

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 August 27, 2014 unless otherwise noted.
Public hearing request deadline is August 20, 2014 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

02-0105-1401, Rules Governing Certificates of Free Sale. Removes requirement that payment of annual certification fees be made within 30 days of receipt of invoice.

02-0303-1401, Idaho Department of Agriculture Rules Governing Pesticide and Chemigation Use and Application. Eliminates the specific names of low volatile liquid ester herbicide formulations and the dates they may be applied; and restricts application of these herbicides for home and garden use to ambient air temperature.

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

08-0201-1401, Rules Governing Administration. (Temp & Prop) Complies with statutory requirements that LEAs develop and maintain strategic plans to improve student performance by establishing criteria for qualified training providers to train LEA personnel and interested persons in the development those plans; establishes appropriate procedures for training and the reimbursement of associated training costs.

IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS 1510 Watertower St., Meridian, ID 83642

***10-0101-1401, Rules of Procedure.** (*PH) Changes process for verifying educational requirements for examination and licensing by comity.

***10-0102-1401, Rules of Professional Responsibility.** (*PH) Updates statutory citation requiring public agencies to use qualification-based selection processes when soliciting engineering or land surveying services.

IDAPA 11 - IDAHO STATE POLICE (POST COUNCIL) 700 S. Stratford Drive, Meridian, ID 83642

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

11-1101-1401, (Temp & Prop) Updates list of disciplines trained and certified by POST that must meet minimum standards for employment; clarifies that the POST Division Administrator may waive the minimum standards for employment or refer the application to the POST Council for consideration; removes a reference to Black's Law Dictionary; and clarifies provisions regarding moral turpitude and drug use.

11-1101-1402, Establishes that POST-certified instructors of defensive tactics, firearms, and emergency vehicle operation must complete 8 hours of continuing instructor training every 2 years on use-of-force law, liability, and other instructor training specific to their topic area.

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

16-0322-1401, Residential Care or Assisted Living Facilities in Idaho. Adds definition for “administrator designee”; allows for and provides the requirements and enforcement for a plan of operation for an administrator of multiple facilities; provides options for facilities to employ a worker prior to receiving a Department criminal history clearance.

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

17-0211-1401, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law -- Security for Compensation -- Self-Insured Employers. (Temp & Prop) Implements the qualified exception requirements of self-insured employers; ensures the Commission's ability to assess the financial stability and ability of a self-insured employer working under a cost reimbursement contract with the federal government to demonstrate adequate security for injured workers.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES**PO Box 83720, Boise, ID 83720-0063**

24-1001-1401, Rules of the State Board of Optometry. Changes timeframe for obtaining continuing education to a calendar year for license renewal.

24-1701-1401, Rules of the State Board of Acupuncture. Decreases the application, original license and annual renewal fees to reduce dedicated fund balance.

24-2701-1401, Rules of the Idaho State Board of Massage Therapy. Removes “light” (an external agent) from the continuing education content area and adds provisions to clarify the supervision required for clinical work and fieldwork.

IDAPA 35 - STATE TAX COMMISSION**PO Box 36, Boise, ID 83722-0410****35.01.03 - Property Tax Administrative Rules**

35-0103-1401, Defines the subject matter of complaints and provides a timeline for complaint hearings; provides that assessor may remove a property's homestead exemption if, by April 15 of the tax year, the taxpayer requests that the exemption be transferred to a second homestead; deletes reference to an annual affidavit; provides for the 2013 value of exempt personal property to be included in market value for assessment purposes for distribution of sales tax to cities; and provides a mechanism for the tax commission to withhold sales tax from those entities that do not comply with the reporting requirements of HB560.

35-0103-1404, Deletes the 3-factor test used to determine real property; deletes personal property exempt value notification by taxing district or unit rule; deletes reporting requirement for abstract exempt personal property and certain exempt oil and gas well property; deletes the word “fixture” from Category 59 property items; clarifies that personal property declarations and replacement funds established as of 2013 may need to be adjusted if in error; requires the amount of personal property replacement funds received by the taxing districts to be subtracted before levies are computed; provides procedure for disallowing certain budget increases when entities do not comply with reporting requirements.

35-0103-1405, Adds state-authorized plant facility fund to list of funds excluded from generating property tax for urban renewal agencies; requires the 2013 personal property tax exemption amount be included in the market value for computing the sales tax to be distributed to cities.

35-0105-1402, Motor Fuels Tax Administrative Rules. Per statute, aligns conversion factors for assessing a per-gallon gasoline tax with national and industry standards; outlines procedure for IFTA license bonds; clarifies a timely filer; allows the IFTA licensee to request a waiver from the bond requirement; includes instructions for the bonding of an IFTA licensee who reapplies for a license after having license revoked.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION**PO Box 83720, Boise, ID 83720-0065**

38-0301-1401, Rules Governing Group Insurance. (Temp & Prop) Incorporates changes in federal law governing health plan eligibility and the expiration of the Medicare prescription drug reimbursement program.

**IDAPA 46 - BOARD OF VETERINARY MEDICINE
PO Box 7249, Boise, ID 83712**

46-0101-1401, Rules of the State of Idaho Board of Veterinary Medicine. Deletes two provisions for demonstrating completion of educational requirements for certification as a veterinary technician in Idaho.

**IDAPA 54 - OFFICE OF THE STATE TREASURER
PO Box 83720, Boise, ID 83720-0065**

54-0301-1401, Idaho Unclaimed Property Administrative Rules. (Temp & Prop) Clarifies circumstances regarding when a life insurance or annuity company knows or learns of a policy holder's death and specifies when the period of abandonment begins to run.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
PO Box 83720, Boise, ID 83720-0078**

***58-0101-1403, Rules for the Control of Air Pollution in Idaho.** (*PH) Updates citations to documents incorporated by reference.

58-0105-1401, Rules and Standards for Hazardous Waste. Updates citations to federal regulations that are incorporated by reference.

NOTICE OF ADOPTION OF TEMPORARY RULE

**IDAPA 28 - IDAHO DEPARTMENT OF COMMERCE
28-0401-1401, Rules Governing the Idaho Reimbursement Incentive Act**

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING

**IDAPA 01 - BOARD OF ACCOUNTANCY
01-0101-1401, Idaho Accountancy Rules**

**IDAPA 08 - STATE BOARD AND STATE DEPARTMENT OF EDUCATION
08-0111-1401, Registration of Post-Secondary Educational Institutions and Proprietary Schools
08-0202-1401, Rules Governing Uniformity**

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS
10-0103-1401, Rules for Corner Perpetuation and Filing**

**IDAPA 27 - IDAHO BOARD OF PHARMACY
27-0101-1401, Rules of the Idaho Board of Pharmacy (2nd Notice)**

**IDAPA 35 - STATE TAX COMMISSION
35-0101-1402, Income Tax Administrative Rules
35-0103-1403 & 35-0103-1406, Property Tax Administrative Rules**

Please refer to the Idaho Administrative Bulletin, [August 6, 2014, Volume 14-8](#), 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 adminrules.idaho.gov.

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