

New or changed state agency rules

Published in The Power County Press Oct. 2, 2024.

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 proposed rule public hearing request deadline is October 16, 2024, unless otherwise posted.
The proposed rule written comment submission deadline is October 23, 2024, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 – DEPARTMENT OF AGRICULTURE PO Box 7249, Boise, ID 83707

02-0212-2401, Bonded Warehouse Rules. Zero-Based Regulation (ZBR) Rewrite clarifies procedures for licensing, collection and remittance of assessment, determining claim value, maintaining electronic records use of electronic scales, and remedies of the Department for non-compliance.
02-0214-2401, Rules for Weights and Measures. Amendment updates incorporated document that contains the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices.
02-0301-2401, Rules Governing Pesticide Management Plans for Ground Water Protection. ZBR Rewrite clarifies procedure for testing and monitoring groundwater for pesticides and remedies of the Department for non-compliance.
02-0403-2401, Rules Governing Animal Industry. ZBR Rewrite clarifies procedures for: disease control of livestock and other animals into, within, and out of the state; prevention, control, and eradication of diseases among animals in the state; and Departmental remedies for non-compliance.
02-0405-2401, Rules Governing Grade A Milk and Manufacture Grade Milk. Updates include changes in incorporated federal code governing design, construction, production, manufacture, distribution, handling, storage, quality, analysis, and sale of safe and wholesome dairy products.
02-0415-2401, Rules Governing Beef Cattle Animal Feeding Operations. Removes redundant language now included in IDAPA 02.04.30, Rules Governing Environmental and Nutrient Management, for waste systems on beef cattle animal feeding operations.
02-0419-2401, Rules Governing Domestic Cervidae. Rulemaking complies with recent legislation making certain changes to the quarantine process, sampling protocols, and requirements for domestic cervidae operations while under quarantine.
02-0501-2401, Rules Governing Produce Safety. ZBR Rewrite clarifies procedures for administering the Food Safety Modernization Act and remedies for non-compliance for the growing, harvesting, packing, and holding of safe and unadulterated produce for human consumption.
02-0602-2401, Rules Governing Registrations and Licenses. Updates incorporated standardized regulations for Commercial Feed, Commercial Fertilizer, and Soil and Plant Amendments, refining definitions, technical terms, and other standards necessary for product regulation.
02-0609-2402, Rules Governing Invasive Species and Noxious Weeds. Changes reduce categorization of Turkish thistle from EDRR to Control category and add clarifying language for EDRR noxious weed list criteria.
02-0633-2401, Organic Food Products Rules. Updates incorporated CFR document, National Organic Program Regulations, governing the specifications, tolerances, and other technical requirements for maintaining organic accreditation.

IDAPA 02.08 – IDAHO SHEEP AND GOAT HEALTH BOARD 2118 W Airport Way, Boise, ID 83705

02-0801-2401, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board. ZBR Rewrite governs: prevention, control, and disease eradication procedures; interstate and intrastate movement; and assessment of fees to provide functional resources for sheep and goats in Idaho.

IDAPA 08 – STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0113-2401, Rules Governing the Opportunity Scholarship Program. Changes reflect recent legislation and include: updating the credit completion minimums for scholarship renewal; new initial eligibility requirement restricting students from receiving simultaneous dual scholarship funds; and reinstating community colleges as eligible recipients of Opportunity Scholarship Funds.
08-0202-2401, Rules Governing Uniformity. Rulemaking comports with governing statute that provides for the development of a board-approved apprenticeship program by defining teacher certifications training requirements and program exit requirements before apprentices become eligible.
08-0203-2401, Rules Governing Thoroughness. Changes aim to modernize the traditional graduation system to better accommodate variable pathways and competency-based graduation plans for high school graduation requirements.
08-0401-2401, Rules of the Idaho Digital Learning Academy. Proposed language allows IDLA in collaboration with the local education agency to determine comprehensive final exam or final project assessment requirements for their students enrolled in IDLA courses.

IDAPA 09 – IDAHO DEPARTMENT OF LABOR 317 W 3rd St, Boise, ID 83702

09-0101-2401, Rules of Administrative Procedure of the Department of Labor. ZBR Rewrite details procedures for rulemaking, petitions for declaratory rulings, and determinations and appeals pursuant to the Employment Security Law, Claims for Wages Act, or other specified program.
09-0130-2401, Unemployment Insurance Benefits Administration Rules. ZBR Rewrite governs claims for unemployment insurance benefits.
09-0135-2401, Unemployment Insurance Tax Administration Rules. ZBR Rewrite specifies Department procedures and the rights and duties of employers under the Unemployment Insurance Program.

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

***11-0301-2401, Rules Governing Alcohol Testing.** (*PH) ZBR Rewrite relates to the governance and operation of the Alcohol Testing Program and outlines requirements for laboratory alcohol analysis and for performing breath alcohol testing.

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME PO Box 25, Boise, ID 83707

13-0102-2401, Rules Governing Mandatory Education, Mentored Hunting, and Shooting Ranges. (Temp & Prop) Rulemaking addresses a United States Fish and Wildlife Service recommendation to adopt a bear identification test to avoid take of grizzly bear by misidentification.
13-0107-2401, Rules Governing Taking of Wildlife. Rulemaking modifies four game management (elk) zones to align with changes presented in the agency's Idaho Elk Management Plan and clarifies that state regulatory actions do not authorize any person to violate federal laws relative to federally protected wildlife when there is not a valid federal take authorization.
13-0111-2401, Rules Governing Fish. Edits expand opportunities for spearfishing in Idaho and provides Commission authority through proclamation to determine seasons, fish species, and take limits for spearfishing.

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

***17-0101-2301, Administrative Rules Under the Worker's Compensation Law.** (*PH) ZBR Rewrite covers the administration and regulation of the Idaho Worker's Compensation Act, including, but not limited to: coverage requirements, benefits administration, medical fee schedule and process for medical fee disputes, reporting requirements, and claims administration requirements. Comment by 10/28/2024.

IDAPA 24 – DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES PO Box 83720, Boise, ID 83720-0063

***24-0401-2401, Rules of the Board of Registration for Professional Geologists.** (*PH) ZBR Rewrite governs the practice of geology in Idaho, including licensure, practice standards, and applicable fees.
***24-2101-2401, Rules of the Idaho State Contractors Board.** (*PH) ZBR Rewrite governs the practice and registration of construction and contractors in Idaho with associated fees.
***24-3910-2402, Rules of the Idaho Electrical Board.** (*PH) Proposed edits: modify definitions for Residential, Journeyman, and Master Electricians and Contractors; define continuing education criteria; clarify supervision practice standards; and update the Idaho Electrical Code.

IDAPA 26 – DEPARTMENT OF PARKS AND RECREATION 5657 Warm Springs Ave, Boise, ID 83716

26-0137-2401, Rules Governing Test Procedures and Instruments for Noise Abatement of Off Highway Vehicles. ZBR Repeal proposes to rescind rule chapter with the intent of placing regulations in Idaho statute.

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

31-4101-2401, Customer Relations Rules for Telephone Corporations Providing Services in Idaho Subject to Customer Service Regulation by the Idaho Public Utilities Commission (The Telephone Customer Relations Rules). ZBR Rewrite addresses areas of disagreement between provider companies and customers with regard to: deposits, guarantees, and billing; application for, denial of, and termination of service; complaints to telephone companies; billing for interrupted service; and certain customer information being provided to authorities.

IDAPA 37 – IDAHO DEPARTMENT OF WATER RESOURCES PO Box 83720 Boise, ID 83720-0098

37-0301-2401, Adjudication Rules. ZBR Rewrite implements governing statutes for the filing of, and the collection of fees for, notices of claims to water rights acquired under state law in general adjudications.
37-0302-2401, Beneficial Use Examination Rules. ZBR Rewrite sets procedures for appointing certified water right examiners and govern beneficial use examinations and the filing of beneficial use examination reports.
37-0303-2301, Rules and Minimum Standards for the Construction and Use of Injection Wells. ZBR Rewrite establishes minimum standards and criteria for the construction and abandonment of, and injection of fluid into, Class V deep and shallow injection wells in the state, except Indian lands, along with prohibiting the construction and use of Class I, III, IV, or VI injection wells.
37-0309-2401, Well Construction Standards Rules. For the protection of ground water resources of the state against waste and contamination, this ZBR Rewrite administers minimum standards for the construction of all new wells and the modification and decommissioning of existing wells.
37-0311-2401, Rules for Conjunctive Management of Surface and Ground Water Resources. Targeted change will ensure continuity between statute and rule when clarifying the area having a common ground water supply for the Eastern Snake Plain Aquifer.

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

39-0203-2401, Rules Governing Vehicle Dealer's Principal Place of Business and Claims to the Idaho Consumer Asset Recovery Fund. ZBR Rewrite clarifies terms used in the statutory definition of "principal place of business" and provides for definitions and processes for payment of claims from the Idaho Consumer Asset Recovery Fund.
39-0275-2401, Rules Governing Names on Drivers' Licenses and Identification Cards. Proposed changes align the standardized recording of an individual's name with their verified identity documentation and remove unnecessary and prohibitive language.
39-0341-2401, Rules Governing Traffic Control Devices. Changes articulate portions of the Manual on Uniform Traffic Control Devices that Idaho does not comply with to remain in substantial conformance with required federal code.
39-0360-2401, Rules Governing Outdoor Advertising, Accident Memorials, and Other Official Signs. ZBR Rewrite provides for the control of outdoor advertising signs, structures, or displays along the interstate, primary system of highways, and National Highway System roads of the state.
39-0365-2401, Rules Governing Traffic Minute Entries. ZBR Rewrite establishes the procedures for making traffic minute entries regulating speed zoning, parking, traffic control devices, and the selective exclusion of traffic on the State Highway System.

IDAPA 43 – IDAHO OILSEED COMMISSION 55 SW 5th Ave, Ste 100, Meridian, ID 83642

***43-0101-2401, Rules Governing the Idaho Oilseed Commission.** (*PH) ZBR Rewrite administers the statutory duties of the Idaho Oilseed Commission to include a quarterly tax payment schedule and late payment penalty. Comment by 11/01/2024.

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

47-0101-2401, Rules Governing Vocational Rehabilitation Services. As a result of a federal compliance review, language specific to required services related to a primary individual plan and employment maintenance is being removed to comply with federal regulation.

IDAPA 50 – COMMISSION OF PARDONS AND PAROLE 3056 Elder St, Boise, ID 83705

50-0101-2401, Rules of the Commission of Pardons and Parole. (Temp & Prop) Rulemaking comports with governing law the time frame in which a person convicted of Assault and Battery and Attempted Strangulation can apply for a pardon.

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 08 – STATE BOARD OF EDUCATION
08-0203-2403, Rules Governing Thoroughness

IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME
13-0117-2402, Rules Governing Use of Bait for Hunting Big Game Animals

Please refer to the Idaho Administrative Bulletin **October 2, 2024, Volume 24-10**, 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/

Office of the Administrative Rules Coordinator, Division of Financial Management, PO Box 83720, Boise, ID 83720-0032
Phone: 208-334-3900; Email: adminrules@dfm.idaho.gov