

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 26, 2015 unless otherwise noted.
Public hearing request deadline is August 19, 2015 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 AND DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

08-0203-1506, Rules Governing Thoroughness. Incorporates by reference the Special Education Manual and cut scores for the Idaho Standards Achievement Test (ISAT).

IDAPA 11 - IDAHO STATE POLICE / IDAHO STATE RACING COMMISSION 700 S Stratford Dr., Meridian, ID 83642

11-0402-1501, Rules Governing Simulcasting. (Temp & Prop) Limits pari-mutuel historical horse racing to three locations in Idaho that were licensed as of January 1, 2015 for simulcast and historical horse racing.

11-0406-1501, Rules Governing Racing Officials. (Temp & Prop) Allows the Racing Commission to appoint and compensate a third steward for live racing events in Idaho rather than the racing associations; outlines the duties of the presiding state steward and the two deputy state stewards.

11-0411-1501, Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. (Temp & Prop) Owners or trainers are no longer required to request collection and testing of a split blood sample. Samples will be collected and stored by the State Racing Commission Veterinarian at the testing barn at the expense of the Commission.

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

16-0101-1501, Emergency Medical Services (EMS) -- Advisory Committee (EMSAC). Adds a citation in rule to educational curricula and standards currently being promulgated under IDAPA 16.01.05 indicating that it is the responsibility of the EMSAC to reviews the educational curricula and standards. Also adds some requirements, such as advance "do not resuscitate" directives, from a chapter that is being repealed.

16-0102-1501, Emergency Medical Services (EMS) -- Rule Definitions. Updates chapter to align it with the new EMS education chapter, changes made in the existing EMS personnel licensing chapter, and to recent additions to EMS statutes.

16-0103-1501, Emergency Medical Services (EMS) -- Agency Licensing Requirements. The EMS Agency Licensing rules are being amended to align with a new chapter of rules being written that provide the education, instructor, and examination standards an individual must meet to be a licensed EMS provider in Idaho. These rules also include additions and references to rules from the repeal of IDAPA 16.02.03, "Emergency Medical Services," and the new chapter in IDAPA 16.01.05, "Emergency Medical Services (EMS) -- Education, Instructors, and Examination Requirements."

16-0105-1501, Emergency Medical Services (EMS) -- Education, Instructor, and Examination Requirements. New chapter implements and provides updated initial education, instructor, and examination requirements for emergency medical service providers and replaces the education requirements currently found in IDAPA 16.02.03.

16-0107-1502, Emergency Medical Services (EMS) -- Personnel Licensing Requirements. Aligns this chapter to rules that provide the education, instructor, and examination standards for EMS licensure and includes changes for continuing education venues and licensing renewal cycle requirements.

16-0112-1501, Emergency Medical Services (EMS) -- Complaints, Investigations, and Disciplinary Actions. Aligns this chapter to rules that provide the education, instructor, and examination standards for EMS licensure and to align these rules with the agency and personnel licensing requirements that provide clarity for enforcement actions that can be taken.

16-0203-1501, Emergency Medical Services. Chapter is being repealed and the rules rewritten into a new chapter.

16-0316-1501, Premium Assistance. Chapter repealed because of discontinued federally-funded waiver program.

16-0501-1501, Use and Disclosure of Department Records. Aligns rules to the amended statute by clarifying that the person with authority to designate disposition of a decedent's remains should be considered a person with a "direct and tangible interest" and entitled to receive an official death certificate. This proposed rule amendment.

IDAPA 35 - IDAHO STATE TAX COMMISSION

PO Box 36, Boise, ID 83722-0410

35-0105-1503, Idaho Motor Fuels Tax Administrative Rules. Incorporates by reference section 110 of Administrative and Enforcement Rule (IDAPA 35.02.01); deletes parts of rules 115 and 132 that refer to the gaseous fuel permit or gaseous fuel decal because the gaseous fuels permit program was eliminated; conforms rule to HB 43 regarding limited distributors license.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

PO Box 83720, Boise, ID 83720-0003

38-0501-1501, Rules of the Division of Purchasing. Defines the terms "purchasing activity" and "purchasing authority."

IDAHO TRANSPORTATION DEPARTMENT

PO Box 7129, Boise ID 83707-1129

39-0301-1501, Rules Governing Definitions Regarding Overlegal Permits. (Temp & Prop) Conforms rule to HB 70 by amending the definitions of "excess weight," "overlegal permit," "overweight," and "reducible load." (eff. 7-23-15)T

39-0322-1501, Rules Governing Overlegal Permits for Extra-Length, Excess Weight, and Up to 129,000 Pound Vehicle Combinations. (Temp & Prop) Conforms rule to HB 70 to match tire limitation restrictions set in Idaho Code which allows more flexibility on steer axle weight allowance. (eff. 7-23-15)T

IDAPA 42 - IDAHO WHEAT COMMISSION

PO Box 83720, Boise, ID 83720-0099

42-0101-1501, Rules of the Idaho Wheat Commission. Increases the amount per bushel to 3½ cents paid to the Commission for commodity credit loans; clarifies elevator operator reporting; deletes reference to the quarterly return forms; corrects terminology.

IDAPA 46 - BOARD OF VETERINARY MEDICINE

PO Box 7249, Boise, ID 83707

46-0101-1501, Rules of the State of Idaho Board of Veterinary Medicine. Simplifies the reporting requirements and processing of continuing education credits for licensees and certificate holders and implements a random auditing system to monitor compliance with CE obligations.

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

58-0101-1501, Rules for the Control of Air Pollution in Idaho. Removes the greenhouse gas definition; updates the federal regulations incorporated by reference, revised as of July 1, 2015, and removes two federal provisions that are no longer required; clarifies the permit to construct section by defining a major source to include both the prevention of significant deterioration (PSD) and nonattainment new source review definitions.

58-0102-1501, Water Quality Standards. Currently DEQ does not have language in rule pertaining to a Use Attainability Analysis (UAA) process that is required to revise or remove a designated beneficial use that is not an existing use on a waterbody. This rulemaking is intended to develop sufficient language regarding the UAA process to complete an Office of Performance Evaluations recommended guidance document.

58-0105-1501, Rules and Standards for Hazardous Waste. Updates the federal regulations incorporated by reference to include those revised as of July 1, 2015; also denotes areas of the rules that are non-delegable to the states and must be implemented by EPA. In those instances, "EPA" will be defined as the U.S. Environmental Protection Agency.

NOTICE OF ADOPTION OF TEMPORARY RULE

IDAPA 35 - IDAHO STATE TAX COMMISSION

35-0102-1503, Idaho Sales and Use Tax Administrative Rules (eff. 6-10-15)T

NOTICE OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKING

IDAPA 27 - IDAHO BOARD OF PHARMACY

27-0101-1501, Rules of the Idaho State Board of Pharmacy (2nd Notice - Mtg scheduled for Aug 13th)

Please refer to the Idaho Administrative Bulletin, [August 5, 2015, Volume 15-8](#), 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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