter deer set-aside tags, and elk zone tags; reduces certain elk zone tags and deletes obsolete tags.

13-0104-0902, (Temp & Prop) Implements SB 1008 by creating a disabled veterans special big game tag.

13-0106-0901, Rules Governing Classification and Protection of Wildlife. Reclassifies Yellowstone grizzly bears as a big game animal and the bald eagle and peregrine falcon as protected nongame species.

13-0108-0902, Rules Governing the Taking of Big Game Animals in the State of Idaho. Adds gray wolves to these rules for season setting; authorizes over-the-counter sale of certain leftover controlled hunt tags based on the dates of the hunt; allows certain handguns to be used in short-range weapon hunts; corrects terminology for landowner permission controlled hunt applications, and mandatory check and report requirements; deletes obsolete references.

13-0109-0901, Rules Governing the Taking of Game Birds in the State of Idaho. Allows senior and disabled hunters to apply for leftover youth-only controlled hunt turkey tags on a first come, first served basis.

13-0110-0901, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife. Allows the possession and sale of bones from lawfully-harvested or naturally-dying big game animals; deletes obsolete reference to an antler pick-up season in Eastern Idaho.

13-0115-0901, Rules Governing the Use of Dogs. Allows use of 1 blood-trailing dog controlled by leash during lawful hunting hours and for tracking a wounded animal within 72 hours of hitting the animal to aid in recovery; corrects non-resident quota rule.

13-0116-0901, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals. Allows other forms of official import documentation to suffice as an export tag for possession of lawfully obtained pelts in Idaho; corrects an obsolete reference to the vendor fee.

13-0117-0901, Rules Governing the Use of Bait for Taking Big Game Animals. Prohibits the use of salt for bear baiting; amends language for removal of bait sites.

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

16-0210-0901, Idaho Reportable Diseases. Adds requirements for disposition of potentially hazardous dead human bodies; clarifies reporting requirements and restrictions for these diseases: cryptosporidiosis, hemolytic-uremic syndrome (HUS), mumps, rabies, prion diseases, and West Nile virus; adds reporting requirements for cases of novel influenza A virus; updates the authority, scope, definitions, and incorporation by reference sections of rules.

16-0212-0901, Rules Governing Procedures and Testing to Be Performed on Newborn Infants. Updates incorporation by reference section; outlines acceptable uses and storage of newborn screening specimens; adds required sections.

16-0304-0903, Rules Governing the Food Stamp Program in Idaho. (Temp & Prop) Simplifies reporting requirements for households with all elderly or disabled members; updates meals deduction for attendants of elderly or disabled Food Stamp participants; adds a telephone utility allowance; redefines Farm Bill; adds citation to the CFR for the formula used for prorating Food Stamps benefits.

***16-0322-0901, Residential Care or Assisted Living Facilities in Idaho.** (*PH) Requires that a facility disclose to private pays residents certain information prior to admission including how needed services are assessed, the rate and fee structures, how fee increases are handled, and procedures for discharge or transfer due to change in resident's condition; adds Licensing and Certification Unit contact information and web address.

***16-0404-0901, Early Intervention Services for Infants and Toddlers.** (*PH) New chapter establishes a family cost participation sliding fee system for services not covered by private insurance; provides policies and procedures to administer this system for fees and payment of co-pays, to set income thresholds for assessing payment obligations, and to verify income. Comment by: 10-2-09

16-0411-0901, Developmental Disabilities Agencies. Amends certification renewal for Developmental Disabilities Agencies from 2 years to 3 years to align with the Commission on Accreditation of Rehabilitative Facilities (CARF) certification period; deletes references to the expired ISSH Waiver.

16-0601-0901, Child and Family Services. Renames service of “professional foster care” to “treatment foster care”; clarifies and resolve reimbursement issues related to contract payments to foster parents for additional services beyond regular or specialized foster care that will improve accountability and services; updates adoption rules to increase regional efficiencies and to align rules with changes to federal law.

***16-0602-0901, Rules Governing Standards for Child Care Licensing.** (*PH) Implements SB 1112 by providing requirements related to daycare licensing including fees, criminal history checks, safety and health standards, licensure requirements, suspension, denial, and revocation of licenses.

***16-0603-0901, Rules and Minimum Standards Governing Alcohol/Drug Abuse Prevention and Treatment Program.** (*PH) Chapter repeal. Comment by: 10-5-09

16-0701-0901, Behavioral Health Sliding Fee Schedules. Redefines family household to include all household members and their income except for persons on supplemental security income, disability income, or non-dependent adult siblings and to provide a consistent methodology for counting household members and their income when applying the sliding fee schedule.

***16-0720-0901, Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs.** (*PH) New chapter requires a criminal background check for programs serving adults; expands services for treatment of substance abuse under Medicaid; adds licensing requirements. Comment by: 10-5-09

16-0737-0901, Children's Mental Health Services. Aligns rules pertaining to treatment foster care with the “Child and Family Services” rules to reduce confusion for providers, improve provider training, increase the stability of placements for children and youth, and improve outcomes for children and youth in treatment foster care.

IDAPA 18 - DEPARTMENT OF INSURANCE

PO Box 83720, Boise, ID 83720-0043

18-0155-0901, Fire Safety Standards for Day Care. (Temp & Prop) Chapter repeal per SB1112.

IDAPA 21 - DIVISION OF VETERANS SERVICES

320 Collins Rd, Boise, ID 83702

21-0101-0901, Rules Governing Admission, Residency, and Maintenance Charges in Idaho State Veterans Homes and Division of Veterans Services Administrative Procedure. (Temp & Prop) Conforms to federal regulations by removing references to specific time periods and payment rates for residents admitted to a hospital and desiring to retain their residence at a state veterans home; requires that upon admission residents are informed of bed hold policies and charges, and any change to them.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

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

24-0401-0901, Rules of the Idaho Board of Cosmetology. (Temp & Prop) Implements SB1073 by adding “practice” to the permit and a deadline for application submission; designates the Bureau as the permit issuing agent when objective requirements are met; establishes sanitation requirements.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

PO Box 83720, Boise, ID 83720-0074

31-1101-0901, Safety and Accident Reporting Rules For Utilities Regulated by the Idaho PUC. Updates documents incorporated by reference; requires utilities to submit written accident reports within 21 days when either they sustain damage to their facilities or a member of the public incurs property damage in excess of \$200,000 as a result of contact with utility operating property.

31-2101-0901, Customer Relations Rules for Gas, Electric and Water Public Utilities Regulated by the IPUC. Consolidates rules from 31.21.02 into this chapter; water utilities with more than 5,000 customers must provide consumption data on each customer's bill comparing actual consumption in the current billing period with the corresponding previous year's billing period.

31-2102-0901, Information to Customers of Gas, Electric, and Water Public Utilities. Chapter repeal.

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

39-0317-0901, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers. (Temp & Prop)

39-0318-0901, Rules Governing Overlegal Permits for Relocation of Buildings or Houses. (Temp & Prop)
Changes to both chapters allow issuance of permits to transport houses larger than currently allowed, on a case-by-case basis, as approved by the Commercial Vehicle Services Section and the District Offices.

**IDAPA 41 - PUBLIC HEALTH DISTRICTS
707 N. Armstrong Pl., Boise, ID 83704-0825**

41-0402-0901, Rules for Community Subsurface Sewage Disposal Systems. Repeal of obsolete chapter.

41-0403-0901, Rules for On-Site Sewage Treatment Systems. Repeal of obsolete chapter.

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

48-0101-0901, Rules of the Idaho Grape Growers and Wine Producers Commission. (Temp & Prop) Establishes the framework for the Grape and Wine Promotion, Education and Research Grant Program.

**IDAPA 51 - IDAHO BEEF COUNCIL
2118 Airport Way, Boise, ID 83705**

51-0101-0901, Idaho Beef Council Rules. (Temp & Prop) Increases checkoff assessment amount to \$1.50 per head effective 7-1-09; provides refund information on the assessment, up to \$.50 per head.

NOTICE OF NEGOTIATED RULEMAKINGS

Dept. of Agriculture

02-0105-0901, Rules Governing Certificates of Free Sale

Dept. of Environmental Quality

58-0123-0901, Rules of Administrative Procedure Before the Board of Environmental Quality

Please refer to the Idaho Administrative Bulletin, **September 2, 2009, Volume 09-9**, 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/ 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.