

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 17, 2016 unless otherwise noted.
Public hearing request deadline is August 24, 2016 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 / DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0036

08.02.02 - Rules Governing Uniformity

***08-0202-1602, (*PH)** Establishes requirements for school districts and charter schools to implement measures intended to prevent, identify, and respond to bullying, harassment, and intimidation.

***08-0202-1603, (*PH)** Revises a number of standards and endorsements in the Idaho Standards for Initial Certification of Professional School Personnel that are incorporated by reference to better align with national standards and best practices.

***08-0202-1604, (*PH)** Updates the Operating Procedures for Idaho Public Driver Education Program manual that is incorporated by reference to remove the requirement that public driver education and training instructors have a Federal Motor Carriers physical medical examination performed by a specifically trained medical provider and would instead allow a physical exam to be provided by a certified medical professional that would be covered by the individual's medical insurance.

***08-0202-1605, (*PH)** Revises the Standards for Idaho School Buses and Operations that is incorporated by reference. These include changes to bus specifications, alternative fuels, school bus inspections, general operations, disabilities-special health care, Idaho School Bus Withdrawal from Service Standards, and others.

08.02.03 – Rules Governing Thoroughness

***08-0203-1604, (*PH)** Updates and incorporates by reference the Idaho Special Education Manual Amendments. Changes include: updates guidance on confidentiality agreements; removes references to No Child Left Behind; removes outdated reference to psychosocial rehabilitation; changes references to “highly qualified teacher” to align with ESSA; clarifies language regarding Idaho’s 10-day rule for parents objections to a district’s proposal for an Individual Educational Program; adds additional resources to the Procedural Safeguards Notice; and removes obsolete references.

***08-0203-1605, (*PH)** Amends the Alternative Secondary Programs rules to add 6th grade to the grades eligible for alternative secondary program funding; updates terminology; removes limited English proficiency as a qualifier; aligns the instruction section to current practices; and clarifies compliance with the Individuals with Disabilities Education Act (IDEA).

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

10.01.01 - Rules of Procedure

***10-0101-1601, (*PH)** Updates the education requirements for licensure as a professional land surveyor for applicants with unaccredited surveying or related programs and broadens the course options for those with unaccredited or non-surveying 4-year degrees.

***10-0101-1602, (*PH)** Adds a new section defining the process for applying for a Restricted PE License available to

Ph.D. faculty teaching upper division engineering courses at an Idaho University.

***10-0102-1601, Rules of Professional Responsibility** (*PH) Clarifies the requirement to base opinions stated in reports, statements or testimony in accordance with the standard of care.

IDAPA 12 - DEPARTMENT OF FINANCE

PO Box 83720 Boise, ID 83720-0031

12-0108-1601, Rules Pursuant to the Uniform Securities Act (2004). Fee rule changes references to NSASD to FINRA and applicable references to the Code of Federal Regulations; clarifies the effect of federal regulatory preemption of state authority regarding Regulation A securities offerings; updates incorporation by reference of the NASSA Statements of Policy; allows for the use of a national electronic depository (EFD) for the filing of certain documents for multi-state securities issuers; minimizes the changes required of state registered investment advisers who move between federal and state regulatory oversight; clarifies which registration platform should be used by a registrant based on his status; clarifies that investment advisers duties when advising clients to purchase or sell securities; requires investment advisers to provide balance sheets to the Department that are prepared substantially in accordance with Generally Accepted Accounting Principles.

IDAPA 15 – OFFICE OF THE GOVERNOR – MILITARY DIVISION

IDAHO PUBLIC SAFETY COMMUNICATIONS COMMISSION

4040 W. Guard St., Bldg. 616, Rm. 10, Boise, ID 83705-5005

15-0601-1601, Rules Governing the Idaho Public Safety Communications Commission. (Temp & Prop) Updates rule to reflect statutory changes including Commission name change, clarifies the scope of the rules, and corrects statutory citations.

15.06.02 - Rules Governing the Idaho Public Safety Communications Commission Grants

15-0602-1601, Allows for the amendment of a grant application; adds criteria on which the priority of grant applications shall be weighed; updates Idaho Code citations; provides and clarifies the Commission's website address and office hours.

15-0602-1602, (Temp & Prop) Updates rule to reflect statutory changes including Commission name change; clarifies the scope of the rules, and corrects statutory citations.

IDAPA 20 – DEPARTMENT OF LANDS

3284 W. Industrial Loop, Coeur d'Alene, ID 838115

***20-0214-1601, Rules for Selling Forest Products on State-Owned Endowment Lands.** (*PH) Removes obsolete rules regarding Land Board approval of individual sales unless outside Board policy; addresses the sale of cedar poles and maximization of Endowment returns.

20-0701-1601, Rules of Practice and Procedure Before the Idaho Oil and Gas Conservation Commission. Repeal of chapter; practice and procedure proceedings are governed by IDAPA 04.11.01.

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

58-0101-1602, Removes an outdated section of rule that addressed Clean Air Act transportation conformity requirements for the PM10 nonattainment area.

58-0101-1603, Updates the incorporation by reference of federal regulations to the most recent versions.

58-0105-1601, Rules and Standards for Hazardous Waste. Updates the incorporation by reference of the July 1, 2016 federal regulations implementing the Resource Conservation and Recovery Act (RCRA) and denotes instances where emergency notifications must be made to the Idaho Office of Emergency Management in addition to the National Response Center.

58-0107-1601, Rules Regulating Underground Storage Tank Systems. Incorporates by reference the newly revised federal Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (USTs), 40 CFR Part 280, and to negotiate a fee structure to ensure there is sufficient funding to maintain an underground storage tank program and retain state program approval and primary enforcement authority.

IDAPA 61 - STATE PUBLIC DEFENSE COMMISSION**816 W. Bannock St., Suite 201, Boise, ID 83702**

61-0101-1601, Rules Governing the Administration of Training Funds Allocation for Defending Attorneys. New chapter establishes the procedures for the administration of funds allocated for the training of defending attorneys and staff.

NOTICE OF ADOPTION OF TEMPORARY RULE**IDAPA 02 – DEPARTMENT OF AGRICULTURE**

02-0421-1602, Rules Governing the Importation of Animals. (Eff. 7-1-16)T

IDAPA 35 – STATE TAX COMMISSION

35-0103-1604, Property Tax Administrative Rules (Eff. 7-1-16)T

NOTICE OF PROCLAMATION**IDAPA 13 – IDAHO FISH AND GAME COMMISSION**

13-0108-1602, Rules Governing the Taking of Big Game Animals in the State of Idaho

NOTICES OF INTENT TO PROMULGATE - NEGOTIATED RULEMAKINGS**IDAPA 15 – OFFICE OF THE GOVERNOR – IDAHO OFFICE OF EMERGENCY MANAGEMENT**

15-0606-1601, Rules Governing Use of Disaster Emergency Account Funds. (To Participate Respond by 8/17/16)

IDAPA 18 – DEPARTMENT OF INSURANCE

18-0156-1601, Rebates and Illegal Inducements to Obtaining Title Insurance Business Rules (Meeting scheduled 8/17/16)

IDAPA 57 – SEXUAL SEXUAL OFFENDER MANAGEMENT BOARD

57-0101-1601, Rules of the Sexual Offender Management Board (To Participate Respond by 8/21/16)

IDAPA 61 - STATE PUBLIC DEFENSE COMMISSION

61-0107-1601, Rules Governing the Standards for Defending Attorneys That Utilize Idaho's Principles of an Indigent Defense Delivery System. (To Participate Respond by 8/19/16)

Please refer to the Idaho Administrative Bulletin, **August 3, 2016, Volume 16-8**, 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.

Office of the Administrative Rules Coordinator, Dept. of Administration, PO Box 83720, Boise, ID 83720-0306
Phone: 208-332-1820; Email: rulescoordinator@adm.idaho.gov