

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 August 15, 2018, unless otherwise posted.
The proposed rule written comment submission deadline is August 22, 2018, unless otherwise posted.
(Temp & Prop) indicates the rulemaking is both Temporary and Proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 07 – DIVISION OF BUILDING SAFETY PO Box 83720, Meridian, ID 83642

07-0206-1702, Rules Concerning Idaho State Plumbing Code. Revises certain sections of the 2017 Idaho State Plumbing Code to require an air gap or backflow prevention device on a potable water supply to beverage dispensers or coffee machines; allows water closets to act as cleanouts and requires installation of exterior, two-way cleanouts; replaces the first hour ratings in table 501.1(1) with ratings calculated using the U.S. Department of Energy's revised ratings method.

07-0501-1801, Rules of the Public Works Contractors License Board. Defines an individual qualified by examination (QI) designation; determines the "reasonable length of time" a contractor's license will remain in force; and clarifies that notice that a contractor's QI has ceased to be connected with the contractor must be provided on forms prescribed by the administrator.

07-0701-1703, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems. Allows apprentices to take the journeyman exam before completing four years' work experience and allows apprentices who successfully complete a Board-approved, full-time, one-year training course to receive credit for up to one year of work experience.

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

08-0202-1801, Rules Governing Uniformity. Makes certification and endorsement revisions for school nurse, teacher librarian, teacher leader, gifted and talented, English, online teacher, and literacy; defines "clinical experience"; adds new endorsements for middle school social studies and science; addresses the use of continuing education units toward a certificate renewal by pupil service staff certificate holders who also hold a license through IBOL.

08.02.03 - Rules Governing Thoroughness

08-0203-1801, Incorporates by reference the updated Idaho Special Education Manual.

08-0203-1805, Removes obsolete references to Annual Measureable Achievement Objectives (AMAOs).

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

***10-0101-1801, Rules of Procedure.** (*PH) Implements SB 1252 by repealing examination failure requirements, allowing for early testing for professional examinations, and adding a new category for discontinued certificates of authorization.

***10-0102-1801, Rules of Professional Responsibility.** (*PH) Requires professional land surveyors to notify affected adjacent landowners and the Board prior to setting a monument that represents a material discrepancy with another

monument for the same property corner and potentially clouding the title of private land.

IDAPA 12 – DEPARTMENT OF FINANCE**PO Box 83720 Boise, ID 83720-0031**

12-0108-1801, Rules Pursuant to the Uniform Securities Act (2004). Removes an exemption for a federal securities issuer that no longer exists; addresses recent changes in uniform securities examinations as adopted by both federal and state securities regulators.

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

16-0309-1809, Medicaid Basic Plan Benefits. (Temp & Prop) PCS paraprofessional provider qualifications are being updated for school-based services to align with community paraprofessional PCS provider qualifications. (eff. 8-1-18)T

**16-0310-1801, Medicaid Enhanced Plan Benefits.* (*PH) (Temp & Prop) Allows Medicaid to enroll dual eligibles who have not elected to enroll in the coordinated MMCP into a Medicaid Managed Long-Term Services and Supports program, which will administer and coordinate Medicaid benefits. (eff. 10-1-18)T

IDAPA 20 – IDAHO DEPARTMENT OF LANDS**3284 W. Industrial Loop, Coeur d'Alene, ID 83815**

20-0401-1801, Rules Pertaining to Forest Fire Protection. Incorporates by reference the spark arrester standards established in 2012; adds required sections; updates and adds definitions; updates fire tool requirements and new fire protection requirements for forest operation activities involving cable logging operations and the use of metal tracked harvesters to include on-site water supply, fire watch service and operation area fire prevention practices.

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES**PO Box 83720, Boise, ID 83720-0065**

24-0101-1801, Rules of the Board of Architectural Examiners. (Temp & Prop) Implements HB 458 by updating and streamlining processes to make it easier for licensees and those seeking licensure to obtain one; removes a 30-day application deadline; eliminates unnecessary and obsolete language. (eff. 7-1-18)T

24-1501-1801, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists. (Temp & Prop) Establishes education requirements, reduces costs and barriers for licensure; allows an individual to work under supervision while completing licensure requirements; accepts the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) graduate programs as meeting all education requirements; increases flexibility to complete both practicum and supervised experience hours, which reduces tuition and supervision costs for applicants.

IDAPA 34 – OFFICE OF THE SECRETARY OF STATE**PO Box 83720, Boise, ID 83720-0080**

**34-0602-1801, Rules Governing the Electronic Recording of Plats, Records of Survey, and Corner Records.* (*PH) New chapter implements consistent standards for electronically filing and recording plats, records of survey, and corner records in county courthouses.

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

35-0101-1801, Income Tax Administrative Rules. Clarifies Commission's application of Federal retroactive provisions and that uncodified provisions of federal law are included when calculating Idaho taxable income; new rule tells how to report federal section 965 deemed repatriation income on the Idaho return; adds 2018 tax bracket; limits and exempts certain contributions and earnings for nonqualified withdrawals from college savings to what was previously exempt; increases deductions for adoption expenses; adds the amount of guaranteed payments that are sourced as compensation for services for 2018; lists the corporate tax rates for 2001 through 2018; adds the new Idaho child tax credit; changes the date the withholding reconciliation return must be filed; modifies the time period that a taxpayer has to notify the Tax Commission of a change in federal taxable income or in tax paid to another state; deletes obsolete rules.

35-0102-1801, Idaho Sales and Use Tax Administrative Rules. Clarifies that parts installed in non-resident aircraft

are exempt from sales tax if those parts are installed by a FAA approved repair station, even if the repair is paid for under a warranty agreement; removes the 5% tax schedule from the sales tax tables.

35-0105-1801, Idaho Motor Fuel Tax Administrative Rules. Clarifies which vehicles can use dyed diesel pursuant to 63-2425, Idaho Code.

**IDAPA 52 – IDAHO STATE LOTTERY COMMISSION
PO Box 6537, Boise, ID 83707-6537**

52-0103-1801, Rules Governing Operations of the Idaho State Lottery. Moves the Idaho Lottery to an automated balancing functionality by eliminating the use of Drawing Managers to audit and balance draws from the online game drawing procedure, a function that will be obsolete to industry practice and standard going forward.

**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

***58-0101-1801, (*PH)** Updates and clarifies certain air quality permitting provisions including minor clarifications for sources seeking air quality permits or exemptions from permitting; resolves inconsistencies in rule language; removes outdated references: adds provisions for renewing operating permits. Comment by 9/5/2018

***58-0101-1803, (*PH)** Allows farmers to pay the required burn fees after crop burning instead of prior to burning; streamlines DEQ administrative processes for permit registration and fee collections. Comment by 9/5/2018

***58-0101-1804, (*PH)** Updates and adopts amendments to the Clean Air Act federal regulations that are incorporated by reference. Comment by 9/5/2018

58-0102-1703, Water Quality Standards. Designates domestic water supply as a beneficial use in 27 water bodies where the Safe Drinking Water Information System indicates an active surface water intake and where domestic water supply is not currently designated.

58-0105-1801, Rules and Standards for Hazardous Waste. Updates and adopts amendments to the Resource Conservation and Recovery Act federal regulations that are incorporated by reference. Comment by 8/29/2018

NOTICES OF ADOPTION OF TEMPORARY RULE ONLY

IDAPA 24 – BUREAU OF OCCUPATIONAL LICENSES

24-2801-1801, Rules of the Barber and Cosmetology Services Licensing Board (eff. 7-2-18)T

IDAPA 35 – IDAHO STATE TAX COMMISSION

35-0101-1802, Income Tax Administrative Rules (eff. 1-1-18)T

NOTICES OF PROCLAMATION

IDAPA 13 – IDAHO FISH AND GAME COMMISSION / DEPT OF FISH AND GAME

13.01.11 – Rules Governing Fish

13-0111-1802AP – Notice of Amended Proclamation

13-0111-1803AP – Notice of Amended Proclamation

13-0111-1804 – Notice of Proclamation

Please refer to the Idaho Administrative Bulletin, **August 1, 2018, Volume 18-8**, 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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