

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 25, 2010 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

02-0214-1001, Rules for Weights and Measures. Updates incorporation by reference documents.

02-0408-1001, Rules Governing Grade A Milk and Milk Products. (Temp & Prop) Consolidates various milk rules, which are being repealed, into this one chapter and incorporates by reference all documents previously incorporated in the repealed chapters into this chapter.

02-0409-1001, Rules Governing Methods of Making Sanitation Ratings of Milk Shippers. (Temp & Prop) Chapter repeal.

02-0410-1001, Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers. (Temp & Prop) Chapter repeal.

02-0411-1001, Rules Governing Evaluation of Milk Laboratories. (Temp & Prop) Chapter repeal.

IDAPA 04 - OFFICE OF THE ATTORNEY GENERAL PO Box 83720, Boise, ID 83720-0010

04-1101-1001, Idaho Rules of Administrative Procedure of the Attorney General. (Temp & Prop) Conforms rule to statutory changes by providing a definition of service of agency orders and by allowing for electronic service by agencies and parties; provides a procedural rule for consideration of requests to award costs and fees; and amends requirements for the publication of the notice of proposed rulemaking when fees or charges are imposed or when incorporating by reference. Comment by 9/10/10.

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

09-0104-1001, Unemployment Insurance Benefit Fraud and Overpayment Rules. (Temp & Prop) Allows a waiver of repayment request to be made within 14 days of the electronic transmission date of a Determination of Overpayment and allows a Determination of Overpayment to become final 14 days after its electronic transmission; provides recourse for errors in electronic transmissions; adds required sections to rule.

09-0106-1001, Rules of the Appeals Bureau. (Temp & Prop) Provides recourse for errors in the electronic transmission of determinations or decisions; adds that notice of decisions may be served on interested parties by electronic transmission; adds required sections.

09-0130-1001, Unemployment Insurance Benefits Administration Rules. (Temp & Prop) Allows for benefit payment checks that are lost, stolen, destroyed, or forged to be reissued by means other than paper checks; and

reduces the amount of unemployment insurance benefits paid in a compensable week by an amount equal to the temporary disability benefits a claimant received under any worker's compensation law.

09-0135-1001, Unemployment Insurance Tax Administration Rules. (Temp & Prop) Adds that notice of determinations may be served on interested parties by electronic transmission; requires employers to maintain unemployment insurance tax records for 5 years allowing for the implementation of the new 5-year enforcement limitation period; provides a 5-year statute of limitations for audits and inspections of employer records.

**IDAPA 10 - IDAHO BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS
1510 Watertower St., Ste. 110, Meridian, ID 83642-7993**

***10-0101-1001, Rules of Procedure.** (*PH) Allows initial licensing as a professional engineer through use of the Structural Engineer examination without first being licensed as a professional engineer in another discipline and without an additional 2 years of experience; allows the details of investigations to be released to law enforcement agencies and licensing entities in other jurisdictions.

***10-0102-1001, Rules of Professional Responsibility.** (*PH) Exempts a licensee from notifying another licensee of the discovery of an error if the discoverer is retained by an attorney, in which case the Idaho Rules of Civil Procedure would apply; and requires that licensees be prompt in statements and written responses to the Board.

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES
PO Box 83720, Boise, ID 83720-0066**

15-0401-1001, Rules of the Division of Human Resources and Personnel Commission. (Temp & Prop) Increases the number of names on a hiring list of eligible job applicants from 10 to 25 in compliance with statute. Comment by 8/27/10.

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

16.02.06 - Rules Governing Quality Assurance for Idaho Clinical Laboratories

16-0206-1001, Chapter repeal.

16-0206-1002, Chapter rewrite updates the rule to reflect current Bureau practices and organizational structure and aligns rule to federal regulations.

16.03.09 - Medicaid Basic Plan Benefits

16-0309-1001, (Temp & Prop) Provides a model form for notice of transfer or encumbrance to be used by a Medicaid recipient or his representative when notifying the Department of transferring real property.

***16-0309-1002,** (*PH) (Temp & Prop) Establishes the non-emergency medical transportation requirements for a transportation brokerage system for Medicaid participants who have no other means to receive Medicaid-covered services.

**IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION
PO Box 87320, Boise ID 83720-0065**

26-0120-1001, Rules Governing the Administration of Park and Recreation Areas and Facilities. (Temp & Prop) The following fees have been established or increased: Overnight Use and Campground Amenity fees; Entrance Annual Pass; Entrance Annual Pass Second Pass; Entrance Fee Surcharge; Camping Extra Vehicle Fee; Moorage - Overnight; Moorage - Camping on Vessel; and Moorage - Camping on Buoy.

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

39-0322-1001, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations. Increases limitations for permitted vehicle combinations on "blue-coded routes" to 95 feet in overall length including load overhang.

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

58.01.01 - Rules for the Control of Air Pollution in Idaho.

58-0101-0904, Addresses mercury emissions from sources whose mercury emissions are not regulated under federal law. Comment by 9/1/10.

***58-0101-1002**, (*PH) Updates incorporation by reference to conform to changes in federal regulations.

58-0105-1001, Rules and Standards for Hazardous Waste. Updates incorporation by reference to conform to changes in federal regulations. Comment by 9/1/10.

58-0108-1001, Idaho Rules for Public Drinking Water Systems. Clarifies definitions and facility design standards; reorganizes certain sections such as the filtration and disinfection process; updates citations to documents incorporated by reference. Comment by 9/1/10.

**IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO
PO Box 83720, Boise, ID 83720-0078**

59-0102-1001, Eligibility Rules of the PERSI. Clarifies definition of “normally works twenty hours...” and corrects statutory cross-references.

59-0103-1001, Contribution Rules for PERSI. Increases contribution rates by employees and employers by a total of 5.28% over a 3-year period beginning July 1, 2011.

59-0104-1001, Disability Rules of PERSI. Addresses a disability retiree return to work.

59-0105-1001, Separation from Service Rules for PERSI. Removes the pre-tax payroll deduction provision used to pay for reinstatement of prior service. Reinstatement could be made pre-tax through a rollover from a qualified plan and can be made with after tax dollars.

59-0106-1001, Retirement Rules of PERSI. Clarifies factors applicable to persons who retired before July 1, 1995; deletes rule 163; and adds a new rule to incorporate definitions for purposes of the federal Pension Protection Act.

RULES ADOPTED AS TEMPORARY ONLY

Idaho State Tax Commission

35-0105-1002, Idaho Motor Fuels Tax Administrative Rules.

NOTICE OF SCHEDULED PUBLIC HEARINGS

Department of Health and Welfare

16-0305-1001, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD) (Written Comment Period Extended).

Please refer to the Idaho Administrative Bulletin, [August 4, 2010, Volume 10-8](#), for notices and text of all rulemakings, public hearings and negotiated meeting schedules, Governor's executive orders, and agency contact information.

Issues of the Idaho Administrative Bulletin can be viewed at www.adm.idaho.gov/adminrules/.

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