

# 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 22, 2012 unless otherwise noted.  
(Temp & Prop) indicates the rule is both Temporary and Proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### **IDAPA 08 - STATE BOARD OF EDUCATION P.O. Box 83720, Boise, ID 83720-0037**

**08-0201-1201, Rules Governing Administration.** (Temp & Prop) Implements statutory change to address average daily attendance sharing agreements and fractional average daily attendance for determining funding.

**08-0202-1202, Rules Governing Uniformity.** Requires teachers and administrators to take the Mathematical Thinking for Instruction class (MTI); provides for a waiver for educators who are not currently employed or live outside of the state of Idaho; provides for a standard 3-year interim certificate for those educators who move to the state and haven't taken the MTI course to be certified while they take the course.

#### **08.02.03 - Rules Governing Thoroughness**

**08-0203-1202,** Addresses the prevention of and response to adolescent relationship abuse and sexual assault in Idaho schools.

**08-0203-1203,** (Temp & Prop) Changes to the high school graduation requirements include the addition of two online courses (2 credits) that may be asynchronous or synchronous courses; and students may be exempt from the requirement to take a math course in their last year of high school if they have met the required criteria.

**08-0203-1204,** (Temp & Prop) Authorizes, per state law, the Department of Education to review and approve online courses and providers and charge submission fees to defray costs for this work as well as the approval and adoption of textbooks.

#### **IDAPA 09 - IDAHO DEPARTMENT OF LABOR 317 West Main Street, Boise, ID 83735**

**09-0104-1201, Unemployment Insurance Benefit Fraud and Overpayment Rules.** Clarifies that all information a claimant is asked to provide to the department is material information used to determine a claimants eligibility for benefits; and adds rule to clarify that claimants must repay all benefits received as a result of a willful false statement or willful failure to report a material fact.

**09-0130-1201, Unemployment Insurance Benefits Administration Rules.** Adds the same definition for corporate officers for unemployment insurance benefit purposes as it is currently defined for unemployment insurance tax purposes.

**09-0135-1201, Unemployment Insurance Tax Administration Rules.** Makes treatment of members of a limited liability company consistent under both federal income tax law and Idaho's employment security law; clarifies that one of the factors used in the independently established prong of the independent contractor test only applies to workers with an outside business providing the same type of services the worker provides for the business engaging his services.

**IDAPA 11 - IDAHO STATE POLICE  
700 S. Stratford Dr., Meridian, ID 83642**

*11-1101-1201, Rules of the Idaho Peace Officer Standards and Training Council.* (Temp & Prop) Identifies the specific conduct that may constitute cause for decertification; requires an officer charged with a felony or misdemeanor to notify his agency head within 5 business days; requires an agency head to notify POST within 14 days of learning of the charge; allows an agency head intending to hire a decertified officer to petition the Council, 10 years after the date the officer was decertified, for reconsideration for law enforcement officer employment; and defines and streamlines the POST Council's decertification procedures so the Council and officers under investigation can have allegations of unethical behavior or misconduct resolved more quickly while also protecting the officers' due process rights.

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

*16-0410-1201, Rules Governing Community Services Block Grant Program.* (Temp & Prop) Aligns rule with federal regulations that decrease the eligibility level for the community services block grant program to 125% of the Federal Poverty Guideline. The eligibility level for these services was temporarily increased to 200% of the FPG under the American Recovery and Reinvestment Act of 2009.

*16-0601-1201, Child and Family Services.* (Temp & Prop) Per SB 1414 increases the foster family monthly reimbursement for a child in foster care based on the child's age.

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

*26-0120-1201, Rules Governing the Administration of Park and Recreation Areas and Facilities.* (Temp & Prop) The Department has identified changes needed to enhance the governing of the parks through explicit language to carry out enforcement (parking violations and overnight use) and language to encompass additional winter use activities on park trails and clarify the language that involves Reservation Cancellations.

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

*17-0204-1201, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law - Benefits.* Complies with Idaho Code that broadens access to the Peace Officer and Detention Officer Temporary Disability Fund by including injuries incurred by officers when caused by the actions of another person in the performance of his or her duties.

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

*26-0120-1201, Rules Governing the Administration of Park and Recreation Areas and Facilities.* Provides for the enforcement of parking and overnight use violations; adds language to encompass additional winter use activities on park trails; clarifies the Reservation Cancellations provision.

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

*\*58-0101-1203, Rules for the Control of Air Pollution in Idaho.* (\*PH) Updates citations to federal regulations incorporated by reference to include those revised as of July 1, 2012 ensuring consistency with federal regulations; incorporates by reference 40 CFR Part 70; updates the definition section.

*58-0105-1201, Rules and Standards for Hazardous Waste.* Updates the federal regulations incorporated by reference implementing the Resource Conservation and Recovery Act (RCRA) as directed by the Idaho Hazardous Waste Management Act (HWMA) to include those revised as of July 1, 2012.

**NOTICES OF NEGOTIATED RULEMAKING**

**Department of Agriculture**

**02-0419-1201, Rules Governing Domestic Cervidae**

**02-0421-1201, Rules Governing the Importation of Animals**

**02-0613-1201**, Rules Relating to Rapeseed Production and Establishment of Rapeseed Districts in the State of Idaho  
**02-0616-1201**, Rules Governing Honey Standards (2nd Notice)

**Board of Pharmacy**

**27-0101-1201**, Rules of the Idaho Board of Pharmacy (2nd Notice)

**State Tax Commission**

**35-0103-1205**, Property Tax Administrative Rules

**State Lottery Commission**

**52-0103-1201**, Rules Governing Operations of the Idaho State Lottery

Please refer to the Idaho Administrative Bulletin, [August 1, 2012, Volume 12-8](#), 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](http://adminrules.idaho.gov).*

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