

# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### 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 24, 2011, unless otherwise listed.  
(Temp & Prop) indicates the rule is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### IDAHO STATE DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701

**02-0214-1101, Rules for Weights and Measures.** Incorporates by reference the 2012 edition of the NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices."

**02-0303-1101, Rules Governing Pesticide and Chemigation Use and Application.** Allows professional applicators to begin the chemigation application and then return at least once every 4 hours to check on the application rather than being physically on site during the entire pesticide application.

#### IDAPA 08 - STATE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

**08-0202-1101, Rules Governing Uniformity.** Updates the incorporation by reference of the Standards for Idaho School Buses and Operations (SISBO) manual to include changes to the school bus construction standards; driver's qualifications; school transportation operations at the local level; reimbursements; and the student transportation matrix.

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

**09-0130-1101, Unemployment Insurance Benefits Administration Rules.** (Temp & Prop) Limits when a corporate officer can be personally eligible for unemployment insurance benefits; and allows claimants to file continued claim reports by facsimile or electronic mail.

**09-0135-1101, Unemployment Insurance Tax Administration Rules.** (Temp & Prop) Allows a corporation to exempt its corporate officers from unemployment insurance coverage and to reinstate corporate officers previously exempted. Corporations will not have to pay employment security contributions for exempt corporate officers and exempt corporate officers would not be eligible for unemployment insurance benefits.

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

**16-0202-1101, Rules of the Emergency Medical Services (EMS) Physician Commission.** Incorporates by reference the latest edition of the Commission's Standards Manual.

**16-0225-1101, Fees Charged by the State Laboratory.** Simplifies the fees for laboratory tests; allows the Bureau greater flexibility to respond to public health concerns; removes incorporations by reference and associated definitions.

**16.03.09 - Medicaid Basic Plan Benefits**

**16-0309-1102**, (Temp & Prop) Continues rule changes published as temporary rules under Docket 16-0309-1004 regarding changes in the definition for hospital floor reimbursement percentage and the reduction of outpatient hospital costs; updates statutory references.

**16-0309-1103**, (Temp & Prop) Conforms to HB 260 (2011 Legislature) by limiting benefits for Medicaid eligible participants' dental services.

**16-0309-1104**, (Temp & Prop) Implements statutory changes that continue the cost-savings measures passed in HB 260.

**16.03.10 - Medicaid Enhanced Plan Benefits**

**16-0310-1103**, (Temp & Prop) Conforms to HB 260 (2011 Legislature) by limiting benefits for Medicaid eligible participants' dental services.

**16-0310-1104**, (Temp & Prop) Implements HB 260 for nursing facilities and intermediate care facilities for people with intellectual disabilities by continuing reimbursement methodologies for mental health clinics, developmental disability agencies and rehabilitative mental health service providers that were implemented in 2010.

**16-0310-1105**, (Temp & Prop) Implements statutory changes that continue the cost-savings measures passed in HB 260.

**16-0313-1101, Consumer-Directed Services.** (Temp & Prop) Conforms to HB 260 by refining the developmental disabilities individual budget modification process and related requirements and criteria that will enable the Department to respond to requests for budget modifications only when health and safety issues are identified.

**IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY****350 N. 9th St. Ste. M-100, Boise, ID 83702**

**\*19-0101-1101, Rules of the Idaho State Board of Dentistry.** (\*PH) Corrects an unintended negative impact to licensees' continuing education requirements; deletes an unconstitutional advertising standard; corrects potential conflict in the dental hygienist rules of practice; and clarifies Board's role in approving dental assistant curriculum.

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

**24-0401-1101, Rules of the Idaho Board of Cosmetology.** Reduces fees for original licenses, annual renewals and permits for all people and entities licensed pursuant to Title 54, Chapter 8, Idaho Code.

**24-1001-1101, Rules of the State Board of Optometry.** (Temp & Prop) Implements SB 1137 (2011) by eliminating the ballot process for appointment of board members.

**24-1601-1101, Rules of the State Board of Dentistry.** Increases annual license renewal fee to \$750 to help balance the Board's annual budget and maintain the services necessary to protect the health and safety of the public.

**24-1901-1101, Rules of the Board of Examiners of Residential Care Facility Administrators.** (Temp & Prop) Revises the education and experience qualifications for licensure as a Residential Care Facility Administrator and gives Board discretion to accept other combinations of education and experience.

**24-2201-1101, Rules of the Idaho State Liquefied Petroleum Gas Safety Board.** Updates the incorporation by reference of the 2011 edition of the "Liquefied Petroleum Gas Code" to ensure current safety standards in the dispensing and storage of propane.

**24-2301-1101, Rules of the Speech and Hearing Services Licensure Board.** Implements HB 47 by allowing for and providing qualifications for licensure by endorsement and educational equivalency.

**24-2501-1101, Rules of the Idaho Driving Businesses Licensure Board.** Increases application fee to \$75; original instructor license and annual renewal fee to \$100, and original business license fee and the annual renewal fee to \$600.

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

**39-0203-1101, Rules Governing Vehicle Dealer's Principal Place of Business.** (Temp & Prop) Provides criteria for record types and allows records to be retained physically or electronically; allows for files to be stored off-site following 30-day notification to the department, with the provision that records must be produced within 3 business days upon request by the department; requires that electronic records be searchable, be kept secure preventing unauthorized access, and in such a manner that they cannot be altered.

**39-0247-1101, Rules Governing Revocation of Vehicle Registration for Failure to Comply With a Motor Vehicle Emission Inspection Ordinance.** Chapter repeal.

**39-0275-1101, Rules Governing Names on Drivers' Licenses and Identification Cards.** (Temp & Prop) Disallows issuance of a driver's license in one name and issuance of an identification card in another name; conforms to the one-person/one-record requirement for DMV Modernization; deletes the 26 character name limitation and provides for name formatting flexibility.

**39-0301-1101, Rules Governing Definitions Regarding Overlegal Permits.** (Temp & Prop) Changes chapter name; adds definitions for "Designated Agent" and "Overall Length"; changes "Escort Vehicle" to "Pilot Vehicle"; increases the length limit for vehicle combinations from 105 ft to 115 ft, per statute.

**39-0316-1101, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads.** (Temp & Prop) Updates the farm exemptions for transporting farm implements between the farm and a repair/maintenance facility or a dealership/sales facility; allows motor carriers to use the industry standard 10-foot wide trailer to haul a non-reducible load smaller than 10-feet wide on the trailer; removes the 24-foot width restriction on the Interstate to reduce the impact on two-lane highways; deletes the 10-minute limit on interruption of traffic to eliminate any conflict with the traffic control plan provisions in another rule; requires permittee to submit a traffic control plan prepared by a licensed engineer or certified traffic control supervisor when operating on two-lane highways and exceeding specified dimensions.

**IDAPA 45 - IDAHO HUMAN RIGHTS COMMISSION  
317 W Main Street, Boise, ID 83735-0660**

**45-0101-1102, Rules of the Idaho Human Rights Commission.** Deletes unnecessary definitions; provides that state law on disability discrimination will be interpreted in compliance with the Americans with Disabilities Act and federal regulations; non-substantive changes increase clarity and replace references to "person" with "individual."

**IDAPA 54 - OFFICE OF THE STATE TREASURER  
PO Box 83720, Boise, ID 83720-0091**

**54-0101-1101, Reports for Public Bond Issues.** (Temp & Prop) Chapter repeal.

**IDAPA 57 - SEXUAL OFFENDER MANAGEMENT BOARD  
1299 N Orchard St Suite 110, Boise, ID 83706**

**57-0101-1101, Rules of the Sexual Offender Management Board.** (Temp & Prop) SB 1154a eliminated the Sexual Offender Classification Board and created the Sexual Offender Management Board to assume some of the responsibilities of the previous board; removes statutory references to the Violent Sexual Predator designation procedures; changes Board name and eliminates procedures for a VSP designation process that is no longer in place.

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

**58-0101-1103, Rules for the Control of Air Pollution in Idaho.** (\*PH) Updates citations to federal regulations incorporated by reference at Sections 008 and 107 to include those revised as of July 1, 2011. Comment by: 9/7/11.

**58.01.02 - Water Quality Standards**

**58-0102-1101,** (Temp & Prop) Revises limits on water temperature rise (aka thermal treatment requirements -

Subsections 401.01.c. and d.) which limit the rise in water temperature due to wastewater treatment plants; and uses site-specific criteria for water temperature in Section 278 to protect salmonid spawning. Comment by: 9/2/11.

**58-0102-1102**, Revisions include a site-specific temperature criterion for the Snake River to protect fall spawning of Chinook salmon from Hell's Canyon Dam to the Salmon River. Comment by: 9/2/11.

**58-0105-1101, Rules and Standards for Hazardous Waste.** Updates the federal regulations incorporated by reference to include those revised as of July 1, 2011; makes technical corrections. Comment by: 8/31/11.

**58-0110-1101, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the Atomic Energy Act of 1954, as Amended.** Implements HB 93 (2011) by revising the definition of "restricted hazardous waste" as well as other definitions; makes technical corrections; and updates the federal regulations incorporated by reference to include those revised as of January 1, 2011. Comment by: 8/31/11.

**58-0124-1101, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites.** Corrects chemical toxicity values in Table 3 to conform to currently accepted standards; updates the Screening Level values for soil and ground water in Table 2 using updated toxicity values and current risk calculation methodologies; revises the Screening Level Table 2 by adding screening values for soil vapor measurements; and incorporates the use of soil vapor into the risk evaluation process. Comment by: 8/31/11.

**IDAPA 60 - IDAHO SOIL & WATER CONSERVATION COMMISSION**  
**650 West State Street, Room 145, Boise, ID 83702**

**60-0504-1101, Rules Governing Allocation of Funds to Conservation Districts.** (Temp & Prop) Establishes the procedures for the allocation of state funds to the local soil and water conservation districts.

**RULES ADOPTED AS TEMPORARY ONLY**

**Idaho Human Rights Commission**

**45-0101-1101**, Rules of the Idaho Human Rights Commission.

**SCHEDULED NEGOTIATED RULEMAKING MEETINGS**

**State Board of Education**

**08-0203-1102**, Rules Governing Thoroughness

Please refer to the Idaho Administrative Bulletin, [August 3, 2011, Volume 11-7](#), 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 [adminrules.idaho.gov](http://adminrules.idaho.gov).*

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