

# 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 proposed rule public hearing request deadline is June 20, 2018, unless otherwise posted.  
The proposed rule written comment submission deadline is June 27, 2018, unless otherwise posted.  
(Temp & Prop) indicates the rulemaking 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**

*02-0214-1801, Rules for Weights and Measures.* Incorporates by reference the 2019 editions of MIST Handbook 44 and Handbook 133.

#### **IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES Po Box 83720, Boise, ID 83720-0063**

*24-1801-1801, Rules of the Real Estate Appraisals Board.* (Temp & Prop) Adds alternative pathways to complete the education requirement and lowers the experience requirement for a certified residential real estate appraiser; shortens the time period to complete the requisite experience hours for a certified general real estate appraiser.

#### **IDAPA 35 – IDAHO STATE TAX COMMISSION PO Box 36, Boise, ID 83722-0410**

*35-0109-1801, Idaho County Option Kitchen and Table Wine Tax Administrative Rules.* Replaces the term “wholesaler” with “distributor” to conform the rule to the term as used and defined in statute for anyone licensed to distribute wine.

*35-0110-1802, Idaho Cigarette and Tobacco Products Tax Administrative Rules.* Lists statutory references to rule related to the administrative appeals process, including the requirements to file an appeal and other steps prior to possible judicial review; replaces the term “wholesaler” with “distributor” to conform the rule to the term as used and defined in statute for anyone licensed to distribute wine.

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

*58-0125-1801, Rules Regulating the Idaho Pollutant Discharge Elimination System Program.* (Temp & Prop) Corrects an error to the incorporation by reference by adding 40 CFR 403.10 to the rule; clarifies that Section 204 governs the IPDES permit appeals process.

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

*59-0103-1801, PERSI Contribution Rules.* Delays a scheduled increase to the PERSI employer general member and Class II contribution rate until July 1, 2019.

*59-0105-1801, PERSI Separation from Service Rules.* Sets default retirement benefits payment option for eligible members who fail to complete a retirement application and choose a retirement option; when an inactive member defers retirement beyond service retirement age, the first retirement payment will be a lump sum that includes payment for the months of service beyond service retirement age.

**59-0106-1801, PERSI Retirement Rules.** Deletes rule addressing a member's failure to file a completed retirement application and select a retirement option.

#### **NOTICES OF ADOPTION OF TEMPORARY RULE**

##### **IDAPA 08 – STATE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION**

**08-0113-1801** – Rules Governing the Opportunity Scholarship Program (eff. 4-19-18)T  
**08-0203-1802**, Rules Governing Thoroughness (eff. 4-19-18)T

##### **IDAPA 25 – IDAHO OUTFITTERS AND GUIDES LICENSING BOARD**

**25-0101-1801**, Rules of the Idaho Outfitters and Guides Licensing Board (eff. 3-18-18)T

##### **IDAPA 27 – BOARD OF PHARMACY**

**27-0104-1801**, Rules Governing Pharmacist Prescriptive Authority (eff. 7-1-18)T

#### **NOTICES OF INTENT TO PROMULGATE – NEGOTIATED RULEMAKING**

(Please see the Administrative Bulletin for dates and times of scheduled meeting and other participant information)

##### **IDAPA 02 – DEPARTMENT OF AGRICULTURE**

**02-0104-1801**, Rules Governing the Idaho Preferred Promotion Program  
**02-0409-1801**, Rules Governing Milk and Cream Procurement and Testing  
**02-0414-1801**, Rules Governing Dairy Byproduct  
**02-0602-1801**, Rules Pertaining to the Idaho Commercial Feed Law  
**02-0612-1801**, Rules Pertaining to the Idaho Fertilizer Law  
**02-0641-1801**, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001

##### **IDAPA 07 – DIVISION OF BUILDING SAFETY**

**07-0501-1801**, Rules of the Public Works Contractors License Board

##### **IDAPA 10 – BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

**10-0101-1801**, Rules of Procedure  
**10-0102-1801**, Rules of Professional Responsibility

##### **IDAPA 11 – IDAHO BRAND BOARD (Idaho State Police)**

**11-0201-1801**, Rules of the Idaho State Brand Board

##### **IDAPA 13 – IDAHO DEPARTMENT OF FISH AND GAME**

**13-0108-1802, 13-0108-1803, & 13-0108-1804**, Rules Governing the Taking of Big Game Animals in the State of Idaho  
**13-0110-1801**, Rules Governing the Importation, Possession, Release, Sale, or Salvage of Wildlife  
**13-0116-1802**, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals  
**13-0117-1801 & 13-0117-1802**, Rules Governing the Use of Bait and Trapping for Taking Big Game Animals

##### **IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE**

**16-0309-1801**, Medicaid Basic Plan Benefits  
**16-0310-1802, 16-0310-1803 & 16-0310-1804**, Medicaid Enhanced Plan Benefits  
**16-0314-1801**, Rules and Minimum Standards for Hospitals in Idaho (2<sup>nd</sup> Meeting Notice)

##### **IDAPA 17 – IDAHO INDUSTRIAL COMMISSION**

**17-0204-1801 & 17-0204-1802**, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Benefits  
**17-0206-1801**, Employers' Reports  
**17-0207-1801**, Procedures to Obtain Compensation  
**17-0208-1801**, Miscellaneous Provisions

*17-0209-1801*, Medical Fees

*17-0210-1801* & *17-0210-1802*, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Security for Compensation – Insurance Carriers

*17-0211-1801* & *17-0211-1802*, Administrative Rules of the Industrial Commission Under the Workers' Compensation Law – Security for Compensation – Self-Insured Employers

**IDAPA 19 – IDAHO STATE BOARD OF DENTISTRY**

*19-0101-1802*, *19-0101-1803*, & *19-0101-1804*, Rules of the Idaho State Board of Dentistry

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS**

*20-0301-1801*, Dredge and Placer Mining Operations in Idaho

*20-0302-1801*, Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities

*20-0304-1801*, Rules for the Regulation of Beds, Waters, and Airspace Over Navigable Lakes in the State of Idaho

**IDAPA 34 - OFFICE OF THE SECRETARY OF STATE**

*34-0602-1801*, Rules Governing the Electronic Recording of Plats, Records of Survey, and Corner Records (New Chapter)

**IDAPA 35 – IDAHO STATE TAX COMMISSION**

*35-0102-1802*, Idaho Sales and Use Tax Administrative Rules

*35-0103-1802*, Property Tax Administrative Rules

*35-0105-1801*, Property Tax Administrative Rules

*35-0106-1801*, Hotel/Motel Room and Campground Sales Tax Administrative Rules

*35-0110-1801*, Idaho Cigarette and Tobacco Products Tax Administrative Rules

**IDAPA 38 – IDAHO DEPARTMENT OF ADMINISTRATION**

*38-0501-1801*, Rules of the Division of Purchasing

**IDAPA 58 – DEPARTMENT OF ENVIRONMENTAL QUALITY**

*58-0101-1803*, Rules for the Control of Air Pollution in Idaho

*58-0124-1801*, Standards and Procedures for Application of Risk Based Corrective Action at Petroleum Release Sites

**NOTICE OF LEGISLATIVE ACTION – HB 607**

*15-0701-1800* & *38-0601-1800*, Notice of Legislative Action and Implementation of HB 607 Creating the Office of Information Technology Services in the Office of the Governor and Transferring Rulemaking Authority from the Department of Administration's Office of the Chief Information Officer

Please refer to the Idaho Administrative Bulletin, **June 6, 2018, Volume 18-6**, 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).*

Office of the Administrative Rules Coordinator, Dept. of Administration, P.O. Box 83720, Boise, ID 83720-0306  
Phone: 208-332-1820; Email: [rulescoordinator@adm.idaho.gov](mailto:rulescoordinator@adm.idaho.gov)