

# 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 26, 2009 unless otherwise listed.  
(Temp & Prop) indicates the rule is both temporary and proposed.  
(\*PH) indicates that a public hearing has been scheduled.*

#### IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

**02-0214-0901, Rules for Weights and Measures.** Incorporates by reference the 2010 edition of the National Institute of Standards and Technology Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices.

**02.06.06, Rules Governing the Planting of Beans, (*Phaseolus Spp.*), in Idaho.**

**02-0606-0501,** Allows kidney and garden beans to be planted under the same rules as cranberry type beans which allow a 1-year history under rill irrigation in Idaho prior to planting under sprinkler irrigation rather than a 2-year history.

**02-0606-0901,** (Temp & Prop) Allows for the acceptance of bean seed crops grown in Malheur County, Oregon, and inspected by the Idaho Crop Improvement Assn. for planting in Idaho.

**02-0617-0901,** Rules Governing the Disposal of Cull Onions and Potatoes. Sets the enforcement period for cull onion disposal from March 15th through July 1st of each year.

#### IDAPA 08 - DEPARTMENT OF EDUCATION PO Box 83720, Boise, ID 83720-0027

**08.02.02 - Rules Governing Uniformity.**

**08-0202-0904,** Incorporates by reference the latest amendments to the Idaho Standards for the Initial Certification of Professional School Personnel as approved on June 18, 2009.

**08-0202-0905,** (Temp & Prop) Complies with SB 1133 by removing private driver education provisions and incorporates by reference the Idaho Operating Procedures for Public Driver Education Programs as approved on June 18, 2009.

**\*08-0203-0903, Rules Governing Thoroughness.** (\*PH) Requires each LEA or school district to design and implement a credit system that would become effective July 1, 2010. Students entering the 7th grade at the beginning of the 2010-2011 school year would have to meet credit requirements or complete an alternate mechanism to be promoted to the 8th grade. Comment by: 9/11/09.

#### IDAPA 09 - DEPARTMENT OF LABOR 317 W Main St., Boise, ID 83735

**09-0130-0901,** Unemployment Insurance Benefits Administration Rules. Provides that benefits are the property of the claimant's estate rather than stating that benefits are payable to the administrator, who may include heirs other than a surviving spouse or dependent children.

**09.01.35 - Unemployment Insurance Tax Administration Rules.**

**09-0135-0901**, New subsection clarifies when an employer may exclude the value of lodging from an employee's gross wages.

**09-0135-0902**, Adds "paid" to accurately reflect that wages must be paid for reporting requirements to apply.

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS****5535 W Overland Rd., Boise, ID 83705**

**\*10-0101-0901, Rules of Procedure.** (\*PH) Provides the Board flexibility in accepting exams offered at different frequencies, of different duration, and different organization than the current exams; clarifies that an individual must first be a licensed engineer especially qualified in a "base" discipline before taking the exam in structural engineering; reflects that exams are no longer administered directly by the Board; and clarifies the Board's right to publish disciplinary actions.

**\*10-0102-0901, Rules of Professional Responsibility.** (\*PH) Defines "deceit" and "incompetence" and clarifies definition of "misconduct"; clarifies the standard of care and the obligations of engineers and land surveyors in reports, statements or testimony and communication with clients.

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE****PO Box 83720, Boise, ID 83720-0036****16.02.25 - Rules Governing Fee Charged by the State Laboratory.**

**16-0225-0901**, Chapter repeal.

**16-0225-0902**, Chapter rewrite updates definitions and the list of laboratory tests and fees offered by the Bureau of Laboratories.

**16-0305-0903, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled.** (Temp & Prop) Changes conform to federal laws and rules by extending Afghani immigrant benefits; clarifies that a resource excluded by federal law is not counted in determining the resource amount available; and provides for lump sum payments for retroactive Social Security benefits.

**IDAPA 18 - DEPARTMENT OF INSURANCE****PO Box 83720, Boise, ID 83720-0043**

**18-0113-0901, Life Settlements.** New chapter implements HB 75, the Idaho Life Settlements Act, and establishes procedures for registering as a life settlement broker or provider and the requirements for filing life settlement contracts, disclosure forms and advertising materials; clarifies the process for rescinding a life settlement contract and requirements for life settlements that occur within 2 years of the policy effective date.

**IDAPA 20 - DEPARTMENT OF LANDS****PO Box 83720, Boise, ID 83720-0036**

**20-0101-0901, Rules of Practice and Procedure Before the State Board of Land Commissioners.** Updates office address and contact and website information.

**\*20-0314-0901, Rules Governing Grazing Leases and Cropland Leases.** (\*PH) Provides for the acceptance of lease applications for competing uses and the development of lease terms by the Department and the applicant based on pre-identified criteria; sets minimum bids at conflict auctions; establishes penalties for applicant withdrawal prior to or after a conflict auction; and changes new improvement crediting procedures for improvements approved after July 1, 2009.

**IDAPA 21 - DIVISION OF VETERANS SERVICES****320 Collins Rd., Boise, ID 83702**

**21-0103-0901, Rules Governing Veterans Support Fund Grant Program.** (Temp & Prop) New chapter establishes a grant application and award process, sets forth eligibility criteria, and provides for the disbursement of funds

**IDAPA 22 - BOARD OF MEDICINE****PO Box 83720, Boise, ID 83720-0058**

**22-0101-0901, Rules of the Board of Medicine for the Licensure to Practice Medicine and Surgery and Osteopathic Medicine and Surgery in Idaho.** Provides Board the authority to share information with other state boards to help restrict incompetent practitioners from moving from state to state without disclosure or discovery of

previous damaging or incompetent performance.

**IDAPA 32 - ENDOWMENT FUND INVESTMENT BOARD**

**PO Box 83720, Boise, ID 83720-0046**

**32-0101-0901, Rules Governing the Credit Enhancement Program for School Districts.** (Temp & Prop) New chapter specifies application procedure for school districts seeking to participate in the Credit Enhancement Program.

**IDAPA 35 - STATE TAX COMMISSION**

**PO Box 36, Boise, ID 83722-0410**

**35-0105-0901, Motor Fuels Tax Administrative Rules.** (Temp & Prop) Complies with HB 338 and provides for notification to motor fuels distributors that deductions on their reports for ethanol and biodiesel cannot be claimed on or after June 1, 2009.

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**1410 N Hilton, Boise, ID 83706-1255**

**\*58-0101-0903, Rules for the Control of Air Pollution in Idaho.** (\*PH) Updates citations to current federal regulations incorporated by reference.

**58-0105-0901, Rules and Standards for Hazardous Waste.** Updates citations to current federal regulations incorporated by reference.

**IDAPA 59 - PERSI**

**PO Box 83720, Boise, ID 83720-0078**

**59-0103-0901, Contribution Rules for the Public Employee Retirement System of Idaho.** Per Idaho Code provides for an additional employee contribution of .04% applicable to public safety officers.

**59-0105-0901, Separation From Service Rules for the Public Employee Retirement System of Idaho.** Changes regard interest applicable to waiting period payments for repayment of separation benefits.

**59-0106-0902, Retirement Rules of the Public Employee Retirement System of Idaho.** Removes requirement for "group" insurance related to retiree insurance for which unused sick leave dollars can be used to pay premiums; removes obligation on PERSI to deduct insurance premiums from retirement allowance once unused sick leave credits are exhausted.

**NEWLY ADOPTED TEMPORARY RULES**

**08-0203-0904, Rules Governing Thoroughness**

**NOTICE OF SCHEDULED NEGOTIATED RULEMAKING MEETINGS**

**Department of Agriculture**

**02-0413-0901, Rules Governing Retail Raw Milk**

**02-0431-0901, Rules Governing Agricultural Waste**

**NOTICES OF SCHEDULED PUBLIC HEARINGS**

**Department of Health and Welfare**

**16-0305-0902, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)**

**16-0318-0902, Medicaid Cost-Sharing**

Please refer to the Idaho Administrative Bulletin, **August 5, 2009, Volume 09-8**, for all rulemaking notices and for the text of temporary, proposed and final rules, public hearings and negotiated rulemaking meeting schedules, Governor's executive orders, and agency contact information.

*Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.*

To view the Bulletin or Code or for information on purchasing the Bulletin and other rules publications, visit our website at [adm.idaho.gov/adminrules/](http://adm.idaho.gov/adminrules/) or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306.