

IDAHO ADMINISTRATIVE BULLETIN

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June 5, 1996

Volume 96-6

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IDAPA 01 - IDAHO STATE BOARD OF ACCOUNTANCY
01.01.01 - RULES OF THE IDAHO STATE BOARD OF ACCOUNTANCY
DOCKET NO. 01-0101-9601
NOTICE OF PROPOSED RULE

ACTION: This action, under Docket No. 01-0101-9601, concerns the proposed amendment of IDAPA 01, Title 01, Chapter 01, Rules of the Idaho State Board of Accountancy relating to examinations.

AUTHORITY: In compliance with Section 675221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section 54-201, et seq., Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this proposed rulemaking will be held as follows:

Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. The request must be made within fourteen (14) days of the date of publication of this notice in the Bulletin or within fourteen (14) days prior to the end of the comment period, whichever is later.

The hearing site(s) will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five (5) days' notice. For arrangements, contact the undersigned at (208) 334-2490.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Board of Accountancy is deleting two rules due to changes in exam administration.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule making, contact Patricia Johnson at (208) 334-2490.

Anyone can submit written comments regarding this proposed rule. All written comments must be received by the undersigned on or before June 26, 1996.

DATED this 24th day of April, 1996.

Patricia Johnson, Executive Director
Idaho State Board of Accountancy
P.O. Box 83720
Boise, ID 83720-0002
(208) 334-2490 (telephone)
(208) 334-2615 (fax)

TEXT OF DOCKET NO. 01-0101-9601

~~109. EXAMINATION PAPERS (Rule 109).~~

~~All examinations remain the property of the board, and none will be returned to the candidate. However, any candidate shall have the right of access to said candidate's papers, solely for personal inspection, in the nearest city in which a board member resides or has an office, provided the candidate applies therefor in writing to the office of the board and accompanies such application with a remittance in the amount of ten dollars (\$10.00) which is the fee hereby prescribed for such service. (7-1-93)~~

109. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

801. EXAMINATION FEES (Rule 801).

CPA Examination applicants: (7-1-93)

01. Original Application and Examination. The original application and examination fee is one-hundred and seventy five dollars (\$175). (1-1-95)

02. Re-examination. The re-examination fee is one-hundred and fifty dollars (\$150) for all parts, with a re-examination fee of fifty dollars (\$50) per part. (1-1-95)

~~03. Review of Examination Papers. The fee for review of examination papers as set forth in Subchapter B, Rule 109 is ten dollars (\$10). (7-1-93)~~

~~04. Out-Of-State Applicant. The fee for each out-of-state applicant applying to sit for the examination in Idaho is twenty dollars (\$20) for each subject of the examination. (7-1-93)~~

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.03 - RULES GOVERNING ANIMAL INDUSTRY
DOCKET NO. 02-0403-9603
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective April 4, 1996.

AUTHORITY: In compliance with sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rule-making. The action is authorized pursuant to sections 25-207 and 25-601, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 1996. The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the temporary and proposed rule: These amendments will provide authority to utilize a new vaccine, RB-51, in the brucellosis program, provide a mechanism for identification of vaccinates and clarify the rules on re-establishment of identification of official vaccinates.

The following is the required finding and a concise statement of the supporting reasons for temporary rule-making: The proposed amendments will confer a benefit to the cattle industry by making a markedly improved vaccine available to protect cattle and bison from brucellosis. The proposed rules will also bring Idaho into compliance with USDA recommendations for use of the new vaccine.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed amendments, contact Dr. Bob Hillman or Dr. Bill Kearley at (208) 332-8540.

Anyone may submit written comments regarding the proposed amendments. All written comments and data concerning the rules must be directed to the undersigned and must be postmarked or delivered on or before June 26, 1996.

Dated this 4th day of April, 1996.

Pat Takasugi, Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500/FAX (208) 334-4623

TEXT OF DOCKET NO. 02-0403-9603

080. BOVINE BRUCELLOSIS - DEFINITIONS.

01. Reactor. (12-10-84)

a. Official Strain 19 vaccinates of dairy breeds twenty (20) months of age and over and official Strain 19 vaccinates of beef breeds twenty-four (24) months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official Strain 19 vaccinates under these ages that are parturient (springers) or post parturient are classified serologically as reactors when they disclose complete standard plate test (SPT) or standard tube test (STT) agglutination reactions in the blood titer dilution of 1:200 or higher; are positive to the brucellosis card test where it has been the only test conducted; disclose titers of twenty-five percent (25%) fixation (1 plus) in a dilution of 1:40 or higher on the complement-fixation (CF) test; disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivonal test; or are found infected by other diagnostic procedures such as isolation of Brucella Abortus.

~~(12-10-84)~~(4-4-96)T

b. All other cattle more than six (6) months of age are classified serologically as reactors when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher, are positive to the brucellosis card test where it has been the only test conducted or the serums are collected from market cattle identification (MCI) test animals; disclose titers of ~~50~~ fifty percent (50%) fixation (2 plus) in a dilution of 1:20 or higher on the complement-fixation test; disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test; or are found infected by other diagnostic procedures such as isolation of Brucella Abortus.

~~(12-10-84)~~(4-4-96)T

c. Where approved whole herd vaccination of herds at high risk (including Certified Brucellosis-Free herds, infected herds, or herds not Certified Brucellosis-Free) with reduced doses of Brucella Abortus Strain 19 has been carried out, adult vaccinated (AV) tattooed or branded animals are considered reactors if the CF test has at least twenty-five percent (25%) fixation (1 plus) in a dilution of 1:40 or higher. A first test is recommended at two (2) months or as early thereafter as possible following the whole herd vaccination in order to facilitate elimination of field strain infection. At less than five (5) months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:50 dilution or higher on the rivonal test. On tests at more than five (5) months postvaccination, animals are considered reactors if a complete agglutination reaction occurs in the 1:25 dilution or higher on the rivonal test.

(12-10-84)

d. The evaluation of titer responses for all cattle shall be the responsibility of the designated epidemiologist(s) taking into consideration the animal and herd history and other epidemiologic considerations. Deviations from the above reactor criteria are acceptable when made by the designated epidemiologist(s).

(12-10-84)

02. Suspect. (12-10-84)

a. Official Strain 19 vaccinates of dairy breeds twenty (20) months of age or over and official Strain 19 vaccinates of beef breeds twenty-four (24) months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official Strain 19 vaccinates under these ages that are parturient (springers) or postparturient are classified as suspects serologically when they disclose any SPT or STT agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

~~(12-10-84)~~(4-4-96)T

b. Cattle serologically negative to the SPT or STT tests but which are positive to the brucellosis card test, if it is performed, are serologically classified as suspects. When the CF test is conducted, all test-eligible cattle having less than twenty-five percent (25%) (1 plus) in the dilution of 1:40 and fifty percent (50%) (2 plus) or more in a dilution of 1:10 are classified as suspects serologically.

(12-10-84)

c. All other cattle more than six (6) months of age are classified as suspects serologically when they disclose any SPT or STT agglutination reactions in the blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution. Cattle serologically negative to the SPT or STT tests but which are positive to the brucellosis card test, if it is performed, are serologically classified as suspects. When the CF test is conducted, all cattle more than ~~six~~ (6) months of age having less than fifty percent (50%) fixation (2 plus) in a dilution of 1:20 and ~~50~~ fifty percent (50%) fixation (2 plus) or more in a dilution of 1:10 are classified as suspects serologically.

~~(12-10-84)~~(4-4-96)T

d. The evaluation of titer responses for all cattle shall be the responsibility of the designated epidemiologist(s). Deviations from the above suspect criteria are acceptable when made by the designated epidemiologist(s).

(12-10-84)

03. Negative. (12-10-84)

a. Official Strain 19 vaccinates of dairy breeds twenty (20) months of age or over and official Strain 19 vaccinates of beef breeds twenty-four (24) months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official Strain 19 vaccinates under these ages that are parturient (springers) or postparturient are classified as negative serologically when the SPT or STT discloses reactions of not more than complete agglutination in the 1:50 dilution, if performed; are negative to the brucellosis card test, if performed; discloses twenty-five percent (25%) fixation or less (1 plus) at the 1:10 dilution of the CF test, if performed; or discloses less than complete agglutination at the 1:25 dilution on the rivonal plate agglutination test, if performed.

~~(12-10-84)~~(4-4-96)T

b. All other cattle more than six (6) months of age are classified as negative serologically when the SPT or STT discloses reactions of not more than complete agglutination in the 1:25 dilution; if performed; are negative to the brucellosis card test, if performed; discloses twenty-five percent (25%) fixation or less (1 plus) at the 1:10 dilution on the CF test, if performed, or discloses less than complete agglutination at the 1:25 dilution on the rivonal plate agglutination test, if performed.

(12-10-84)

04. Herd Test. (12-10-84)

a. The herd test must include all cattle over twelve (12) months of age except steers, spayed heifers, official Strain 19 vaccinates of dairy breeds under twenty (20) months of age, and official Strain 19 vaccinates of beef breeds under twenty-four (24) months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient (springers) or postparturient. Bulls, steers, and female cattle being held in feedlots which meet the conditions defined in Subsections 080.05. and 360.05 and 06 (Quarantined Feedlots) are exempted from herd test requirements. Breeding cattle tested shall be identified with an eartag, tattoo, or other permanent identification such as large numbered, unique, plastic bangle tags. ~~(12-10-84)(4-4-96)T~~

b. A herd is a group of cattle maintained on common grounds for any purposes, or two (2) or more groups of animals under common ownership or supervision geographically separated but which have an interchange or movement of animals without regard to health status. Herd test decisions under this definition must be based on sound epidemiological evidence. ~~(12-10-84)(4-4-96)T~~

c. The herd test conducted for the recertification of Certified Brucellosis-Free Herds needs to include only those breeding animals that are postparturient or are twenty-four (24) months of age or older. ~~(12-10-84)(4-4-96)T~~

05. Federal Quarantined Feedlot. (See Section 360) A quarantined feedlot shall be a confined area under the direct supervision and control of the State/Federal Livestock Official who shall establish procedures for accounting of all animals entering or leaving such quarantined feedlot. The quarantined feedlot shall be maintained for finish feeding of animals in drylot with no provision for pasturing or grazing. All animals leaving such feedlot must move only for immediate slaughter in accordance with established procedures for handling quarantined animals including issuance of permits prior to movement, segregation from other livestock sold for purposes other than slaughter at all points enroute to slaughter, cleaning and disinfection of pens before reuse, and record of proof of slaughter. (12-10-84)

06. Market Test Animals. Cattle moving in trade through auction markets, stockyards, or to slaughtering establishments; also those animals assembled at farms or ranches that are being readied for immediate movement to markets, or stockyards, or slaughtering establishments or other sales. (12-10-84)

07. Approved Brucella Vaccine. A product that is approved by and produced under license of the United States Department of Agriculture for injection into cattle for the purpose of enhancing the resistance to brucellosis. (12-10-84)

08. Official Vaccinate. (12-10-84)

a. Female cattle of any breed or female bison vaccinated while from four (4) through twelve (12) months (one hundred and twenty (120) through three hundred and sixty five (365) days) of age by a veterinary services representative, state representative or accredited veterinarian with Brucella Abortus Strain 19 vaccine diluted as instructed by the Idaho Bureau of Animal Health; or, female cattle of any breed or female bison vaccinated, by a veterinary services representative, state representative or accredited veterinarian, with an approved dose of Brucella Abortus Strain RB-51 vaccine or other approved brucellosis vaccine as instructed by the Idaho Bureau of Animal Health.

~~(12-6-61)(4-4-96)T~~

b. Vaccinated animals must be permanently identified as vaccinates and reported at time of vaccination to the Idaho Bureau of Animal Health. (12-10-84)

c. A bovine animal vaccinated prior to January 1, 1966, March 4, 1968, October 10, 1973, July 1, 1975, or July 1, 1980, in accordance with the previous definitions of an official vaccinate shall be deemed to be an official vaccinate. (12-10-84)

09. Identification of Official Vaccinates. (12-10-84)

a. Officially vaccinated animals, which have been vaccinated with Brucella Abortus Strain 19 vaccine, shall be identified by a tattoo in the right ear using the USDA registered "Shield and V" preceded by a number indicating the quarter of the year, and followed by the last digit of the year in which done as follows: ~~(12-10-84)(4-4-96)T~~

i. 1V5 - Jan., Feb., Mar., 1975. (12-10-84)

ii. 2V5 - Apr., May, June, 1975 (12-10-84)

iii. 3V5 - July, Aug., Sept., 1975 (12-10-84)

iv. 4V5 - Oct., Nov., Dec., 1975 (12-10-84)

b. Officially vaccinated animals, which have been vaccinated with Brucella Abortus Strain RB-51 vaccine, shall be identified by a tattoo in the right ear using the USDA registered "Shield and V" in combination with the letter "R", to designate the use of Strain RB-51 vaccine, and the last digit of the year in which vaccination was accomplished. The sequence of "Shield and V", the letter "R" and the year digit in the tattoo shall be determined by the Bureau of Animal Health. (4-4-96)T

~~bc.~~ A vaccination tag is required, and the tag numbers shall be listed on Form ADE 4-24 (Brucellosis Calfhood Vaccination Record) or a similar form. Individual animal registration tattoos may be substituted for official eartag. (12-10-84)

~~ed.~~ Brucellosis Calfhood Vaccination Records (ADE 4-24) shall be submitted to the federal or state office in Boise, to arrive not later than ten (10) days after the date of vaccination. ~~(12-10-84)(4-4-96)T~~

~~de.~~ All bovines that were officially vaccinated against brucellosis shall not be re-tattooed for the purpose of re-establishing their status as official brucellosis vaccinates nor shall any officially vaccinated animals be re-eartagged with the official vaccination eartag at any time subsequent to the original vaccination, except that re-tattooing for the purpose of re-establishing the status as official brucellosis vaccinates shall be allowed under the following conditions: (12-10-84)

~~i.~~ ~~Such re-tattooing shall be done on the farm or ranch where the heifers were originally tattooed.~~ (12-10-84)

~~ii.~~ ~~Such re-tattooing shall be done by the original veterinarian who~~

~~vaccinated and tattooed the heifers.~~ (12-10-84)

~~iii. Such a~~ Animals that are presented for re-tattooing must have some permanent identification which will identify ~~such~~ the animals as those originally tattooed. (Acceptable identification is the brucellosis vaccination tag, ~~or~~ individual animal registration tattoo or other approved permanent identification, provided that such identification was submitted on the original ADE 4-24 or other official vaccination record). (12-10-84)(4-4-96)T

~~iv. Re-tattooed animals must be held under Hold Order on original premises for approximately ninety (90) days following re-tattooing.~~ (12-10-84)

~~vii. Permission to re-tattoo the animals~~ must be obtained from the Bureau of Animal Health prior to the time the animals are re-tattooed. Permission to re-tattoo animals may only be given to accredited veterinarians. (12-10-84)(4-4-96)T

~~iii. Re-tattooing shall reproduce the original tattoo which was placed in the animal's ear at the time of vaccination.~~ (4-4-96)T

~~iv. The veterinarian who performs the re-tattooing shall record the eartag or other identification numbers, the tattoo symbols and the owner's name and address on a new vaccination record form and submit the re-tattooing record to the Bureau of Animal Health within ten (10) days of the date of re-tattooing.~~ (4-4-96)T

10. Whole Herd Vaccination. Animals older than the age of official vaccination can be vaccinated and identified under specific conditions with a reduced dose of vaccine. All eligible calves shall be vaccinated and identified. (12-10-84)

11. Qualified Herd. A herd of cattle in a non-certified area for which the state has records showing that the herd has been subjected to complete herd tests for initial modified area certification within ~~twelve~~ (12) months prior to movement and that the herd is not known to be affected with brucellosis. (12-10-84)(4-4-96)T

12. Exposed Animals. Animals that are part of a known infected herd or have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or periods of less than ~~twenty-four~~ (24) hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge are considered to be exposed regardless of the blood test results and must be placed under quarantine and restricted pending slaughter or testing after return to herd of origin. (12-10-84)(4-4-96)T

13. Milk Ring Test. A test of the normal lactation of dairy cattle for detection of antibodies of brucellosis. The test consists of adding a stained antigen to 2 ml. of whole milk, incubating, and reading the results. A dark-blue ring indicates positive. A white ring is negative. (12-10-84)

14. Test-Eligible Cattle. (12-10-84)

a. Herd Blood Test. (Subsection 080.04). (12-10-84)

b. Market Cattle Identification (MCI) blood testing: (12-10-84)

i. Slaughtering establishment: All cows and bulls over two (2) years of age shall be blood sampled. (12-10-84)

ii. Livestock markets, farm or ranch: Blood sampling shall be for all cattle over eighteen (18) months of age (as evidenced by the loss of the first pair of temporary incisor teeth) except steers, spayed heifers, official Strain 19 calfhood vaccinates of the dairy breeds under twenty (20) months of age, and official Strain 19 calfhood vaccinates of beef breeds under twenty-four (24) months of age (as evidenced by the presence of the first pair of permanent incisor teeth) which are not parturient (springers) or postparturient. ~~(12-10-84)~~(4-4-96)T

c. Other movements: Tests shall be the same as Subsection 080.14.b.ii. Bulls over twelve (12) months of age are test eligible. (12-10-84)

d. Findings and Effective Date. The amendments to Section 080 will confer a benefit to the cattle industry by making a markedly improved vaccine, RB-51, available to protect cattle and bison from brucellosis. The amendments bring Idaho into compliance with USDA recommendations for use of the new vaccine. (4-4-96)T

(BREAK IN CONTINUITY OF SECTIONS)

210. LAWS AND REGULATIONS GOVERNING THE ANIMALS ENTERING THE STATE OF IDAHO.

Definitions of terms used herein. For the purpose of this chapter the following words and phrases shall have the following meaning: (12-10-84)

01. Definitions. (6-1-94)
- a. Cattle. Shall mean any bovine of dairy or beef breeding. This definition shall include bison. (12-10-84)
- b. Feeder Animals. Animals to be fed for slaughter only. (12-10-84)
- c. Slaughter Animals. Animals of any kind for immediate slaughter, or those consigned for slaughter within fourteen (14) days of date of shipment. (12-10-84)
- d. Animals. The term includes horses, mules and asses, cattle, sheep, goats, swine, dogs, cats, poultry, rodents, game animals, bison, domestic fur bearing animals, and birds. (12-10-84)
- e. Livestock. Shall mean cattle, swine, horses, mules and/or asses. (12-10-84)
- f. Poultry. The term shall mean chickens, turkeys, ducks, geese, guinea fowl, pigeons and pheasants (domestic fowls). (12-10-84)
- g. Official Calfhood Vaccinate: (12-10-84)

i. Female cattle of any breed or female bison vaccinated while from four (4) months to (twelve) 12 months of age (one-hundred twenty (120) through three-hundred sixty-five (365) days) with a reduced dose of ~~s~~Strain 19 vaccine, or female cattle of any breed or female bison vaccinated with an approved dose of Brucella Abortus Strain RB-51 or other approved brucellosis vaccine, by an approved official of the state of origin. ~~(12-10-84)(4-4-96)T~~

ii. Female cattle which were officially calftooth vaccinated in accordance with previous provisions set forth by the UM&R shall be declared official calftooth vaccinates. (12-10-84)

iii. Evidence of vaccination shall be an official tattoo in the right ear of the animal. Tattoo symbols must be clearly legible to the naked eye in ordinary daylight without use of artificial light or other aids. Retattooing or reidentification of official vaccinates is ~~not~~ acceptable for entry into Idaho, provided a permit is obtained from the Bureau of Animal Health for importation of the retattooed animals. ~~(12-10-84)(4-4-96)T~~

h. Brucellosis Test Eligible Cattle. (12-10-84)

i. Officially Strain 19 vaccinated female cattle of dairy breeds which are over twenty (20) months of age. ~~(12-10-84)(4-4-96)T~~

ii. Officially Strain 19 vaccinated female cattle of beef breeds which are over twenty-four (24) months of age and officially Strain 19 vaccinated female bison which are over twenty-four (24) months of age. ~~(12-10-84)(4-4-96)T~~

iii. Officially Strain 19 vaccinated females of dairy breeds which are under twenty (20) months of age if parturient or post parturient. ~~(12-10-84)(4-4-96)T~~

iv. Officially Strain 19 vaccinated females of beef breeds or bison which are under twenty-four (24) months of age if parturient or post parturient. ~~(12-10-84)(4-4-96)T~~

v. Intact males of beef or dairy breed or bison which are over ~~twelve~~ eighteen ~~(12 18)~~ months of age. ~~(12-10-84)(4-4-96)T~~

i. Non-Vaccinated Animals. Non-vaccinated female cattle or bison shall not be imported into Idaho except as provided for in the following rules. (12-10-84)

i. Findings and Effective Date. The amendments to Section 210 will confer a benefit to the cattle industry by making a markedly improved vaccine, RB-51, available to protect cattle and bison from brucellosis. The amendments bring Idaho into compliance with USDA recommendations for use of the new vaccine. ~~(4-4-96)T~~

IDAPA 02 - DEPARTMENT OF AGRICULTURE

**02.06.33 - RULE CONCERNING THE LATE BLIGHT OF POTATO, SOLANUM
TUBEROSUM L., UNDER THE DIVISION OF PLANT INDUSTRIES,
(BUREAU OF FEEDS AND PLANT SERVICES)**

DOCKET NO. 02-0633-9503

**NOTICE OF AMENDMENT TO TEMPORARY RULE
AND NOTICE OF PENDING RULE**

EFFECTIVE DATE: This rule will become final and effective at the conclusion of the regular or special legislative session at which the rule is submitted for review. This pending rule may be rejected, amended, or modified by concurrent resolution of the legislature.

AUTHORITY: In compliance with section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to sections 22-1905 and 22-1915, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the temporary and proposed rule and the text of the pending rule with an explanation of the reasons for any changes: The adoption of IDAPA 02.06.33 confers benefits to the Idaho potato industry by preventing the spread of late blight of potato in the state of Idaho. Late blight of potato is known to exist in the Treasure Valley and Magic Valley of Idaho. Further spread of this disease in Idaho will drastically and adversely affect potato production. Additionally, the occurrence of this disease in Idaho in the future could affect the marketing of Idaho potatoes.

The original text was published in the November 1, 1995, Idaho Administrative Bulletin, Volume 95-11, pages 2-5. The pending rule has been amended to include the effective date. Additionally, the rule has been amended by House Concurrent Resolution No. 36, effective February 22, 1996. House Concurrent Resolution No. 36 amends sections 001 and 150. by changing the tolerance for late blight from zero to one percent or less. These sections are printed in this Bulletin following this notice.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rule, contact Dr. Roger R. Vega or Mr. Michael E. Cooper at (208) 332-8620.

DATED this 24th day of April, 1996.

Patrick A. Takasugi, Director
Idaho Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500/FAX (208) 334-4623

TEXT OF DOCKET 02-0633-9503

IDAPA 02
TITLE 06
Chapter 33

RULES GOVERNING LATE BLIGHT OF POTATO, Solanum Tuberosum L.

**There are substantive changes
from the proposed rule text**

**Only those sections that have changed from the
original proposed text are printed in this
Bulletin following this notice**

**The complete original text was published in the
Idaho Administrative Bulletin, Volume 95-11, November 1, 1995
Pages 2 through 5**

**This rule has been adopted as Final by the Agency
and is now pending review by the 1997 Idaho State Legislature
for final adoption. The following Sections were amended by HCR 36
and are reprinted here in their entirety.**

001. TITLE AND SCOPE.

The title of this chapter is Idaho Rules Concerning the Late Blight of Potato Solanum Tuberosum L., under the Division of Plant Industries, Bureau of Feeds and Plant Services. This chapter has the following scope: The rules prevent the spread of late blight of potato in the state of Idaho by limiting the importation of certain regulated products. Only seed potatoes with ~~zero~~ one percent (1%) or less tolerance for late blight based on field and shipping point inspections and winter tests, with a shipping point certificate issued by the seed certification agency of the state or foreign country of origin will be allowed into the state of Idaho. The rules require any person receiving potatoes from late blight infested areas to notify the Idaho Department of Agriculture in writing and to submit a written cull disposal plan to the Department. Additionally, the rules specify the dates for rendering cull piles non-viable, and provide for an exemption and for the disposition of violations.

~~(9-15-95)F~~(4-22-96)TL

(BREAK IN CONTINUITY OF SECTIONS)

150. RESTRICTIONS.

01. Notification of Director. Any person in a late blight free area in Idaho

receiving potatoes from a late blight infested area shall notify the Director in writing and submit to the Director a written cull pile disposal plan on a form prescribed by the Director. (9-15-95)T

02. ~~Zero~~ One Percent (1%) or Less Tolerance. Only seed potato lots with ~~zero one percent (1%) or less~~ tolerance for late blight based on field and shipping point inspections and winter tests shall be shipped to or planted in Idaho. (9-15-95)T(4-22-96)TL

03. Certification Requirement. Each shipment of a seed potato lot from a late blight infested area shall be accompanied by a certificate issued by the seed certification agency of the state or foreign country of origin. (9-15-95)T

04. Non-Certified Potatoes. Non-certified potatoes produced in Idaho to be planted in Idaho shall have been produced in a late blight free area and from certified seed stock. The grower shall notify the Director in writing when non-certified potatoes are used for planting. (9-15-95)T

05. Eliminators. Eliminators may be used as seed potatoes provided they are: (9-15-95)T

a. Planted by the grower who produced them; and (9-15-95)T

b. Produced from certified parent seed stock; and (9-15-95)T

c. Eliminated at the original grower's storage shed. (9-15-95)T

06. Cull Piles. All cull piles generated from potatoes produced in late blight infested areas and shipped to a late blight free area in Idaho shall be rendered non-viable daily until September 20, 1995. (9-15-95)T

07. September 20, 1995. After September 20, 1995, all cull piles west of the Raft River shall be rendered non-viable by April 15, 1996, and those cull piles east of the Raft River shall be rendered non-viable by May 15, 1996. (9-15-95)T

08. April 5, 1996. After April 15, 1996, all cull piles west of the Raft River shall be rendered non-viable daily, and those cull piles east of the Raft River shall be rendered non-viable daily after May 15, 1996. (9-15-95)T

IDAPA 07 - DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES

07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS

DOCKET NO. 07-0101-9601

NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective July 1, 1996.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Section 67-5291, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the final rule:

The 1996 Legislature passed HCR 38 which amended IDAPA 07.01.01.013.01 to grant an exemption from the electrical licensing requirements to persons making electrical installations on their own residential rental property, or on their own primary or secondary residence and associated buildings.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this final rule, contact Gary L. Malmen, Department of Labor and Industrial Services, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, ID 83720, (208) 334-2183.

DATED this 22nd day of April, 1996.

Craig G. Bledsoe
Department of Labor and Industrial Services
277 N. 6th Street, Suite 201
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950 / fax (208) 334-2683

TEXT OF DOCKET NO. 07-0101-9601

013. ELECTRICAL LICENSING EXEMPTION FOR RESIDENTIAL REAL PROPERTY OWNERS AND MAINTENANCE ELECTRICIANS; INSPECTION TAG REQUIREMENTS.

The licensing provisions of Title 54, Chapter 10, Idaho Code, and IDAPA 07.01.03, Rules Governing Electrical Licensing, do not apply to the following pursuant to Section 54-1016, Idaho Code: (2-23-94)

01. Installations on Primary or Secondary Residence for Private Use. Natural persons making electrical installations on their own residential rental property or on their own primary or secondary residence and associated buildings, so long as said

~~property is maintained for their own use and not for the use of the general public.~~ This exemption shall not apply to electrical installations for swimming pools, hot tubs, spas, hydromassage tubs, fountains, and similar installations, Article 680 NEC, or any hazardous location, Article 500 through 514 NEC. ~~(2-23-94)~~(7-1-96)L

02. Maintenance Electricians. Maintenance electricians employed full-time only to service, maintain, assemble, or repair EXISTING electrical installations located on their employers' premises. (2-23-94)

03. Procedures for Inspection Tags for Exempt Property Owners. Natural persons exempt from licensing pursuant to Subsection 01 of this rule must still secure all electrical inspection tags required by Section 54-1005, Idaho Code, before making any electrical installation. The procedure for obtaining inspection tags follows: (2-23-94)

a. Any exempt person shall obtain an application form from the Electrical Division, either at its Boise, Idaho, main office or at a designated location in each county. The application form shall be properly completed, signed, and mailed to the Electrical Division, 277 North 6th Street, Statehouse Mail, Boise, Idaho 83720, with the proper inspection fee as provided for in these rules. (2-23-94)

b. Upon receipt of the properly completed application together with the proper inspection fee, the Electrical Division shall immediately issue an electrical inspection tag for the electrical installation designated in the application. (2-23-94)

c. Parts No. 1 and 4 of the electrical inspection tag shall be retained by the Electrical Division. Part No. 2 shall be mailed to the applicant and shall be placed on the location of the service, and Part No. 4 shall be forwarded to the state electrical inspector who will make the electrical inspection as provided by Sections 54-1004 and 54-1005, Idaho Code. (2-23-94)

d. Part No. 3 shall be mailed or delivered to the power supplier. (2-23-94)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-9603

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective March 13, 1996.

ACTION: The action, under Docket No.13-0104-9603, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 04, Rules Governing Licensing in the state of Idaho.

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed rule-making. The action is authorized pursuant to §36-104(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

Amends the landowner preference seasons to reflect annual changes to controlled hunts and big game seasons.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Lonk Kuck, (208) 334-2920, 600 South Walnut, Boise, Idaho 83707.

DATED this 24th day of April 1996.

W. Dallas Burkhalter, Deputy Attorney General
P.O. Box 25, Boise, ID 83707
(208) 334-3715/FAX (208) 334-2148

TEXT OF DOCKET NO. 13-0104-9603

401. DEER LANDOWNER PREFERENCE SEASONS.

01. Antlered Deer.

ANTLERED DEER					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
1500	Nov 10-Nov 24		Antlered	11	8 10
1501	Oct 15-Nov 8		Antlered	44-1	20
1502	Oct 5-Oct 29		Antlered	45-1	15
1503	Oct 5-Oct 29		Antlered	47-1	9
1504	Oct 5-Oct 29		Antlered	52-1	8
1505	Oct 15-Oct 29		Antlered	54-1	75
1506	Oct 15-Oct 29		Antlered	55-2	65 50
1507	Oct 5-Oct 29		Antlered	57-1	11

~~(5-15-95)~~(3-13-96)T

02. Antlerless Deer.

ANTLERLESS DEER					
Hunt No.	Open Season Dates, Inclusive	Note	Legal Deer	Controlled Hunt Area	No. of Permits
1508	Oct 15-Nov 8		Antlerless	44-2	80
1509	Oct 5-Oct 29		Antlerless	45-3	150
1510	Oct 5-Oct 29		Antlerless	47-3	5
1511	Oct 5-Oct 29		Antlerless	52-3	10
1512	Oct 5-Oct 19		Antlerless	54-3	75
1513	Oct 5-Oct 19		Antlerless	55-3	28 20
1514	Oct 5-Oct 29		Antlerless	57-3	10

~~(5-15-95)~~(3-13-96)T

03. Muzzleloader Deer.

MUZZLELOADER DEER					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
1515	Oct 5-Oct 29		Antlered Only	45-4	2

(10-26-94)

402. ELK LANDOWNER PREFERENCE SEASONS.

01. Antlered Elk.

ANTLERED ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2501	Oct 10-Nov 3		Antlered	11-1	5
2502	Oct 1-Oct 24		Antlered	29-1	15
2503	Oct 1-Oct 24		Antlered	30-1	8
2504	Oct 1-Oct 24		Antlered	30A-1	5
2505	Oct 15-Nov 8		Antlered	31-1	10
2506	Oct 1-Oct 24		Antlered	36A-1	10
2507	Oct 1-Oct 24		Antlered	36A-2	13
2508	Oct 1-Oct 24		Antlered	37A-1	8
2509	Oct 1-Oct 24		Antlered	37A-1	8
2510	Oct 15-Nov 9		Antlered	40-1	1
2511	Oct 15-Nov 9		Antlered	40-2	1
2512	Oct 15-Nov 8 3		Antlered	43-2	50 30
2513	Nov 4-Nov 24		Antlered	43-3	20
251 3 4	Oct 15-Nov 8		Antlered	44-2	10
251 4 5	Oct 15-Nov 8	1	Antlered	45-2	13
2515	Oct 15-Nov 8		Antlered	45-3	8
2516	Oct 15-Nov 8		Antlered	48-2	3
2517	Oct 15-Nov 8		Antlered	48-3	10

ANTLERED ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2518	Oct 15-Nov 8		Antlered	49-2	18 20
2519	Oct 1-Oct 24		Antlered	50-1	13
2520	Oct 15-Nov 8		Antlered	56-1	1
2521	Oct 25 Nov 1-Nov 30		Antlered	60A-1	24
2522	Sep 16-Oct 14		Antlered	68-1	3
2523	Oct 1-Oct 14 Oct 26-Nov 10		Antlered	70- <u>1</u>	2
2524	Oct 1-Oct 14 Oct 26-Nov 10		Antlered	71-1	2
2525	Oct 1-Oct 14 Oct 26-Nov 10		Antlered	74-1	3

(~~5-15-95~~)(3-13-96)T

02. Antlerless Elk.

ANTLERLESS ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. Of Permits
2526	Oct 10 20-Nov 13		Antlerless	11-2	5
2527	Oct 10-Nov 3	<u>1</u>	Antlerless	13-1	8
2528	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	29-2	25 20
2529	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	30-2	20 15
2530	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	30A-2	8
2531	Sep 25-Oct 14		Antlerless	31-2	30
2532	Oct 15-Nov 8		Antlerless	31-3	30

ANTLERLESS ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. Of Permits
2533	Oct 25-Nov 24 <u>Nov 10-Dec 9</u>		Antlerless	36A-3	15
2534	Oct 25-Nov 24 <u>Nov 10-Dec 9</u>		Antlerless	36A-4	25
2535	Oct 25-Nov 24 <u>Nov 10-Dec 9</u>		Antlerless	37-2	13
2536	Oct 25-Nov 24 <u>Nov 10-Dec 9</u>		Antlerless	37A-2	15
2537	Oct 15-Nov 9		Antlerless	40-3	36
2538	Oct 15-Nov 9		Antlerless	40-4	36
2539	Oct 15-Oct 29		Antlerless	43- 34	40 <u>20</u>
2540	Oct 30-Nov 12		Antlerless	43- 45	35
<u>2541</u>	<u>Nov 13-Nov 24</u>		<u>Antlerless</u>	<u>43-6</u>	<u>30</u>
2542	Oct 15-Nov 8		Antlerless	44-3	30
2542 <u>3</u>	Oct 15-Nov 8	1	Antlerless	45- 43	25
2543	Oct 15-Nov 8		Antlerless	45-5	25
2544	Oct 15-Nov 8		Antlerless	48-4	20
2545	Oct 15-Nov 8		Antlerless	48-5	25
2546	Oct 15-Nov 8		Antlerless	49-3	30
2547	Oct 15-Nov 15		Antlerless	50-2	30
2548	Nov 1-Dec 17		Antlerless	50-3	30
<u>2549</u>	<u>Oct 15-Nov 8</u>		<u>Antlerless</u>	<u>53-1</u>	<u>25</u>
2549 <u>50</u>	Oct 15-Nov 8		Antlerless	56-2	4
2550 <u>1</u>	Oct <u>Nov 1-Nov 30</u>		Antlerless	60A-2	20 <u>30</u>
2551 <u>2</u>	Oct 15 <u>26</u> -Nov 10		Antlerless	66A-1	15
2552 <u>3</u>	Sep 16-Oct 14		Antlerless	68-2	10
<u>2554</u>	<u>Oct 26-Nov 10</u>		<u>Antlerless</u>	<u>70-2</u>	<u>10</u>
2553 <u>5</u>	Oct 1-Oct 14 <u>Oct 16-Nov 10</u>		Antlerless	71-2	58

ANTLERLESS ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. Of Permits
2554	Oct 10-Oct 21		Antlerless	73-1	5
25556	Oct 1-Oct 14Oct 26-Nov 10		Antlerless	74-2	10
25567	Nov 2510-Dec 31		Antlerless	76-1	10

(~~5-15-95~~)(~~3-13-96~~)T

03. Either Sex Elk.

EITHER SEX ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
25578	Oct 10-Nov 3	1	Either Sex	13-2	20
25589	Oct 10-Nov 3		Either Sex	18	25
2560	Oct 15-Nov 8		Either Sex	53-2	8
255961	Oct 10-Dec 31		Either Sex	63	813
25602	Oct 1-Oct 14Oct 26-Nov 10		Either Sex	66A-2	25
25613	Oct 1-Oct 14Oct 26-Nov 10		Either Sex	73-21	8
25624	Oct 10-Oct 21Oct 26-Nov 10		Either Sex	73-32	3
25635	Oct 1-Oct 14Oct 26-Nov 10		Either Sex	76-2	25
25646	Oct 1-Oct 14Oct 26-Nov 10		Either Sex	76-3	20
25657	Oct 1-Oct 14Oct 26-Nov 10		Either Sex	76-4	20

(~~5-15-95~~)(~~3-13-96~~)T

04. Muzzleloader Elk.

MUZZLELOADER ELK					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
25668	Nov 13-Nov 30		Antlerless	43- 57	52
25679	Oct 10-Nov 9	2, 3	Antlerless	63A	5
256870	Nov 5-Nov 24		Antlered	72-1	5
256971	Nov 5-Nov 24		Antlerless	72-2	15

Notes:

~~1 - Antlerless or spike elk ONLY.~~

~~2 - Short range weapons (muzzleloaders, archery and/or shotguns) ONLY.~~

~~3 - This hunt has very limited access.~~

1 - This hunt has very limited access.

2 - Antlerless or spike elk ONLY.

3 - Short range weapons (muzzleloaders, archery and/or shotguns ONLY).

(~~5-15-95~~)(~~3-13-96~~)T

403. ANTELOPE LANDOWNER PREFERENCE SEASONS.

01. Any Antelope.

ANY ANTELOPE					
Hunt No.	Open Season Dates, Inclusive Notes	Notes	Legal Antelope	Controlled Hunt Area	No of Permits
4501	Sep 25-Oct 24		Any Antelope	21A	1
4502	Sep 25-Oct 24		Any Antelope	29-1	5
4503	Sep 25-Oct 24		Any Antelope	29-2	5
4504	Sep 25-Oct 24		Any Antelope	30- 1	3
4505	Sep 25-Oct 24		Any Antelope	30A- 1	4
4506	Sep 25-Oct 24		Any Antelope	36A-1	2
4507	Sep 25-Oct 24		Any Antelope	36A-2	5

ANY ANTELOPE					
Hunt No.	Open Season Dates, Inclusive Notes	Notes	Legal Antelope	Controlled Hunt Area	No of Permits
4508	Sep 25-Oct 24		Any Antelope	36B-1	3
4509	Sep 25-Oct 24		Any Antelope	37-1	8
4510	Sep 25-Oct 24		Any Antelope	37-2	10
4511	Sep 25-Oct 24		Any Antelope	37A-1	5
4512	Sep 25-Oct 24		Any Antelope	37A-2	3
<u>4513</u>	<u>Sep 25-Oct 24</u>		<u>Any Antelope</u>	<u>39</u>	<u>1</u>
4513	Sep 25-Oct 24		Any Antelope	40	15
4514	Sep 25-Oct 24		Any Antelope	42	20
4515	Sep 25-Oct 24		Any Antelope	44	2
4516	Sep 25-Oct 24		Any Antelope	46-1	6
4517	Sep 25-Oct 24		Any Antelope	49-1	5
4518	Sep 25-Oct 24		Any Antelope	49-2	3
4519 <u>20</u>	Sep 25-Oct 24		Any Antelope	49-3	3
4520	Sep 25-Oct 24		Any Antelope	50-1	10
4521	Sep 25-Oct 24		Any Antelope	50-2	5
4522	Sep 25-Oct 24		Any Antelope	50-3	3
4523	Sep 25-Oct 24		Any Antelope	51-1	8
4524	Sep 25-Oct 24		Any Antelope	51-2	5
4525	Sep 25-Oct 24		Any Antelope	52 <u>54</u>	2
4526	Sep 25-Oct 24		Any Antelope	52A <u>57</u>	3
4527	Sep 25-Oct 24		Any Antelope	53	3
4528	Sep 25-Oct 24		Any Antelope	58	5
4529 <u>30</u>	Sep 25-Oct 24		Any Antelope	59	10
4530	Sep 25-Oct 24		Any Antelope	60A	5
4531	Sep 25-Oct 24		Any Antelope	63-1	5
4532	Sep 25-Oct 24		Any Antelope	68	5

(~~5-15-95~~)(~~3-13-96~~)T

02. Doe or Fawn Only.

DOE OR FAWN ONLY					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	No. Of Permits
4533	Oct 5-Oct 24		Doe or Fawn	29-3	3
4534	Oct 5-Oct 24		Doe or Fawn	29-4	3
4535	Oct 5-Oct 24		Doe or Fawn	30-2	3
4536	Oct 5-Oct 24		Doe or Fawn	30A-2	2
4537	Oct 5-Oct 24		Doe or Fawn	36A-3	5
4538	Oct 5-Oct 24		Doe or Fawn	36B-2	3
4539	Oct 5-Oct 24		Doe or Fawn	37-3	8
4540	Oct 5-Oct 24		Doe or Fawn	37-4	10
4541	Oct 5-Oct 24		Doe or Fawn	37A-3	5
4542	Oct 5-Oct 24		Doe or Fawn	46-2	5

~~(5-15-95)(3-13-96)T~~

03. Muzzleloader Antelope.

MUZZLELOADER ANTELOPE					
Hunt No.	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	No. of Permits
4543	Sep 25-Oct 24		Any Antelope	41	3
4544	Sep 25-Oct 24		Any Antelope	47	4
4545	Sep 25-Oct 24	1, 2	Any Antelope	61	5
4546	Aug 20-Oct 24		Any Antelope	63-2	13

~~(10-26-94)(3-13-96)T~~

Notes:

- 1 - Muzzleloader or shotgun permitted.
- 2 - Hunt has very limited access.

(BREAK IN CONTINUITY OF SECTIONS)

600. NONRESIDENT DEER AND ELK TAG QUOTAS.

01. Tag Quotas. The following number of deer tags and elk tags shall be set aside annually and reserved for sale to nonresidents: (12-12-95T)

a. ~~Fourteen~~Thirteen thousand five hundred (14~~3~~,500) regular deer tags; (12-12-95T)(3-13-96)T

b. Eleven thousand (11,000 regular or mountain elk tags. (12-12-95T)

c. One thousand eight hundred fifteen (1,815) Panhandle elk tags. (12-12-95T)

d. One thousand (1000) S.E. Idaho area Deer tags. (12-12-95)T

02. Exceptions. Sales of nonresident deer and elk tags to the following persons shall not be counted in the quota: (7-1-93)

a. Unqualified Residents: Persons who have moved into Idaho and by notarized affidavit show proof of their intent to become bona fide Idaho residents but are not yet qualified to purchase a resident license. (7-1-93)

b. Designated Buyers: Nonresident tag buyers who return their unused nonresident deer or elk tag and a notarized affidavit stating that the tag buyer has not hunted may designate another nonresident to purchase an additional tag. If the original buyer does not make a designation and has retained an outfitter or guide, the outfitter or guide may make the designation. The designated buyer must pay the regular fee for the replacement tag. If no designation is made by either the original buyer or the outfitter or guide, the Department may sell the replacement tag on a first-come, first-serve basis. (7-1-93)

c. Successful nonresident controlled hunt applicants who have not purchased a tag as of the date of the controlled hunt drawing. (7-1-93)

03. Refunds. Nonresident hunting license and deer or elk tag fees may be refunded, less vendor commission and twenty dollars (\$20) processing fee, by the Director. A refund of the nonresident hunting fee will not be granted if the nonresident hunting license was used to apply for any controlled hunt or to purchase a nonresident bear, mountain lion, or turkey tag. Refunds may be made as follows: (11-6-93)

a. All refund requests will be granted if postmarked on or before August 31. (11-6-93)

b. No refunds will be granted for requests postmarked on or after September 1. (11-6-93)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.08 - RULES GOVERNING BIG GAME ANIMALS
DOCKET NO. 13-0108-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective March 13, 1996.

ACTION: The action, under Docket No13-0108-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01, Chapter 08, Rules Governing Big Game Animals in the state of Idaho.

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed rule-making. The action is authorized pursuant to §36-104(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

This rule establishes the 1996 Big Game Hunting Seasons. A number of seasons were amended to adjust the length of season, hunt boundaries, limit on numbers, size, and sex of big game which may be taken based on biological data and public comment. The waiting period for use of mountain lion and black bear tags was shortened as requested by legislative review. The exchange of certain black bear or archery antelope tags for successful controlled hunt applicants is established. The application date for controlled hunts is amended. Certain amendments were made to clarify the purchase of tags and permits from Point-of-Sale vendors. The reporting requirement for unlimited controlled hunts is eliminated. Hunting is closed in the Hagerman Fossil Beds National Monument. Certain controlled elk hunt areas are excepted from the INEL hunting closure. The deer seasons were adjusted to meet biological objectives, including the closure of certain white tail hunts, the adjustment of dates, the closure of certain archery deer hunts, adjustment of permit levels, and boundary adjustments. The elk seasons were amended, including the adjustment of dates and permit levels, and the closure of certain hunts and addition of new hunts. Certain antelope hunts were amended with the closure of several hunts and addition of new hunts. The black bear dog training seasons were amended to allow research in a portion of Unit 32A, and adjustments were made to allow and prohibit bait in certain areas. Mountain lion seasons were amended to meet biological objectives.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Lonk Kuck or John Beecham, 208-334-2920, 600 South Walnut, Boise, Idaho 83707.

DATED this 24th day of April 1996.

W. Dallas Burkhalter, Deputy Attorney General
P.O. Box 25, Boise, ID 83707
(208) 334-3715/FAX (208) 334-2148

Text of Docket No. 13-0108-9601

250. TAGS AND PERMITS.

No person shall hunt big game animals without having in possession the appropriate hunting license, tags, stamps and permits. (7-1-93)

01. Use of Tags. (7-1-93)

a. Permit/Tags issued for moose, bighorn sheep, mountain goat and antelope may be used only in the controlled hunt for which the permittee was drawn. (7-1-93)

b. A tag issued for mountain lion after the mountain lion season opens may NOT be used until the ~~fourth~~second day following its purchase. (~~7-1-93~~)(3-13-96)T

c. A tag issued for black bear after the black bear season opens may NOT be used until the ~~fourth~~second day following its purchase. (~~7-1-93~~)(3-13-96)T

d. Tags issued for antelope archery hunts may be used only in general archery hunts. (7-1-93)

e. Extra tags issued for deer, elk or antelope may be used only in the hunt area for which the tags are issued. (7-1-93)

f. Any person who purchases a tag to hunt black bear, or archery antelope, ~~archery hunt for antelope~~ who is unsuccessful in killing an animal, and who is subsequently drawn for a controlled hunt permit, including an antelope landowner preference permit, ~~for antelope~~ must return the unused ~~archery~~ tag to a the Department Headquarters office not later than August 10 for refund of the tag fee to exchange the tag for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (~~10-26-94~~)(3-13-96)T

g. Tags issued for black bear and mountain lion may be used statewide. (7-1-93)

h. Regular tags issued for deer and elk may be used ONLY as follows: (7-1-93)

i. Deer:

TYPE OF TAG	SEASONS
Resident (Type 311)	Any archery, muzzleloader or general deer season.
Resident (Type 330)	Extra Any extra antlerless deer tag season.
Senior Resident (Type 323)	Any archery, muzzleloader or general deer season.

TYPE OF TAG	SEASONS
S.E. Idaho Area Units 75, 76, 77, and 78), Nonresident	To Hunt Deer in Units 75, 76, 77, and 78 you must have your deer tag validated for use in these units. These tags are limited to eight hundred (800) <u>one thousand (1000)</u> nonresident tags and will be issued first come - first served.
Nonresident	(Type 411) Any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(~~10-26-94~~)(3-13-96T)

- ii. Regular Elk: (All Big Game Management Units EXCEPT 1, 2, 3, 4, 4A, 5, 6, 7, 9, 10, 12, 16A, 17, 19, 19A, 20, 20A, 5, 26, 27, 34, 35, and 36)

TYPE OF TAG	SEASONS
Resident (Type 312)	Any elk archery, muzzleloader or general season in Regular units.
Senior Resident (Type 324; NOT STAMPED FOR USE IN UNITS 1, 2, 3, 4, 4A, 5, 6, 7, 9, 10, 12, 16A, 17, 19, 19A, 20, 20A, 25, 26, 27, 34, 35, AND 36)	Any elk archery, muzzleloader, or general season in Regular units
Nonresident (Type 412)	Any elk archery, muzzleloader, or general season in Regular units, or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the and Tag permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(7-1-93)

iii. Panhandle Elk: (Game Management Units 1, 2, 3, 4, 4A, 5, 6, 7, and 9)

TYPE OF TAG	SEASONS
Resident (Type 313)	Any archery, muzzleloader, or general Panhandle elk season.
Senior Resident (Type 324; STAMPED FOR USE IN UNITS 1, 2, 3, 4, 4A, 5, 6, 7, and 9)	Any archery, muzzleloader, or general Panhandle elk season.
Nonresident (Type 413)	Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general Panhandle elk season.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Permit and Extra Tag	Only the designated controlled and extra tag hunt for which the permittee was drawn.

(7-1-93)

iv. Mountain Elk: (Game Management Units 10, 12, 16A, 17, 19, 19A, 20, 20A, 25, 26, 27, 34, 35, and 36)

TYPE OF TAG	SEASONS
Resident (Type 315)	Any elk archery, muzzleloader, or general season in mountain units.
Senior Resident (Type 324; STAMPED FOR USE IN UNITS 10 units 12, 16A, 17, 19, 19A 20, 20A, 25, 26, 27, 34, 35, and 36)	Any elk archery, muzzleloader, or general season in mountain units.
Nonresident (Type 415)	Any elk controlled hunt for which the permittee was drawn or any elk archery, muzzleloader, or general season in mountain units.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.

TYPE OF TAG	SEASONS
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(7-1-93)

02. Return of Tags by Unsuccessful Permittees. Permittees who are not successful in killing a bighorn sheep, mountain goat or moose shall present or mail their unused tags to a Department office within ten (10) days after the close of the season for which the tag was valid. Canceled tags will be returned to the hunter upon request.

(5-15-95)

03. Archery and Muzzleloader Permits. Any person hunting in an archery only or muzzleloader only season must have ~~in possession a valid~~ the appropriate permit (archery or muzzleloader) for the relevant season validated on their license.

~~(7-1-93)~~(3-13-96)T

~~a. An archery or muzzleloader permit is valid ONLY if signed in ink across its face by the hunter possessing it. A signed sportsman license (type 104) meets this requirement.~~

~~(7-1-93)~~

~~ab.~~ Except as noted below, individual archery and muzzleloader permits may be sold only until midnight of October 31st of each year. Sportsman licenses (type 104) are not subject to this cutoff date. After that time and date, permits may be obtained only from Department offices by persons who:

(7-1-93)

i. Hold a valid controlled hunt permit for archery or muzzleloader hunts, through the final day of the hunt for which they have a permit.

(7-1-93)

ii. Become twelve (12) years of age after the cutoff date.

(7-1-93)

iii. Acquired their six (6) months' residency after the cutoff date.

(7-1-93)

iv. Are Idaho servicemen on leave arriving after the cutoff date.

(7-1-93)

v. Are purchasing limited edition prints of the original art work depicted on the particular permit. Sale of such archery or muzzleloader permits is limited to permits which are consecutively numbered from one (1) to fifteen hundred (1500). Such permits are not valid for use in any archery or muzzleloader hunt.

(7-1-93)

~~be.~~ On and after January 1 of each year, any person may purchase any archery or muzzleloader permit for the prior year that is unsold at midnight on December 31 of the prior year.

(7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

260. PERMITS FOR CONTROLLED HUNTS

01. Use of Controlled Hunt Permits. No person may hunt in any controlled hunt without having a valid controlled hunt permit in possession. (7-1-93)

a. A controlled hunt area with an "X" suffix is an extra tag hunt. (10-26-94)

b. In the event a permit is issued based on erroneous information, the permit will be invalidated by the Department and may NOT be used. The Department will notify the permittee of the invalidation of the permit. The person will remain on the drawn list, and if there is a waiting period in a succeeding year, the person will be required to wait the specified time period. (7-1-93)

c. Any person who receives a ~~combination~~ controlled hunt permit/~~tag~~ permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer ~~combination~~ controlled hunt permit/~~tag~~ permit and tag may purchase a tag for and hunt in an extra tag hunt, or ~~combination~~ controlled hunt permit/extra tag hunt for deer. (7-1-93)(3-13-96)T

d. Any person who receives a combination controlled hunt permit/extra tag for deer may hunt in any other deer hunt--archery, muzzleloader, general or controlled hunt. (7-1-93)

e. Any person who receives a controlled hunt permit for elk is prohibited from hunting in any other elk hunt--archery, muzzleloader, or general; EXCEPT a controlled hunt permit holder may purchase a tag for and hunt in an extra tag hunt for elk. (7-1-93)

f. Any person who receives a combination controlled hunt permit/tag for antelope is prohibited from hunting in any archery antelope hunt. The holder of an antelope combination controlled hunt permit/extra tag may apply for a combination controlled hunt permit/tag for antelope or may purchase a tag for an archery antelope hunt. (7-1-93)

g. Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 15. (10-26-94)

h. Any person who receives a fall controlled hunt permit for black bear is prohibited from hunting in any other fall bear hunts--September 15 to October 31. (10-26-94)

02. Nonresident Permit Limitations. In controlled hunts with ten (10) or fewer permits, not more than one nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits not more than ten percent (10%) of the permits will be issued to nonresidents. (10-26-94)

03. Eligibility. Any person possessing a valid Idaho hunting license is eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

a. Holders of a Nongame Hunting License (Type 208) or Two-day (2) Deer License (Type 132) may not apply for any controlled hunt. (10-26-94)

b. Any person whose name was drawn on a controlled hunt for either subspecies of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. (5-15-95)T

c. Any person applying for a bighorn sheep, mountain goat, or moose controlled hunt may NOT apply for any other controlled hunt in the same year EXCEPT Unlimited Controlled Hunts, a controlled black bear hunt, or a designated depredation or extra tag hunt for deer, elk or antelope. In addition, unsuccessful applicants for bighorn sheep, mountain goat or moose controlled hunts are eligible to participate in first-come, first-served deer, elk and antelope controlled hunt permit sales. (10-26-94)

d. Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. (7-1-93)

e. No person applying for a Rocky Mountain bighorn sheep controlled hunt as a first choice shall apply for a California bighorn sheep controlled hunt as a second choice. No person applying for a California bighorn sheep controlled hunt as a first choice shall apply for a Rocky Mountain bighorn sheep controlled hunt as a second choice. No person shall apply for both a Rocky Mountain and a California bighorn the same year. (7-1-93)

f. Any person who kills a bighorn ewe may not apply for another bighorn ewe controlled hunt permit for five (5) years. The harvest of a bighorn ewe does not make the permittee ineligible to apply for a permit to take a California bighorn ram or a Rocky Mountain bighorn ram. Any person who applies for a bighorn ewe may not apply for any bighorn ram the same year. (7-1-93)

g. Any person who has killed a mountain goat since 1977 may not apply for a mountain goat permit. (7-1-93)

h. Any person holding a Nonresident Hunting License (Type 202) or a duplicate thereof may not apply for a moose permit. (7-1-93)

i. Any person may apply for both a controlled hunt permit/tag and a controlled hunt permit/extra tag. (7-1-93)

04. Applications. Individual applications or group applications for controlled hunts shall be made on a form prescribed by the Department and must be received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than the annual dates shown below. Any individual application or group application which is unreadable, has incomplete or incorrect hunt or license numbers, or which lacks the required information or fee will be declared void and will not be entered in the drawing. All applications will be considered final; they may not be resubmitted after correction. (10-26-94)

a. Moose, bighorn sheep, and mountain goat - April 30. (7-1-93)

b. Deer, elk, antelope and fall black bear - ~~June 30~~ May 31.
(~~7-1-93~~)(3-13-96)T

c. Spring black bear - February 15~~6~~. (7-1-93)(3-13-96)T

05. Applicant Requirements. Applicants must comply with the following requirements: (7-1-93)

a. Holders of a Duplicate License (Type 501) must use their original license number to apply for a controlled hunt. Duplicate license numbers will not be accepted. (7-1-93)

b. Only one (1) application, per person or group, will be accepted for the same species, EXCEPT a person or group may submit one additional application for a controlled hunt permit/extra tag for the same species. Additional applications for the same person or group for the same species will result in all applicants being declared ineligible. (10-26-94)

c. Only one (1) controlled hunt permit/extra tag will be issued for each person on any application submitted. (10-26-94)

d. Several applications may be submitted in a single envelope so long as each application is for a single species, a single applicant or group, and both hunts on an application must be controlled hunt permit/tag hunts or controlled hunt permit/extra tag hunts. (10-26-94)

e. Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is five dollars (\$5) per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, and lion, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, or mountain lion. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will

receive a permit tag in the mail. (4-3-95)

f. Any controlled hunt permits for deer, elk, antelope or black bear, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold by ~~the Department~~ any Point-of-Sale vendor or on a first-come, first-served basis. A controlled hunt permit/tag/permit and tag will be ~~mailed~~ issued to successful applicants. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. Applications for leftover controlled hunt permits will be accepted at Department offices Point-of-Sale vendor on or after the following dates: ~~(10-26-94)~~ (3-13-96)T

i. Spring black bear - March 23~~2~~. ~~(7-1-93)~~ (3-13-96)T

ii. Deer, elk, antelope or fall black bear - ~~August~~ July 15. ~~(7-1-93)~~ (3-13-96)T

g. A "group application" for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

h. A "group application" for moose, bighorn sheep, mountain goat, and black bear is defined as two (2) hunters applying for the same controlled hunt on the same application. Both hunters must comply with all rules and complete applications properly. Both applicants must abide by the same first and second hunt choices. (10-26-94)

i. If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt. (10-26-94)

06. Refunds of Controlled Hunt Fees. (7-1-93)

a. Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-6-95)T

b. Fees for hunting licenses will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

c. Fees for deer or elk tags purchased prior to the drawing will NOT be refunded to unsuccessful or ineligible applicants. (10-26-94)

d. Overpayment of fees of more than five dollars (\$5) will be refunded. Overpayment of five dollars (\$5) or less will NOT be refunded and will be retained by the Department. (7-1-93)

07. Controlled Hunt Drawing. Single or group applications which are not

drawn for the first choice hunt will automatically be entered into a second choice drawing, provided the second choice hunt applied for has not been filled. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

410. UNLAWFUL METHODS OF TAKE.

No person shall take big game animals as outlined in this section. (7-1-93)

01. Firearms. (7-1-93)
 - a. With any firearm that, in combination with a scope, sling, and/or any other attachments, weighs more than sixteen (16) pounds. (7-1-93)
 - b. With any shotgun using any shot smaller than double-aught (#00) buck. (7-1-93)
 - c. With any rimfire rifle, rimfire handgun or any muzzleloading handgun, EXCEPT for mountain lion. (7-1-93)
 - d. With a fully automatic firearm. (10-26-94)
02. Bows, Crossbows, Arrows, Bolts, Chemicals or Explosives. (5-15-95)T
 - a. With arrows or bolts having broadheads measuring less than seven-eighths (7/8) inch in width and having a primary cutting edge less than fifteenth-thousandths (0.015) inch thick. (7-1-93)
 - b. With any bow having a peak draw weight of less than forty (40) pounds up to or at a draw of twenty-eight (28) inches, or any crossbow having a peak draw weight of less than one hundred-fifty (150) pounds. (5-15-95)T
 - c. With any chemicals or explosives attached to the arrow or bolt. (7-1-93)
 - d. With arrows or bolts having expanding broadheads. (7-1-93)
 - e. With arrows or bolts having barbed broadheads. A barbed broadhead is a broadhead which has any portion of the rear edge of the broadhead forming an angle less than ninety (90) degrees with the shaft or ferrule. (7-1-93)
 - f. With any electronic or tritium-powered device attached to an arrow, bolt, crossbow, or bow. (5-15-95)T
 - g. With any bow capable of shooting more than one (1) arrow at a time. (7-1-93)
 - h. With any compound bow with more than sixty-five percent (65%) let-off. (7-1-93)

- i. With an arrow and broadhead, or bolt and broadhead, with a combined total weight of less than four hundred (400) grains. (5-15-95)T
- j. During an ARCHERY ONLY season, with any firearm, crossbow (except disabled archers), or other implement other than a longbow, compound bow, or recurve bow, or:
- i. With any device attached that holds a bow at partial or full draw. (7-1-93)
- ii. With any bow or crossbow equipped with magnifying sights. (5-15-95)T
- k. With any crossbow pistol. (5-15-95)T
03. Muzzleloaders. (7-1-93)
- a. With a muzzleloading rifle or musket which is less than forty-five (.45) caliber for deer, antelope, or mountain lion, or which is less than fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat, or black bear. (7-1-93)
- b. During a MUZZLELOADER ONLY season, with any firearm, muzzleloading pistol or other implement other than a muzzleloading rifle or musket which:
- i. Is at least forty-five (.45) caliber for deer, antelope or mountain lion or at least fifty (.50) caliber for elk, moose, bighorn sheep, mountain goat or black bear. (7-1-93)
- ii. Is capable of being loaded only from the muzzle. (7-1-93)
- iii. Is equipped only with open or peep sights. (7-1-93)
- iv. Is loaded only with black powder, ~~or~~ Pyrodex or other synthetic black powder. ~~(7-1-93)~~(3-13-96)T
- v. Is equipped with no more than two (2) barrels. (7-1-93)
- vi. Is loaded only with a projectile of at least four hundred twenty-eight (.428) caliber. (3-13-96)T
- vii. Is equipped only with flint or percussion cap ~~directly exposed to the weather.~~ ~~(7-1-93)~~(3-13-96)T
04. Other. (7-1-93)
- a. With electronic calls. (7-1-93)
- b. With any bait (EXCEPT for black bear) other than liquid scent. See Rules of the Idaho Fish and Game Commission Governing the Use of Bait for Taking Big Game Animals, IDAPA 13, Title 01, Chapter 17. (7-1-93)

c. With dogs, EXCEPT for mountain lion or black bear. See Rules of the Idaho Fish and Game Commission Governing the Use of Dogs, IDAPA 13, Title 01, Chapter 15. (7-1-93)

d. With any net, snare, trap, chemical, deadfall or device other than legal firearm, archery or muzzleloader equipment. (7-1-93)

411. -- 419. (RESERVED).

420. MANDATORY CHECK AND REPORT REQUIREMENTS.

Any hunter killing black bear, Panhandle elk, moose, bighorn sheep or mountain goat must, WITHIN TEN (10) DAYS OF THE DATE OF KILL, or any hunter killing mountain lion must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, comply with the mandatory check and report requirements by: (5-15-95)

01. Harvest Report. Completing the relevant harvest report (big game mortality report, Panhandle mandatory elk report, or other report form as required) for the species taken. (7-1-93)

02. Presentation of Animal Parts. Presenting the following animal parts so that Department personnel may collect biological data and mark the animal parts: (7-1-93)

a. Bear: Skull and hide to be presented to a conservation officer, regional office or official check point for removal and retention of premolar tooth and to have the hide marked. No person shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw black bear pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

b. Mountain Lion: Skull and hide to be presented to a conservation officer or regional office to have the hide marked. No person shall have in possession, except during the open season and for five (5) days after the close of the season, any raw mountain lion pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). (7-1-93)

c. Moose: Antlers from antlered animals to be presented to a conservation officer or regional office. (7-1-93)

d. Bighorn Sheep: Ram horns to be presented to a regional office for marking, ewe horns to be presented to a regional office. (7-1-93)

e. Mountain Goat: Horns to be presented to a conservation officer or regional office. (7-1-93)

f. Panhandle Elk: (Elk killed in Units 1, 2, 3, 4, 4A, 5, 6, 7, or 9), head or lower jaw to be presented to conservation officer, regional office, official check point or check station. (7-1-93)

~~g. Unlimited Controlled Deer: Deer killed in unlimited controlled deer~~

~~hunts, head or lower jaw to be presented to conservation officer, regional office, official check point or check station. (10-26-94)~~

~~h. Unlimited Controlled Elk: Elk killed in unlimited controlled elk hunts, head or lower jaw to be presented to conservation officer, regional office, official check point or check station. (10-26-94)~~

03. Authorized Representative. A hunter may authorize another person to comply with the above requirements if that person complies with reporting requirements and possesses enough information to accurately complete the necessary form. (7-1-93)

421. -- 499. (RESERVED).

500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.

01. Restricted Areas For Big Game. Hunting, killing, or molesting of any big game animal is prohibited in the following areas: (7-1-93)

a. Craters of the Moon National Monument in Blaine and Butte Counties; (7-1-93)

b. All state parks, EXCEPT Farragut State Park that has a November/December deer archery season; (7-1-93)

c. All state land within City of Rocks National Reserve in Unit 55; (7-1-93)

d. Idaho National Engineering Laboratory site in Bingham, Bonneville, Butte, Clark, and Jefferson Counties, EXCEPT as modified in elk controlled hunt areas 51-1, 51-2, 51-3, and 51-363 and antelope controlled hunt areas 51-2, 63-1 and 63-2. (3-15-95)F(3-13-96)T

e. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)

f. That portion of Ada County within Veterans Memorial Park and the area between State Highway 21 and the New York Canal from the New York Canal Diversion Dam downstream to the Boise City limits; (7-1-93)

g. Yellowstone National Park in Fremont County; (7-1-93)

h. On any of those portions of State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which hunting closures have been declared by legislative or Commission action; (7-1-93)

i. All or portions of national wildlife refuges, EXCEPT as specified in federal regulations for individual refuges; and, (7-1-93)

j. All Snake River islands between the Glenns Ferry bridge and the Sailor Creek bridge in Elmore County. (7-1-93)

k. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area of fifty (50) feet in elevation above the high water level of the Snake River. The upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river. (3-13-96)T

02. Mountain Lions. Mountain lion may not be hunted or pursued within one-half mile of any active Department of Fish and Game big game feeding site. (7-1-93)

03. Black Bear. Black bear may not be hunted or pursued within 200 yards of the perimeter of any designated dump ground or sanitary landfill. (7-1-93)

501. -- 549. (RESERVED).

550. DEER GENERAL SEASONS.

Unit(s)	Antlered Deer	Antlerless Deer
1, 2, 3	Nov 1-Dec 1	Nov 1-Dec 1
4	Oct 10-Nov 3	Oct 10-Nov 3
4A, 5, 6	Nov 1-Dec 1	Nov 1-Dec 1
7	Oct 10-Nov 3	Oct 10-Nov 3
8, 8A-	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and Whitetailed deer.)		
	Nov 10-Dec 1	Nov 10-Dec 1
(White-tailed deer ONLY.)		
9	Oct 10-Nov 3	Oct 10-Nov 3
10	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	None
(White-tailed deer ONLY.)		
10A	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and White-tailed deer ONLY.)		
	Nov 10-Nov 20	Nov 10-Nov 20
(That portion of Unit 10A east of Dworshak Reservoir.) (White-tailed deer ONLY.)		
	None	Nov 21-Nov 24

Unit(s)	Antlered Deer	Antlerless Deer
(That portion of Unit 10A west of the Clearwater National Forest perimeter boundary and south of Forest Service Road 250 and State Highway 11 ONLY.)		
(White-tailed deer ONLY.)		
11	Oct 10-Nov 20	Oct 10-Nov 9
(White-tailed deer ONLY.)		
	None	Oct 10-Nov 9
(Mule deer and White-tailed deer.) (That portion of Unit 11 within the following boundary: Beginning at the mouth of Tammany Creek, then upstream to the Tammany Creek Road, then east on Tammany Creek Road to the Waha Road, then south on Waha Road to Redbird Road, then west on Redbird Road to the Craig Mountain Wildlife Management Area boundary, then north and west along the WMA boundary to the Snake River, then north along the Snake River to the mouth of Tammany Creek, the point of beginning; and that portion of Unit 11 within the Salmon River drainage upstream from and including the Maloney Creek drainage.)		
11A	Oct 10-Oct 24	Oct 10-Oct 16
(Mule deer and White-tailed deer.)		
	Oct 25-Nov 20	Oct 17-Nov 20
(White-tailed deer ONLY.)		
12	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	None
(White-tailed deer ONLY.)		
13	Oct 10-Oct 24	Oct 10-Oct 16
(Mule deer and White-tailed deer.)		
	Oct 25-Nov 3	None
(White-tailed deer ONLY.) (This unit has very limited access)		
14	Oct 10-Oct 24	None
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	Oct 10-Oct 16
(White-tailed deer ONLY.)		
15	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	Nov 10-Nov 20

Unit(s)	Antlered Deer	Antlerless Deer
(White-tailed deer ONLY.)		
16	Oct 10-Nov 9	Oct 10-Nov 9
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	Nov 10-Nov 20
(White-tailed deer ONLY.)		
	None	Nov 21-Dec 1
(That portion of Unit 16 north and west of the Nez Perce National Forest perimeter boundary ONLY.) (White-tailed deer ONLY).		
16A, 17	Sep 15-Nov 18	Sep 15-Nov 18
18	Oct 10-Oct 24	None
(Mule deer and White-tailed deer.)		
	Nov 10-Nov 20	Oct 10-Oct 16
(White-tailed deer ONLY.)		
19	Sep 15-Nov 18	Sep 15-Nov 18
19A	Oct 5-Oct 29	None
20, 20A	Sep 15-Nov 18	Sep 15-Nov 18
21, 21A	Oct 5-Oct 29	Oct 7 ⁹ -Oct 14 3
22, 23, 24	Oct 5-Oct 14	None
<u>24</u>	<u>Oct 5 - Oct 14</u>	<u>None</u>
(EXCEPT archery, muzzleloader, and shotgun ONLY in that portion of Unit 24 within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydston Street, then south on Boydston Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to Farm-To-Market Road, then north on Farm-To-Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning.)		
25	Oct 5-Oct 29	None
26, 27	Sep 15-Nov 18	Sep 15-Nov 18
28, 29, 30, 30A	Oct 5-Oct 29	Oct 7 ⁹ -Oct 14 3
31, 32, 32A, 33	Oct 5-Oct 14	None
34	Oct 5-Oct 29	None

Unit(s)	Antlered Deer	Antlerless Deer
35	Oct 5-Oct 14	None
36, 36A, 36B, 37, 37A	Oct 5-Oct 29	Oct 7 <u>9</u> -Oct 14 <u>3</u>
38	Oct 5-Oct 29	Oct 5-Oct 29
(Archery, muzzleloader, and shotgun ONLY. EXCEPT that portion of Unit 38 within the Lake Lowell Sector of the Deer Flat National Wildlife Refuge is CLOSED.)		
39	Oct 5-Oct 14	None
	Oct 23 <u>28</u> -Oct 29 <u>Nov 2</u>	None
40	Oct 23 <u>28</u> -Oct 29 <u>Nov 2</u>	None
	(Two point deer ONLY)	
41, 42	Oct 5-Oct 29	None
	(Two point deer ONLY)	
43	Oct 5-Oct 29	None
46	Oct 5-Oct 29	None
(Archery and shotgun ONLY on the islands in the Snake River.)		
48, 49	Oct 5-Oct 29	None
50, 51	Oct 15 <u>Nov 3</u> Oct 29 <u>29</u>	Oct 21 <u>29</u> -Oct 25 <u>13</u>
52A	Oct 5-Oct 29	None
53	Oct 5-Oct 29	Oct 5-Oct 29
(SHOTGUN ONLY in that portion of Unit 53 south of Interstate 84 and west of the Jerome County 100 West Road (including an imaginary line extending from the 100 West Road one-quarter mile south to the south bank of the Snake River) and west of Rock Creek. Remainder of Unit 53 is CLOSED to firearm hunting of deer.)		
56	Oct 5-Oct 29	None
58, 59, 59A,	Oct 15 <u>Nov 3</u> Oct 29 <u>29</u>	Oct 21 <u>29</u> -Oct 25 <u>13</u>
<u>60A</u>	<u>Oct 5 - Oct 29</u>	<u>Oct 9 - Oct 13</u>
<u>EXCEPT archery, muzzleloader, and shotgun ONLY in that portion of Unit 60A south and east of the North (Henry's) Fork Snake River, and that portion within one mile north and west of the North Fork Snake River.)</u>		
<u>61, 62, 62A</u>	<u>Oct 5 - Oct 29</u>	<u>Oct 9 - Oct 13</u>
63, 63A	Oct 15 <u>Nov 3</u> Oct 29 <u>29</u>	Oct 21 <u>29</u> -Oct 25 <u>13</u>
(Muzzleloader, archery Archery, muzzleloader, and shotgun ONLY)		
64, 65, 66	Oct 15 <u>Nov 3</u> Oct 29 <u>29</u>	Oct 21 <u>29</u> -Oct 25 <u>13</u>

Unit(s)	Antlered Deer	Antlerless Deer
66A	Oct 15 -Oct 29 <u>24</u>	Oct 17 <u>0</u> -Oct 21 <u>12</u>
67	Oct 15 -Nov 3 <u>Oct 29</u>	Oct 21 <u>9</u> -Oct 25 <u>13</u>
<u>(EXCEPT archery, muzzleloader, and shotgun ONLY in that portion of Unit 67 from the Swan Valley (State Highway 26) Bridge upstream to Palisades Dam between State Highway 26 on the east and the River Road on the west.)</u>		
68, 69	Oct 15 -Oct 29 <u>24</u>	Oct 17 <u>0</u> -Oct 21 <u>12</u>
69	Oct 15 -Oct 24 <u>13</u>	Oct 21 <u>9</u> -Oct 24 <u>13</u>
70	Oct 15 <u>10</u> -Oct 19 <u>14</u>	None
71, 72, 73, 73A	Oct 15 <u>10</u> -Oct 29 <u>24</u>	Oct 17 - Oct 21 <u>None</u>
74,75,76,77,78	Oct 15 -Oct 29 <u>24</u>	Oct 17 <u>0</u> -Oct 21 <u>12</u>

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551. DEER ARCHERY SEASONS.

Unit(s)	Antlered Deer	Antlerless Deer
1	Aug 30-Sep 24	Aug 30-Sep 24
2	Aug 30-Sep 24	Aug 30-Sep 24
<u>(EXCEPT Farragut State Park and Farragut Wildlife Management Area is CLOSED.)</u>		
	Nov 1-Dec 1	Nov 1-Dec 1
<u>(Farragut State Park and Farragut Wildlife Management Area ONLY.)</u>		
3	Dec 5-Dec 31	Dec 5-Dec 31
4, 4A, 5, 6, 7	Aug 30-Sep 24	Aug 30-Sep 24
8A	Dec 5-Dec 31 <u>20</u>	Dec 5-Dec 31 <u>20</u>
<u>(That portion of Unit 8A east and north of the following line: Beginning at the northern boundary of Unit 8A at its junction with State Highway 6, then south on Highway 6 to Forest Service Road 447, then east on Forest Service Road 447 to Forest Service Road 381, then southeast on Forest Service Road 381 to State Highway 8, then southwest on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast on Long Meadow Creek to Dworshak Reservoir, then south along the western shoreline of Dworshak Reservoir to the Unit 8A boundary at Dworshak Dam.)</u>		
9, 10,10A, 11A	Aug 30-Sep 24	Aug 30 - Sep 24
12	Aug 30-Sep 24	Aug 30-Sep 24

Unit(s)	Antlered Deer	Antlerless Deer
(That portion of Unit 12 north of U.S. 12.)		
15	Aug 30-Sep 24 Dec 5-Dec 31 <u>20</u>	Aug 30-Sep 24 Dec 5-Dec 31 <u>20</u>
19A, 21, 21A, 22, 23, 24, 25	Aug 30-Sep 24	Aug 30-Sep 24
28	Dec 10-Dec 31	Dec 10-Dec 31
29, 30, 30A, 33, 34, 35, 36, 36A, 36B, 37, 37A	Aug 30-Sep 24	Aug 30-Sep 24
38	Aug 30-Sep 24	Aug 30-Sep 24
(EXCEPT that portion of Unit 38 within the Lake Lowell Sector of the Deer Flat National Wildlife Refuge is CLOSED.)		
39	Nov 16-Dec 6	Nov 16-Dec 6
(EXCEPT that portion of Unit 39 within Ada County is CLOSED and that portion of Unit 39 within the following boundary: Beginning at the intersection of State Highway 21 and the Middle Fork Boise River Road (U.S. Forest Service Road 268), east on Forest Service Road 268 to Cottonwood Creek-Thorn Creek Road (U.S. Forest Service Road 377), north and west on Forest Service Road 377 to State Highway 21, south and west on Highway 21 to the point of beginning is CLOSED.)		
40, 41, 42	Aug 30-Sep 24	Aug 30-Sep 24
(Two-point or antlerless deer ONLY.)		
43, 46, 47, 48, 49, 50, 51, 52A	Aug 30-Sep 24	Aug 30-Sep 24
53	Aug 30-Dec 31	Aug 30-Dec 31
(That portion of Unit 53 east of U.S. 93.)		
54	Aug 30-Sep 24	Aug 30-Sep 24
55	Nov 25-Dec 19	Nov 25-Dec 19
56	Aug 30-Sep 24	Aug 30-Sep 24
(Two-point or antlerless deer ONLY.)		
57, 58, 59, 59A, 60A, 61, 62, 62A	Aug 30-Sep 24	Aug 30-Sep 24
<u>60A</u>	<u>Aug 30-Sep 24</u> <u>Nov 10-Dec 19</u>	<u>Aug 30-Sep 24</u> <u>Nov 10-Dec 19</u>

Unit(s)	Antlered Deer	Antlerless Deer
<u>(That portion of Unit 60A south and east of the North (Henry's) Fork Snake River, and that portion within one mile north and west of the North Fork Snake River ONLY.)</u>		
61c 62, 62A	Aug 30-Sep 24	Aug 30-Sep 24
63, 63A	Aug 30-Sep 24 Nov 10-Dec 19	Aug 30-Sep 24 Nov 10-Dec 19
64, 65, 66, 66A, 67, 68	Aug 30-Sep 24	Aug 30-Sep 24
<u>67</u>	<u>Aug 30-Sep 24</u>	<u>Aug 30-Sep 24</u>
	<u>Nov 10-Dec 19</u>	<u>Nov 10-Dec 19</u>
68A	Aug 30-Dec 19	Aug 30-Dec 19
<u>68, 70, 71, 73, 73A, 74, 75, 76, 77, 78</u>	Aug 30-Sep 24	Aug 30-Sep 24
<u>72</u>	Nov 25-Dec 19	Nov 25-Dec 19
<u>73, 73A, 74, 75, 76, 77, 78</u>	Aug 30-Sep 24	Aug 30-Sep 24

~~(10-26-94)(3-13-96)T~~

552. DEER MUZZLELOADER SEASONS.

Unit(s)	Antlered Deer	Antlerless Deer
4, 7	Nov 10 - Nov 29	Nov 10 - Nov 29
10A	Nov 10 - Nov 29	Nov 10 - Nov 29
<u>(That portion of Unit 10A west of Dworshak Reservoir and west of the Little North Fork Clearwater River.) (Mule deer and White-tailed deer.)</u>		
	None	Nov 25 - Dec 9
<u>(That portion of Unit 10A west of the Clearwater National Forest perimeter boundary and south of Forest Service Road 250 and State Highway 11. (That portion of Unit 10A south and west of the following line: Beginning on the Unit 10A west boundary at Dent Bridge, then up Dworshak Reservoir along the southern shoreline to Reeds Creek, then up Reeds Creek to Snake Creek, then up Snake Creek to the Snake Creek-Quartz Creek-Hollywood Road, then southeast along said road to Hollywood, then south on State Highway 11 to Forest Service Road 250, then southeast along Forest Service Road 250 to the Clearwater National Forest perimeter boundary, then south along the Clearwater National Forest perimeter boundary to the Unit 10A boundary.) (White-tailed deer ONLY.)</u>		
16	Nov 25 - Dec 9	Nov 25 - Dec 9

<u>Unit(s)</u>	<u>Antlered Deer</u>	<u>Antlerless Deer</u>
(That portion of Unit 16 south and west of the Selway River and south and east of the Nez Perce National Forest perimeter boundary.)		
45	Oct 5 - Oct 29	None
That portion of Unit 45 within the following boundary: beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (9.5 miles north of Bliss), then west along the two-pole powerline to U.S. 20 (Milepost 102.3), then southwest on U.S. <u>Highway</u> 20 to Mountain Home, then south on U.S. 51 to the Snake River, then upstream on the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, the point of beginning.)		

~~(10-26-94)~~(3-13-96)T

553. DEER CONTROLLED HUNTS.
~~6,853~~9,260 Permits Plus Unlimited Permits.

~~(5-15-95)~~(3-13-96)T

01. Antlered Deer.

Hunt No.	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
1001	Sep 25-Oct 24	1	Antlered	1	100
1002	Nov 10-Nov 24		Antlered	11	75 <u>100</u>
1003	Nov 10-Nov 24		Antlered	14	50
1004	Nov 10-Nov 24		Antlered	18	50
100 <u>5</u> 3	Nov 10-Nov 24		Antlered	19A	10
100 <u>6</u> 4	Nov 10-Nov 24		Antlered	22	30 <u>40</u>
100 <u>7</u> 5	Nov 10-Nov 24		Antlered	23	15 <u>25</u>
100 <u>8</u> 6	Nov 10-Nov 24		Antlered	25	10
100 <u>9</u> 7	Nov 10-Nov 24		Antlered	31	20 <u>30</u>
101008	Nov 10-Nov 24		Antlered	32	20 <u>40</u>
101109	Nov 10-Nov 24		Antlered	32A	20 <u>30</u>
101 <u>20</u>	Nov 10-Nov 24		Antlered	36A	20
101 <u>31</u>	Nov 10-Nov 24		Antlered	36B	40
1014	Nov 10-Nov 24		Antlered	37	20
101 <u>52</u>	Aug 24 <u>15</u> -Sep 22 <u>4</u>		Antlered	39-1	200

Hunt No.	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
10163	Nov 10-Nov 24		Antlered	40-1	200 300
10174	Nov 10-Nov 24		Antlered	41-1	75 150
10185	Nov 10-Nov 24		Antlered	42	150
10196	Nov 10-Nov 24		Antlered	43-1	20
1020 17	Oct 15-Nov 8		Antlered	44-1	200
1021 18	Oct 5-Oct 29		Antlered	45-1	60
1022 19	Nov 10-Nov 24		Antlered	45-2	15
1023 0	Oct 5-Oct 29		Antlered	47-1	90
1024 1	Nov 10-Nov 24		Antlered	47-2	10
1025 2	Nov 10-Nov 24		Antlered	48	30 10
1026 3	Nov 10-Nov 24		Antlered	49	30 10
1027 4	Nov 10-Nov 30		Antlered	50	40
1028 5	Oct 5-Oct 29		Antlered	52-1	75
1029 6	Nov 10-Nov 24		Antlered	52-2	10
1030 7	Nov 10-Nov 24		Antlered	52A	10
1031 28	Oct 15-Oct 29		Antlered	54-1	750
1032 29	Nov 10-Nov 24		Antlered	54-2	30
10330	Aug 24 15-Sep 22 4		Antlered	55-1	25
10341	Oct 15-Oct 29		Antlered	55-2	650 500
1035 2	Nov 10-Nov 24		Antlered	56	75 125
1036 3	Oct 5-Oct 29		Antlered	57-1	110
1037 4	Nov 10-Nov 24		Antlered	57-2	10
1038 5	Nov 10-Nov 30		Antlered	58	25
1039 6	Nov 10-Nov 30		Antlered	59	25
1040 37	Nov 10-Nov 30		Antlered	60A-1	25
1041 38	Nov 10-Nov 30		Antlered	66	25
1042 39	Nov 10-Nov 30		Antlered	67	25
1043 0	Nov 10-Nov 30		Antlered	69	75

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02. Antlerless Deer..

Hunt No.	Open Season Dates Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
<u>1041</u>	<u>Sep 25-Oct 29</u>		<u>Antlerless</u>	<u>40-2</u>	<u>200</u>
<u>1042</u>	<u>Sep 25-Oct 29</u>		<u>Antlerless</u>	<u>41-2</u>	<u>200</u>
<u>10443</u>	<u>Oct 5-Oct 29</u>		<u>Antlerless</u>	<u>43-2</u>	<u>400</u>
<u>10454</u>	<u>Oct 15-Nov 8</u>		<u>Antlerless</u>	<u>44-2</u>	<u>800</u>
<u>10465</u>	<u>Oct 5-Oct 29</u>		<u>Antlerless</u>	<u>45-3</u>	<u>600</u>
<u>10476</u>	<u>Oct 5-Oct 29</u>		<u>Antlerless</u>	<u>47-3</u>	<u>50</u>
<u>10487</u>	<u>Oct 5-Oct 29</u>		<u>Antlerless</u>	<u>52-3</u>	<u>100</u>
<u>10498</u>	<u>Oct 5-Oct 19</u>		<u>Antlerless</u>	<u>54-3</u>	<u>750</u>
<u>105049</u>	<u>Oct 5-Oct 19</u>		<u>Antlerless</u>	<u>55-3</u>	<u>275200</u>
<u>10540</u>	<u>Oct 5-Oct 29</u>		<u>Antlerless</u>	<u>57-3</u>	<u>100</u>
<u>1051</u>	<u>Nov 1-Nov 30</u>		<u>Antlerless</u>	<u>60A-s</u>	<u>300</u>

(~~5-15-95~~)(3-13-96)T

03. Archery Only.

Hunt No.	Open Season Dates Inclusive	Notes	Legal Deer	Controlled Hunt Area	No. of Permits
1052	Nov 16-Dec 16		Either Sex	39-2	100
<u>1053</u>	<u>Aug 30-Dec 19</u> <u>Nov 25-Dec 19</u>	<u>3</u> <u>3</u>	<u>Either Sex</u> <u>Either Sex</u>	<u>68A</u> <u>72</u>	<u>Unlimited</u>

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04. Muzzleloader..

Hunt No.	Open Season Dates Inclusive	Notes	Legal Deer	Controlled Hunt Area	No of Permits
<u>1054</u>	<u>Nov 10-Dec 9</u>	<u>2,3,4,5</u>	<u>Either Sex</u>	<u>21</u>	<u>Unlimited</u>
1053	Nov 25-Dec 19	2	Antlered	29	Unlimited
<u>1055</u>	<u>Nov 25-Dec 19</u>		<u>Antlered</u>	<u>30</u>	<u>50</u>

Hunt No.	Open Season Dates Inclusive	Notes	Legal Deer	Controlled Hunt Area	No of Permits
<u>1056</u>	Nov 10-Nov 24 Nov 25-Dec 9 Nov 10-Nov 24	2,3 <u>3</u> <u>3,6</u>	Antlered Either Sex Either Sex	33 51 75	<u>Unlimited</u>
1054 <u>7</u>	Oct 5-Oct 29		Antlered	45-4	15
1055 <u>8</u>	Nov 5-Nov 30 <u>Nov 11-Dec 9</u>	2	Either Sex	61	Unlimited
1056 <u>9</u>	Nov 15-Dec 31	3,4,5	Either Sex	65	200 <u>150</u>

(5-15-95)

Notes:

1 - Mule deer ONLY.

2 - White-tailed deer ONLY.

~~2~~ 3 - Nonresidents must have valid 1995~~6~~ deer tag in possession to be eligible to apply.

4 - This hunt has very limited access.

5 - Short range weapons (archery, muzzleloader, and shotgun) ONLY.

6 - Effective in 1997 nonresidents must have a valid 1997 S.E. Idaho deer tag in possession to be eligible to apply.

~~3~~ - This hunt has very limited access.

~~4~~ - Short range weapons (muzzleloader, archery and/or shotgun) ONLY.

~~5~~ - White-tailed deer ONLY.

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554. -- 557. (RESERVED).

558. ELK GENERAL SEASONS.

Unit(s)	Antlered Elk	Antlerless Elk
1	Oct 10 - Oct 24	None
(That portion of Unit 1 west of U.S. 95 from Sandpoint to Bonnors Ferry and Deep Creek at Naples then west of Deep Creek to the Kootenai River then west of the Kootenai River from Bonnors Ferry to the Canadian border. Head or lower jaw must accompany carcass in transit.)		
1	Oct 10 - Oct 24	Oct 15 - Oct 21
(That portion of Unit 1 east of U.S. 95 from Sandpoint to Bonnors Ferry and Deep Creek at Naples then east of Deep Creek to the Kootenai River then east of the Kootenai River from Bonnors Ferry to the Canadian border. Head or lower jaw must accompany carcass in transit.)		
2, 3	Oct 10 - Oct 24 <u>Nov 3</u>	Oct 15 - Oct 24

Unit(s)	Antlered Elk	Antlerless Elk
(Head or lower jaw must accompany carcass in transit.)		
4, 4A	Oct 10 - Nov 3	Oct 15 - Oct 24
(Head or lower jaw must accompany carcass in transit.)		
5	Oct 10 - Oct 24 Nov 3	Oct 15 - Oct 24
(Head or lower jaw must accompany carcass in transit.)		
6, 7	Oct 10 - Nov 3	Oct 15 - Oct 24
(Head or lower jaw must accompany carcass in transit.)		
8, 8A	Oct 10 - Nov 3	None
9	Oct 10 - Nov 3	Oct 15 - Oct 24
(Head or lower jaw must accompany carcass in transit.)		
10	Oct 10 - Nov 3	None
10A	Oct 10 - Nov 3	None
11A	Oct 10 - Oct 24	None
12	Oct 10 - Nov 3	None
14	Oct 10 - Oct 24	None
15, 16	Oct 10 - Nov 3	None
16A, 17, 19	Sep 15 - Nov 18	None
19A	Oct 15 - Nov 8	None
20, 20A	Sep 15 - Nov 18	None
21, 21A	Oct 15 - Nov 8	None
22, 23, 24	Oct 15 - Oct 29	None
<u>24</u>	<u>Oct 15-Oct 29</u>	<u>None</u>
<u>(EXCEPT archery, muzzleloader, and shotgun ONLY in that portion of Unit 24 within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydston Street, then south on Boydston Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to Farm-To-Market Road, then north on Farm-To-Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning.)</u>		
25	Oct 15 - Nov 8	None
26, 27	Sep 15 - Nov 18	None
28	Oct 15 - Nov 8	None

Unit(s)	Antlered Elk	Antlerless Elk
32, 32A, 33	Oct 15 - Oct 29	None
34,35, 36, 36B	Oct 15 - Nov 8	None
39	Oct 15 - Oct 27	None
51, 58, 59, 59A, 60, 61	Oct 10 - Oct 24	None
(Spike elk ONLY.)		
62	Oct 10 - Oct 14 <u>21</u>	None
62A	Oct 10 - Oct 24	None
(Spike elk ONLY.)		
64, 65, 66,67, 69, 75,77, 78	Oct 10 - Oct 14 <u>21</u>	None

~~(5-15-95)~~(3-13-96)T

559. ELK ARCHERY SEASONS.

Unit(s)	Antlered Elk	Antlerless Elk
1, 2	Aug 30 - Sep 24	Aug 30 - Sep 24
(Head or lower jaw must accompany carcass in transit.)		
3	Dec 5 - Dec 31	Dec 5 - Dec 31
(Head or lower jaw must accompany carcass in transit.)		
4, 4A, 5, 6, 7	Aug 30 - Sep 24	Aug 30 - Sep 24
(Head or lower jaw must accompany carcass in transit.)		
8A	Dec 5 - Dec 31 <u>20</u>	Dec 5 - Dec 31 <u>20</u>
(That portion of Unit 8A east and north of the following line: Beginning at the northern boundary of Unit 8A at its junction with State Highway 6, then south on Highway 6 to Forest Service Road 447, then east on Forest Service Road 447 to Forest Service Road 381, then southeast on Forest Service Road 381 to State Highway 8, then southwest on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast on Long Meadow Creek to Dworshak Reservoir, then south along the western shoreline of Dworshak Reservoir to the Unit 8A boundary at Dworshak Dam.)		
9	Aug 30 - Sep 24	Aug 30 - Sep 24
(Head or lower jaw must accompany carcass in transit.)		
10, 10A, 11A	Aug 30 - Sep 24	Aug 30 - Sep 24

Unit(s)	Antlered Elk	Antlerless Elk
12	Aug 30 - Sep 24	Aug 30 - Sep 24
(That portion of Unit 12 north of U.S. 12.)		
15	Aug 30 - Sep 24	Aug 30 - Sep 24
	Dec 5 - Dec 31 <u>20</u>	Dec 5 - Dec 31 <u>20</u>
19A, 21, 21A, 22, 23, 24, 25	Aug 30 - Sep 24	Aug 30 - Sep 24
28	Dec 10 - Dec 31	Dec 10 - Dec 31
29, 30, 30A, 31, 32, 32A, 33, 34, 35, 36, 36A, 36B, 37, 37A	Aug 30 - Sep 24	Aug 30 - Sep 24
39	Nov 16 - Dec 6	Nov 16 - Dec 6
(EXCEPT that portion of Unit 39 within Ada County is CLOSED and that portion of Unit 39 within the following boundary: Beginning at the intersection of State Highway 21 and the Middle Fork Boise River Road (U.S. Forest Service Road 268), east on Forest Service Road 268 to Cottonwood Creek-Thorn Creek Road (U.S. Forest Service Road 377), north and west on Forest Service Road 377 to State Highway 21, south and west on Highway 21 to the point of beginning is CLOSED.)		
43, 48, 49, 50	Aug 30 - Sep 24	Aug 30 - Sep 24
51	Aug 30 - Sep 24	Aug 30 - Sep 24
(Antlerless or spike elk ONLY.)		
58, 59,	Aug 30 - Sep 24	Aug 30 - Sep 24
(Antlerless or spike elk ONLY.)		
62	Aug 30 - Sep 24	Aug 30 - Sep 24
62A	Aug 30 - Sep 24	Aug 30 - Sep 24
(Antlerless or spike elk ONLY.)		
64, 65, 66, 66A, 67, 75, 76, 77, 78	Aug 30 - Sep 24	Aug 30 - Sep 24

~~(10-26-94)~~(3-13-96)T

560. ELK MUZZLELOADER SEASONS.

Unit(s)	Antlered Elk	Antlerless Elk
4, 7	Nov 10 - Nov 29	None
(Head or lower jaw must accompany carcass in transit.)		

Unit(s)	Antlered Elk	Antlerless Elk
10A	Nov 10 - Nov 29	None
(That portion of Unit 10A west of Dworshak Reservoir and west of the Little North Fork Clearwater River.)		
10A	None	Nov 25 - Dec 9
(That portion of Unit 10A west of the Clearwater National Forest perimeter boundary and south of Forest Service Road 250 and State Highway 11.) (That portion of Unit 10A south and west of the following line: Beginning on the Unit 10A west boundary at Dent Bridge, then up Dworshak Reservoir along the southern shoreline to Reeds Creek, the up Reeds Creek to Snake Creek, then up Snake Creek to the Snake Creek-Quartz Creek-Hollywood Road, then southeast along said road to Hollywood, then south on State Highway 11 to Forest Service Road 250, then southeast along Forest Service Road 250 to the Clearwater National Forest perimeter boundary, then south along the Clearwater National Forest perimeter boundary to the Unit 10A boundary.)		
16	Nov 25 - Dec 9	None
(That portion of Unit 16 south and west of the Selway River and south and east of the Nez Perce National Forest perimeter boundary.)		

~~(10-26-94)~~(3-13-96)T

561. ELK CONTROLLED HUNTS.
~~24,130~~28,510 Permits Plus Unlimited Permits.

01. Antlered Elk. (5-15-95)

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2001	Oct 10-Nov 3		Antlered	11-1	50
2002	Sep 25-Oct 4		Antlered	19A	5
2003	Sep 25-Oct 4		Antlered	23-1	5
2004	Oct 1-Oct 24		Antlered	29-1	150
2005	Oct 1-Oct 24		Antlered	30-1	75
2006	Oct 1-Oct 24		Antlered	30A-1	50
2007	Oct 15-Nov 8		Antlered	31-1	100
2008	Oct 1-Oct 29		Antlered	33-1	20
2009 8	Oct 1-Oct 24		Antlered	36A-1	100

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2010	Oct 1-Oct 24		Antlered	36A-2	125
2011	Oct 1-Oct 24		Antlered	37-1	75
2012	Oct 1-Oct 24		Antlered	37A-1	75
2013	Oct 15-Nov 9		Antlered	40-1	10
2014	Oct 15-Nov 9		Antlered	40-2	10
2015	Sep 25-Oct 10		Antlered	43-1	5
2016	Oct 15-Nov 8		Antlered	43-2	500 300
2016	Nov 4-Nov 24		Antlered	43-3	200
2017	Sep 25-Oct 10		Antlered	44-1	5
2018	Oct 15-Nov 8		Antlered	44-2	100
2019	Sep 25-Oct 10	1	Antlered	45-1	5
2020	Oct 15-Nov 8	1	Antlered	45-2	50
2021	Oct 15-Nov 8		Antlered	45-3	30
2022	Sep 25-Oct 10		Antlered	48-1	5
2023	Oct 15-Nov 8		Antlered	48-2	25
2024	Oct 15-Nov 8		Antlered	48-3	100
2025	Sep 25-Oct 10		Antlered	49-1	5 10
2026	Oct 15-Nov 8		Antlered	49-2	175 200
2027	Oct 1-Oct 24		Antlered	50-1	125
2028	Oct 1 Sep 25-Oct 9		Antlered	51-1	5 10
2029	Oct 25 Nov 1-Nov 24		Antlered	51-2	50 45
2030 29	Oct 15-Nov 8		Antlered	56-1	5 10
2031	Oct 25 Nov 1-Nov 24		Antlered	58-1	50
2031	Oct 1-Oct 14		Antlered	59-1	5
2032	Oct 25 Nov 1-Nov 24		Antlered	59-2	60
2033	Oct 1-Oct 14		Antlered	60-1	10

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
20334	Oct 25 Nov 1-Nov 2430		Antlered	60-2	6090
20345	Oct 25 Nov 1-Nov 30		Antlered	60A-1	2040
20356	Oct 25 Nov 1-Nov 410		Antlered	61-1	80100
20367	Oct 1 Sep 25-Oct 914		Antlered	62A-1	5
20378	Oct 1 Sep 25-Oct 914		Antlered	67-1	5
20389	Sep 16-Oct 14		Antlered	68-1	25
203940	Oct 1-Oct 14 26-Nov 10		Antlered	70	20
20401	Oct 1-Oct 14 26-Nov 10		Antlered	71-1	20
20412	Oct 1 26-Oct 14Nov 10		Antlered	74-1	25
20423	Sep 25-Oct 914		Antlered	75-1	5
20434	Sep 25-Oct 914		Antlered	77-1	5
20445	Sep 25-Oct 914		Antlered	78-1	5

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02. Antlerless Elk.

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
20456	Oct 10 20-Nov 13		Antlerless	8-1	200
20467	Oct 10 20-Nov 13		Antlerless	8-2	100
20478	Nov 21-Dec 31		Antlerless	8-3	275
20489	Nov 21-Dec 31		Antlerless	8-4	275
204950	Oct 10 20-Nov 13		Antlerless	10-1	150575
2051	Oct 20-Nov 13		Antlerless	10-2	375

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
<u>2052</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>10-3</u>	<u>550</u>
20503	Oct 10-Nov 13		Antlerless	10A-1	425300
20514	Oct 10-Nov 31		Antlerless	10A-2	150100
20525	Dec 10-Dec 31		Antlerless	10A-3	50
20536	Oct 10-Nov 13		Antlerless	11-2	50
20547	Oct 10-Dec 31		Antlerless	11A-1	150
20558	Oct 10-Nov 13		Antlerless	12	200400
20562	Oct 10-Nov 3	1	Antlerless	13-1	75
205760	Oct 10-Nov 13		Antlerless	14-1	50
205861	Dec 10-Dec 31		Antlerless	14-2	75
<u>2062</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>14-3</u>	<u>200</u>
<u>2063</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>15</u>	<u>400</u>
205964	Oct 10-Dec 31		Antlerless	16-1	150
<u>2065</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>16-2</u>	<u>375</u>
2060	Sep 15-Nov 18		Antlerless	16A	50
2061	Sep 15-Nov 18		Antlerless	17	100
2062	Sep 15-Nov 18		Antlerless	20	75
2063	Sep 15-Nov 18		Antlerless	20A	200
<u>20646</u>	<u>Nov 10-Dec 9</u>		Antlerless	21-1	75
<u>20657</u>	<u>Nov 10-Dec 9</u>		Antlerless	21-2	150
20668	Dec 10-Dec 31		Antlerless	21-3	75
<u>20679</u>	<u>Dec 10-Dec 31</u>		Antlerless	21-4	150
206870	Nov 10-Dec 9		Antlerless	21A-1	350
206971	Dec 10-Dec 31		Antlerless	21A-2	250
<u>20702</u>	<u>Sep 25-Oct 14</u>		Antlerless	22-1	400
<u>20713</u>	<u>Sep 25-Oct 14</u>		Antlerless	22-2	100
<u>20724</u>	<u>Oct 15-Oct 29</u>		Antlerless	22-3	150
<u>20735</u>	<u>Sep 25-Oct 14</u>		Antlerless	23-2	100
<u>20746</u>	<u>Oct 5-Oct 29</u>	1	Antlerless	23-3	100

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
20757	Oct 15-Nov 8		Antlerless	23-4	150
20768	Oct 15-Dec 31	1	Antlerless	23-5	150
20772	Nov 1-Dec 15	1	Antlerless	23-6	100
20780	Oct 1-Oct 14		Antlerless	24-1	100
20791	Oct 1-Oct 14		Antlerless	24-2	100
20802	Oct 15-Nov 8		Antlerless	24-3	300
20813	Oct 15-Nov 8		Antlerless	24-4	150
20824	Oct 15-Nov 8		Antlerless	25	100
2083	Sep 15-Nov 18		Antlerless	26	100
2084	Sep 15-Nov 18		Antlerless	27	250
2085	Nov 10-Dec 9		Antlerless	28-1	200 300
2086	Nov 10-Dec 9		Antlerless	28-2	100
2087	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	29-2	250 200
2088	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	30-2	200 150
2089	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	30A-2	75
2090	Sep 25-Oct 14		Antlerless	31-2	300
2091	Oct 15-Nov 8		Antlerless	31-3	300
2092	Oct 15-Oct 29	1	Antlerless	32-1	100
2093	Oct 15-Nov 8	1	Antlerless	32-2	50
2094	Nov 10-Nov 30	1	Antlerless	32-3	200
2095	Nov 10-Nov 30	1	Antlerless	32-4	250
2096	Dec 1-Dec 31	1	Antlerless	32-5	100
2097	Sep 25-Oct 14		Antlerless	32A-1	400
2098	Oct 15-Oct 29		Antlerless	32A-2	100
2099	Nov 10-Nov 30		Antlerless	32A-3	100
2100	Oct 15-Nov 8		Antlerless	33- 21	400 200
<u>2101</u>	<u>Nov 25-Dec 9</u>		<u>Antlerless</u>	<u>33-2</u>	<u>100</u>

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2104 <u>2</u>	Oct 15-Nov 8		Antlerless	34	400 <u>50</u>
2102 <u>3</u>	Oct 15-Nov 8		Antlerless	35	400 <u>50</u>
2103 <u>4</u>	Nov 10-Nov 30 Dec 1		Antlerless	36-1	300
<u>2105</u>	<u>Dec 2-Dec 15</u>		<u>Antlerless</u>	<u>36-2</u>	<u>50</u>
2104 <u>6</u>	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	36A-3	150
2105 <u>7</u>	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	36A-4	250
2106 <u>8</u>	Nov 10-Dec 9		Antlerless	36B	250
2107 <u>9</u>	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	37-2	125
2108 <u>10</u>	Oct 25-Nov 24 Nov 10-Dec 9		Antlerless	37A-2	150
2109 <u>11</u>	Sep 25-Aug 30 Oct 14		Antlerless	39-1	300 <u>100</u>
<u>2112</u>	<u>Sep 25-Oct 14</u>		<u>Antlerless</u>	<u>39-2</u>	<u>25</u>
2110 <u>3</u>	Oct 15-Nov 3 <u>15</u>		Antlerless	39-2 <u>3</u>	300 <u>100</u>
2114 <u>4</u>	Oct 15-Nov 3		Antlerless	39-3 <u>4</u>	100
2112 <u>5</u>	Sep 25-Oct 14 Oct 15-Nov <u>3</u>		Antlerless	39-4 <u>5</u>	25 <u>100</u>
2113 <u>6</u>	Oct 15-Nov 9		Antlerless	40-3	30 <u>60</u>
2114 <u>7</u>	Oct 15-Nov 9		Antlerless	40-4	30 <u>60</u>
2115 <u>8</u>	Oct 15-Oct 29		Antlerless	43-3 <u>4</u>	400 <u>200</u>
2116 <u>9</u>	Oct 30-Nov 12		Antlerless	43-4 <u>5</u>	350
<u>2120</u>	<u>Nov 13-Nov 24</u>		<u>Antlerless</u>	<u>43-6</u>	<u>300</u>
2147 <u>21</u>	Oct 15-Nov 8		Antlerless	44-3	300
2148 <u>22</u>	Oct 15-Nov 8	1	Antlerless	45-4 <u>3</u>	100
2119 <u>9</u>	Oct 15-Nov 8		Antlerless	45-5	100
2120 <u>3</u>	Oct 15-Nov 8		Antlerless	48-4	200
2124 <u>4</u>	Oct 15-Nov 8		Antlerless	48-5	250

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
21225	Oct 15-Nov 8		Antlerless	49-3	300
21236	Oct 15 Nov 1- Nov 15		Antlerless	50-2	300
21247	Nov 1-Dec 17		Antlerless	50-3	300
21258	Oct 15 Nov 1- Nov 8 24		Antlerless	51-3	200
<u>2129</u>	<u>Oct 15-Nov 8</u>		<u>Antlerless</u>	<u>53-1</u>	<u>100</u>
212630	Oct 15-Nov 8		Antlerless	56-2	40
212731	Oct 25 Nov 1- Nov 24 30		Antlerless	58-2	150
212832	Oct 25 Nov 1- Nov 24 30		Antlerless	59- 23	300
<u>2133</u>	<u>Nov 1-Nov 30</u>		<u>Antlerless</u>	<u>60-3</u>	<u>100</u>
212934	Oct 1-Nov 30		Antlerless	60A-2	200 300
21305	Oct 25 Nov 1- Dec 9 31		Antlerless	62A-2	150
21346	Oct 25 Nov 1- Nov 30		Antlerless	64	75
21327	Oct 25 Nov 1- Nov 30		Antlerless	65	100
21338	Oct 10 5 -Nov 8		Antlerless	66-1	600
21349	Nov 15-Nov 30		Antlerless	66-2	600
213540	Oct 15 26 -Nov 10		Antlerless	66A-1	150
213641	Oct 15 22 -Nov 24		Antlerless	67-2	300 250
213742	Nov 25-Dec 15		Antlerless	67-3	200
213843	Sep 16-Oct 14		Antlerless	68-2	100
213944	Oct 10 Nov 1- Nov 24 30		Antlerless	69	250
<u>2145</u>	<u>Oct 26-Nov 10</u>		<u>Antlerless</u>	<u>70-2</u>	<u>100</u>
21406	Oct 1- Oct 14 26- Nov 10		Antlerless	71-2	50
2141	Oct 10 -Oct 21		Antlerless	73-1	50

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
21427	Oct 1-Oct 1426- <u>Nov 10</u>		Antlerless	74-2	100
21438	Oct 1-Oct 1426- <u>Nov 10</u>		Antlerless	75-2	125
21449	Nov 2510- Dec31		Antlerless	76-1	100
214550	Oct 1-Oct 1426- <u>Nov 10</u>		Antlerless	77-2	100
214651	Oct 1-Oct 1426- <u>Nov 10</u>		Antlerless	78-2	150

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03. Either Sex Elk.

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
214752	Oct 10-Nov 3	1	Either Sex	13-2	200
2153	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>16A</u>	<u>200</u>
2154	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>17-1</u>	<u>100</u>
2155	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>17-2</u>	<u>325</u>
2156	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>17-3</u>	<u>300</u>
2157	<u>Oct 10-Nov 3</u>		<u>Either Sex</u>	<u>18</u>	<u>250</u>
2158	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>19</u>	<u>400</u>
2159	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>20</u>	<u>75</u>
2160	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>20A</u>	<u>400</u>
2161	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>26</u>	<u>300</u>
2162	<u>Oct 5-Nov 8</u>	<u>2</u>	<u>Either Sex</u>	<u>27</u>	<u>500</u>
214863	Oct 105-Nov 38		Either Sex	4853-2	25030
214964	Oct 25-Dec 9		Either Sex	62	250
215065	Oct 25 <u>Nov 1-Dec 9</u>		Either Sex	62A-3	200
215166	Oct 105- Dec 31		Either Sex	63	75125

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
215267	Oct 1-Oct 1426- Nov 10		Either Sex	66A-2	250
215368	Oct 1-Oct 1426- Nov 10		Either Sex	73- 21	75
215469	Oct 10-Oct 216- Nov 10		Either Sex	73- 32	30
215570	Oct 1-Oct 1426- Nov 10		Either Sex	76-2	250
215671	Oct 1-Oct 1426- Nov 10		Either Sex	76-3	200
215772	Oct 1-Oct 1426- Nov 10		Either Sex	76-4	200

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04. Archery Elk.

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
215873	Aug 30-Sep 30	23	Either Sex	11A-2	Unlimited

(~~5-15-95~~)(~~3-13-96~~)T

05. Muzzleloader Elk.

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2174	Nov 10-Nov29		Either Sex	4	20
215975	Nov 10-Nov 29		Antlerless	10A-4	150
216076	Nov 25-Dec 9	23	Antlerless	14- 34	Unlimited
	Nov 25 Dec 10-Dec 1931	23	Antlerless	2930 -3	
216177	Nov 1-Nov 24		Antlerless	22-4	50
2178	Aug 30-Sep30		Either Sex	24-5	75
216279	Nov 15-Dec 10		Antlerless	24- 36	200

Hunt No.	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	No. of Permits
2163 80	Dec 1-Dec 31		Antlerless	32A-4	50
216481	Nov 10-Nov 24		Antlered	33-3	100
216582	Nov 10-Nov 24		Antlerless	33-4	200 100
2166	Nov 10-Dec 9		Antlerless	33-5	100
216783	Nov 13-Nov 30		Antlerless	43- 57	50 20
216884	Nov 511 -Nov- 30 Dec 9	2,3,4	Either Sex	61-2	Unlimited
216985	Nov 511 -Nov- 30 Dec 9		Either Sex	61-3	200
217086	Oct 10-Nov 9	1,4 5	Either Sex	63A	50
217187	Nov 5-Nov 24		Antlered	72-1	50
217288	Nov 5-Nov 24		Antlerless	72-2	150
217389	Nov 10-Nov 24		Antlerless	75-3	150

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Notes:

- 1 - This hunt has very limited access.
- ~~2 - Nonresidents must have a valid 19945 elk tag in possession to be eligible to apply.~~
- ~~3 - Antlerless or spike elk ONLY.~~
- ~~4 - Short range weapons (muzzleloader, archery and/or shotguns) ONLY.~~
- 2 - Wilderness Hunt.
- 3 - Nonresidents must have a valid 1996 elk tag in possession to be eligible to apply.
- 4 - Antlerless or spike elk ONLY.
- 5 - Short range weapons (archery, muzzleloader, and shotguns) ONLY.

(~~5-15-95~~)(3-13-96)T

(BREAK IN CONTINUITY OF SECTIONS)

571. ANTELOPE ARCHERY SEASONS.

<u>Unit(s)</u>	<u>Dates</u>
21A, 28, 29, 30, 30A, 36, 36A, 36B, 37, 37A, 40, 41, 42, 46, 47, 49, 50, 52, 52A , 53, 58, 59, 59A, 60, 60A, 61, 68	Aug 15 - Sep 15

(~~10-26-94~~)(3-13-96)T

572. ANTELOPE CONTROLLED HUNTS.

~~2,195~~2,125Permits.

~~(5-15-95)(3-13-96)T~~

01. Any Antelope.

Hunt No.	Open Season Dates Inclusive	Notes	Legal Antelope	Controlled Hunt Area	No. of Permits
4001	Sep 25-Oct 24		Any Antelope	21A	10
4002	Sep 25-Oct 24		Any Antelope	29-1	50
4003	Sep 25-Oct 24		Any Antelope	29-2	50
4004	Sep 25-Oct 24		Any Antelope	30-1	30
4005	Sep 25-Oct 24		Any Antelope	30A-1	40
4006	Sep 25-Oct 24		Any Antelope	36A-1	15
4007	Sep 25-Oct 24		Any Antelope	36A-2	50
4008	Sep 25-Oct 24		Any Antelope	36B-1	25
4009	Sep 25-Oct 24		Any Antelope	37-1	75
4010	Sep 25-Oct 24		Any Antelope	37-2	100
4011	Sep 25-Oct 24		Any Antelope	37A-1	50
4012	Sep 25-Oct 24		Any Antelope	37A-2	25
4013	Sep 25-Oct 24		Any Antelope	39	10
4013 <u>4</u>	Sep 25-Oct 24		Any Antelope	40	150
4014 <u>5</u>	Sep 25-Oct 24		Any Antelope	42	200
4015 <u>6</u>	Sep 25-Oct 24		Any Antelope	44	20
4016 <u>7</u>	Sep 25-Oct 24		Any Antelope	46-1	60
4017 <u>8</u>	Sep 25-Oct 24		Any Antelope	49-1	50 <u>30</u>
4018 <u>9</u>	Sep 25-Oct 24		Any Antelope	49-2	25 <u>10</u>
4019 <u>20</u>	Sep 25-Oct 24		Any Antelope	49-3	25 <u>10</u>
4020 <u>1</u>	Sep 25-Oct 24		Any Antelope	50-1	100
4021 <u>2</u>	Sep 25-Oct 24		Any Antelope	50-2	50
4022 <u>3</u>	Sep 25-Oct 24		Any Antelope	50-3	30
4023 <u>4</u>	Sep 25-Oct 24		Any Antelope	51-1	75
4024 <u>5</u>	Sep 25-Oct 24		Any Antelope	51-2	50
4025	Sep 25-Oct 24		Any Antelope	52	45

Hunt No.	Open Season Dates Inclusive	Notes	Legal Antelope	Controlled Hunt Area	No. of Permits
4026	Sep 25-Oct 24		Any Antelope	52A	25
4027	Sep 25-Oct 24		Any Antelope	53	30
4028	Sep 25-Oct 24		Any Antelope	54	10
4029	Sep 25-Oct 24		Any Antelope	57	5
4030	Sep 25-Oct 24		Any Antelope	58	50
4031	Sep 25-Oct 24		Any Antelope	59	100
4032	Sep 25-Oct 24		Any Antelope	60A	75
4033	Sep 25-Oct 24		Any Antelope	63-1	50
4034	Sep 25-Oct 24		Any Antelope	68	50

(~~5-15-95~~)(~~3-13-96~~)T

02. Doe or Fawn Only..

Hunt No.	Open Season Dates Inclusive	Notes	Legal Antelope	Controlled Hunt Area	No. of Permits
4033	Oct 5-Oct 24		Doe or Fawn	29-3	25
4034	Oct 5-Oct 24		Doe or Fawn	29-4	25
4035	Oct 5-Oct 24		Doe or Fawn	30-2	25
4036	Oct 5-Oct 24		Doe or Fawn	30A-2	20
4037	Oct 5-Oct 24		Doe or Fawn	36A-3	50 <u>25</u>
4038	Oct 5-Oct 24		Doe or Fawn	36B-2	25
4039	Oct 5-Oct 24		Doe or Fawn	37-3	75 <u>25</u>
4040	Oct 5-Oct 24		Doe or Fawn	37-4	100 <u>50</u>
4041	Oct 5-Oct 24		Doe or Fawn	37A-3	50
4042	Oct 5-Oct 24		Doe or Fawn	46-2	50 <u>100</u>

(~~5-15-95~~)(~~3-13-96~~)T

03. Muzzleloader Antelope.

Hunt No.	Open Season Dates Inclusive	Notes	Legal Antelope	Controlled Area	No. of Permits
4043 38	Sep 25-Oct 24		Any Antelope	41	25
4044 39	Sep 25-Oct 24		Any Antelope	47	40
4045 0	Sep 25-Oct 24	1, 2	Any Antelope	61	50
4046 1	Aug 20-Oct 24		Any Antelope	63-2	125

Notes:

- 1 - Muzzleloader or shotgun permitted.
- 2 - Hunt has very limited access.

~~(10-26-94)~~(3-13-96)T

(BREAK IN CONTINUITY OF SECTIONS)

588. BLACK BEAR DOG TRAINING SEASONS.

Black bears may NOT be killed during these seasons.

~~(5-15-95)~~(3-13-96)T

<u>Unit(s)</u>	<u>Season Dates</u>
4, 4A	May 16 - Jul 31
6	May 16 - Jul 31
(Bait prohibited.)	
7	Jun 16 - Jul 31
8A	May 16 - Jul 31
(Bait prohibited.)	
9, 10	Jun 16 - Jul 31
10A	May 16 - Jul 31
(Bait prohibited.)	
12	Jun 16 - Jul 31
14, 15, 16, 18	May 16 - Jul 31
19A	Jun 16 - Jul 31
<u>19A, 21, 21A</u>	Jun 16 - Jul 31
22	May 16 - Jul 31

<u>Unit(s)</u>	<u>Season Dates</u>
(Bait prohibited.)	
23, 24, 25	Jun 1 - Jul 31
28, 29, 30, 30A	Jun 16 - Jul 31
31	May 16 - Jul 31
<u>31, 32, 32A</u>	May 16 - Jul 31
(Except that portion of Unit 32A within the Middle Fork of the Weiser River and Little Weiser River drainages is CLOSED.) (Bait prohibited.)	
33	May 23 - Jul 31
(Except that portion of Unit 33 within the Middle Fork of the Payette River drainage downstream from but excluding Powder House Gulch drainage is CLOSED.)	
34, 35, 36	Jun 8 - Jul 31
36A, 36B, 37, 37A	Jun 16 - Jul 31
39, 43, 44, 45, 48, 49	May 23 - Jul 31
50, 51, 58, 59, 59A	Jun 8 - Jul 31
61	Jun 16 - Jul 31
(Only that portion of unit west of Howard Creek in Clark County.) (Bait prohibited)	
64, 65, 66, 66A, 67, 69, 76	Jun 8 - Jul 31

~~(5-15-95)~~(3-13-96)T

(BREAK IN CONTINUITY OF SECTIONS)

594. MOUNTAIN LION TAKE SEASONS.

Unit(s)	Dates
1, 2, 3, 4, 4A, 5, 6, 7	Sep 15 - Feb 15
8, 8A	Sep 15 - Feb 15
9	Sep 15 - Feb 15
10, 10A, 11, 11A	Sep 15 - Feb 15
12, 13, 14, 15, 16	Sep 15 - Mar 15
16A, 17	Sep 15 - Mar 31
18	Sep 15 - Mar 15
19	Sep 15 - Mar 31
19A	Sep 15 - Mar 31
20, 20A	Sep 15 - Mar 31
1, 2, 3, 4, 4A, 5, 6, 7, 9	Sep 15-Feb 28
8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, 19A, 20, 20A	Sep 15-Mar 31
21, 21A	Sep 15 - Jan 31 Feb 15
22, 23	Sep 15 - Feb 28 Mar 15
23	Sep 15 - Feb 28
24	Sep 15 - Feb 28 Mar 31
(This unit will remain open until a total of two (2) three (3) females has been harvested or February 28 March 31, whichever occurs first.)	
25	Sep 15 - Feb 28 Mar 31
(This unit will remain open until a total of three (3) four (4) females has been harvested, or February 28 March 31, whichever occurs first.)	
26, 27	Sep 15 - Mar 31
28, 29, 30, 30A	Sep 15 - Jan 31 Feb 15
31, 32,	Sep 15 - Feb 28 Mar 31
(These units will remain open until a total of two (2) four (4) females has been harvested in this group of units, or February 28 March 31, whichever occurs first.)	
2A, 33, 34, 35	Sep 15 - Feb 28 Mar 15
36, 36A, 36B, 37, 37A	Sep 15 - Jan 31 Feb 15
39	Sep 15 - Feb 28 Mar 31

Unit(s)	Dates
(This unit will remain open until a total of five (5) <u>seven (7)</u> females have been harvested, or February 28 <u>March 31</u> , whichever occurs first.)	
40, 41, 42	Sep 15 - Feb 28 <u>Mar 31</u>
(These units This unit will remain open until a total of three (3) <u>five (5)</u> females have been harvested, in this group of units or February 28 <u>March 31</u> , whichever occurs first.)	
41, 42	<u>Sep 15-Mar 31</u>
(These units will remain open until a total of five (5) females has been harvested in ghis <u>his</u> group of units <u>units</u> , or March 31 <u>March 31</u> , whichever occurs first.)	
43, 44, 45 <u>49</u>	Sep 15 - Feb 28 <u>Mar 31</u>
(These units will remain open until a total of three (3) females has been harvested in this group of units or February 28 <u>March 31</u> , whichever occurs first.)	
45, 52, 52A, 53	Sep 15-Mar 31
(These units will remain open until a total of three (3) females has been harvested in this group of units or March 31, whichever occurs first.)	
46, 47	Sep 15 - Feb 28 <u>Mar 31</u>
(These units will remain open until a total of two (2) <u>three (3)</u> females has been harvested in this group of units or February 28 <u>March 31</u> whichever occurs first.)	
49 , 50, 51	Sep 15 - Jan 31 <u>Mar 31</u>
(These units will remain open until a total of three (3) females has been harvested in this group of units or January <u>March</u> 31, whichever occurs first.)	
54	Sep 15 - Feb 28 <u>Mar 31</u>
(This unit will remain open until a total of five (5) <u>six (6)</u> females has been harvested in this unit or February 28 <u>March 31</u> whichever occurs first.)	
55	Sep 15 - Feb 28
(This unit will remain open until a total of three (3) females has been harvested or February 28 , whichever occurs first.)	
55 , 56, 57	Sep 15 - Feb 28 <u>Mar 31</u>
(These units will remain open until a total of two (2) <u>seven (7)</u> females has been harvested in this group of units or February 28 <u>March 31</u> , whichever occurs first.)	
58, 59, 59A	Sep 15- Jan <u>Mar</u> 31
(These units will remain open until a total of two (2) females have been harvested in this group of units or January <u>March</u> 31, whichever occurs first.)	
64, 65, 66 , 67, 69	Sep 15 - Dec 31

Unit(s)	Dates
<u>(Only that portion of Unit 69 within the Antelope and Granite Creek drainages is OPEN.)</u> (These units will remain open until a total of two (2) <u>three (3)</u> females has been harvested in this group of units or December 31, whichever occurs first.)	
66A, 72, 75, 76, 77, 78	Sep 15 - Feb 28 <u>Mar 31</u>
(These units will remain open until a total of two (2) <u>three (3)</u> females has been harvested in this group of units or February 28 <u>March 31</u> , whichever occurs first.)	
70, 71, 73, 73A, 74	Sep 15 - Feb 28 <u>Mar 31</u>
(These units will remain open until a total of three (3) <u>four (4)</u> females has been harvested in this group of units or February 28 <u>March 31</u> , whichever occurs first.)	

~~(5-15-95)(3-13-96)T~~

595. MOUNTAIN LION DOG TRAINING SEASONS.

Mountain lions may NOT be killed during these seasons.

Units	Season Dates
1, 2, 3, 4, 4A, 5, 6, 7, 9	Feb 16 - Feb 28
8, 8A, 10, 10A, 11, 11A	Feb 21 - Feb 28
21, 21A, 28, 29, 30, 30A, 36, 36A, 36B, 37, 37A	Feb 16 - Feb 28 <u>Mar 31</u>
<u>60, 61, 62, 62A</u>	<u>Jan 1 - Mar 31</u>

For the followint units a dog training season shall open upon the closure of the unit to harvest where a harvest quota is met: 24, 25, 31, 32, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, ~~52, 52A, 53, 54~~, 55, 56, 57, 58, 59, 59A, 66A, 70, 71, 72, 73, 73A, 74, 75, 76, 77, and 78. If opened, the training season in any of these units shall close ~~February 28~~March 31. ~~If the quota is not met, the training season shall open on February 6 and close on February 28 in those units in which the harvest season closes January 31.~~

~~(5-15-95)(3-13-96)T~~

(BREAK IN CONTINUITY OF SECTIONS)

600. GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS.

01. Unit 1. All of BOUNDARY COUNTY and that portion of BONNER COUNTY north of the Pend Oreille River, Pend Oreille Lake and Clark Fork River. MYRTLE CREEK AND DAVID THOMPSON GAME PRESERVES - CLOSED.

(7-1-93)

02. Unit 2. Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the north bank of the Pend Oreille River, then east along the Pend Oreille River to Pend Oreille Lake at the railroad trestle in the southeast corner of the City of Sandpoint, then south across the railroad trestle, then east and south along the western shore line of Pend Oreille Lake to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance to Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Lake Coeur d'Alene at the source of the Spokane River, then west along the southern bank of the Spokane River to the Idaho-Washington State line, then north along the state line to the point of beginning. FARRAGUT STATE PARK, CLOSED EXCEPT TO ARCHERY.

(7-1-93)

03. Unit 3. Those portions of KOOTENAI, SHOSHONE, and BENEWAH COUNTIES within the following boundary: beginning at Mission Point on the St. Joe River and State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then west along the lake shore to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance of Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, the point of beginning.

~~(7-1-93)~~(3-13-96)T

04. Unit 4. Those portions of BONNER, KOOTENAI, and SHOSHONE COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southeast along the state line to the watershed divide between the Coeur d'Alene and St. Joe Rivers, then west along the divide to State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northeast along the divide to the point of beginning.

~~(7-1-93)~~(3-13-96)T

05. Unit 4A. Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then northwest along the western shoreline of Pend Oreille Lake to the railroad trestle approximately one mile south of Sandpoint, then north on the railroad trestle to Sandpoint, then east along the north banks of Pend Oreille Lake and the Clark Fork River to the Idaho-Montana State line, then south on the state line to the point of beginning. (7-1-93)

06. Unit 5. Those portions of BENEWAH and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington

State line and the Spokane River, then east along the southern bank of the Spokane River to U.S. 95 at Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, then upstream along the northern bank of the St. Joe River to the mouth of St. Maries River, then upstream along the St. Maries River to the intersection of the St. Maries River and State Highway 3 near Washburn, then south on State Highway 3 to the intersection of State Highway 6, then west on State Highway 6 to the watershed divide between the St. Maries and Palouse Rivers, then northwest along the divide to West Dennis Peak, then west along the watershed divide between Hangman Creek and Palouse River to the Idaho-Washington State line, then north along the state line to the Spokane River, the point of beginning. HEYBURN STATE PARK-CLOSED.

(7-1-93)

07. Unit 6. Those portions of KOOTENAI, SHOSHONE, BENEWAH, CLEARWATER, and LATAH COUNTIES within the following boundary: beginning at St. Maries, then downstream along the northern bank of the St. Joe River to Mission Point on State Highway 3, then north on State Highway 3 to the watershed divide between the St. Joe and Coeur d'Alene Rivers, then east along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Forest Service Road 301 to White Rock Springs, then south along the watershed divide between the St. Maries River and Little North Fork of the Clearwater River over Stony Butte to Hemlock Butte, then northwest along the St. Maries River-Potlatch River watershed divide across Bald Mountain to State Highway 6, then northeast on State Highway 6 to the intersection of State Highway 3, then north on State Highway 3 to the St. Maries River, then downstream to St. Maries, the point of beginning.

(7-1-93)

08. Unit 7. That portion of SHOSHONE COUNTY within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between the St. Joe and Coeur d'Alene Rivers, then west along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on the Fishhook Creek Road to Forest Service Road 201, then east on Forest Service Road 201 to Bluff Creek Saddle (Dismal Saddle), then southeast past Dismal Lake and Bathtub Springs to the watershed divide between the St. Joe and North Fork of the Clearwater Rivers, then east along the divide to the Idaho-Montana State line, then north along the state line to the point of beginning.

(7-1-93)

09. Unit 8. Those portions of LATAH, NEZ PERCE, and CLEARWATER COUNTIES within the following boundary: beginning on the Idaho-Washington State line at the watershed divide between Hangman Creek and Palouse River, south along the divide to U.S. 95, then south along U.S. 95 to State Highway 6, then east along State Highway 6 to State Highway 9, then southeast along State Highway 9 to Deary, then south on State Highway 3 to Kendrick, then southeast along County Road P-1 through Southwick and Cavendish to the Clearwater River at Ahsahka, then downstream along the Clearwater River to the Idaho-Washington State line, then north to the point of beginning.

(7-1-93)

10. Unit 8A. Those portions of BENEWAH, LATAH, CLEARWATER, and NEZ PERCE COUNTIES within the following boundary: beginning at Ahsahka on County Road P-1, then northwest along County Road P-1 through Southwick and

Cavendish to State Highway 3, then northeast along State Highway 3 to Deary, then northwest along State Highway 9 to State Highway 6, then west along State Highway 6 to U.S. 95, then north along U.S. 95 to the watershed divide between Hangman Creek and Palouse River, then southeast along the divide to West Dennis Mountain, then southeast along the St. Maries watershed divide to Hemlock Butte, then south on Elk Creek Road (Forest Service Road 382.4) to Elk River, then south on the Dent Bridge-Elk River Road to the south shore line of Dworshak Reservoir, then along the southern shore line to Dworshak Dam, then downstream to the main Clearwater River, then down the Clearwater River to Ahsahka, the point of beginning. (7-1-93)

11. Unit 9. Those portions of SHOSHONE and CLEARWATER COUNTIES within the following boundary: beginning at Getaway Point, then due south to the Little North Fork of the Clearwater River, then upstream to the watershed divide between Bear and Devils Club Creeks, then east along the divide to Larkins Peak, then northeast along the watershed divide between the Little North Fork of the Clearwater River and the North Fork of the Clearwater River to the Surveyors Ridge-Bathtub Springs Road (Forest Service Road 201), then northwest on Surveyors Ridge-Bathtub Springs Road past Bathtub Springs and Bluff Creek Saddle (Dismal Saddle), to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Fishhook Creek Road to the Goat Mountain-Getaway Point Road, then southeast on the Goat Mountain-Getaway Point Road to Getaway Point, the point of beginning. (7-1-93)

12. Unit 10. Those portions of SHOSHONE, CLEARWATER, and IDAHO COUNTIES within the following boundary: beginning at the confluence of the Little North Fork and the North Fork of the Clearwater Rivers at the upstream end of Dworshak Reservoir, then up the east bank of the reservoir and the Little North Fork of the Clearwater River to the watershed divide between Bear and Devils Club Creeks, then east along the divide to the watershed divide between the Little North Fork and the North Fork of the Clearwater Rivers, then east along the divide to the watershed divide between the North Fork of the Clearwater and the St. Joe Rivers, then east along the divide to the Idaho-Montana State line, then south along the state line to the divide between the North Fork of the Clearwater and the Lochsa Rivers, then west along the divide over Williams Peak to its intersection with the Lolo Motor Way (Forest Service Road 500), then west on Lolo Motor Way to its intersection with the Hemlock Butte Road (Forest Service Road 104), then northwest on Hemlock Butte Road to Hemlock Butte and the watershed divide between Weitas and Orogrande Creeks, then north along the divide to Cabin Point then northwest along Forest Service Trail 17 to the North Fork Clearwater River then downstream along the North Fork of the Clearwater River and the north bank of Dworshak Reservoir to the mouth of the Little North Fork of the Clearwater River, the point of beginning. (7-1-93)

13. Unit 10A. Those portions of SHOSHONE, IDAHO and CLEARWATER COUNTIES within the following boundary: beginning at the mouth of the North Fork of the Clearwater River, upstream to Dworshak Dam, then up Dworshak Reservoir along the southern shoreline to Dent Bridge, then north on the Elk River Road to Elk River, then north on the Elk Creek Road (Forest Service Road 382) to Hemlock Butte, then north along the watershed divide between the St. Maries and Little North Fork of the Clearwater Rivers over Stony Butte to White Rock Springs, then east on the Gold Center-Roundtop Road (Forest Service Road 301) to the Goat Mountain-Getaway Point Road

(Forest Service Roads 457 and 220), then south along Goat Mountain-Getaway Point Road to Getaway Point, then due south to the Little North Fork of the Clearwater River, then downstream to Dworshak Reservoir, then along the east bank of the reservoir to the North Fork of the Clearwater River, then east along the north bank of the reservoir and the North Fork of the Clearwater River, to Forest Service Trail 17, then south along Forest Service Trail 17 to Cabin Point and the watershed divide between Orogrande and Weitas Creeks, then south along the divide to Hemlock Butte and its intersection with Forest Service Road 104, then southeast on Forest Service Road 104 to Lolo Motor Way (Forest Service Road 500), then south along Lolo Motor Way to Smith Creek Road (Forest Service Road 101), then southwest along Smith Creek Road to the Middle Fork of the Clearwater River, then northwest along the Middle Fork of the Clearwater River to the mouth of the North Fork of the Clearwater River, the point of beginning. (10-26-94)

14. Unit 11. Those portions of NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: beginning at the mouth of the Clearwater River, upstream to U.S. 95 bridge near Spalding, then southeast on U.S. 95 to the Graves Creek Road at Cottonwood, then south on Graves Creek Road to the Salmon River, then downstream to the Snake River, then downstream to the mouth of the Clearwater River, the point of beginning. (7-1-93)

15. Unit 11A. Those portions of CLEARWATER, NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: beginning on the Clearwater River at the U.S. 95 bridge near Spalding, upstream to the South Fork of the Clearwater River, then up the South Fork to Harpster Bridge, then southwest on State Highway 13 to U.S. 95 at Grangeville, then northwest on U.S. 95 to Spalding, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (7-1-93)

16. Unit 12. Those portions of IDAHO and CLEARWATER COUNTIES within the following boundary: beginning at the junction of the Smith Creek Road (Forest Service Road 101) and the Middle Fork of the Clearwater River, then northeast on the Smith Creek Road to the Lolo Motor Way (Forest Service Road 500), then north along the Lolo Motor Way to the point where it leaves the watershed divide between the North Fork of the Clearwater and Lochsa Rivers at the heads of Papoose Creek and Cayuse Creek, then north along the divide over Williams Peak to the Idaho-Montana State line, then southeast along the state line to the watershed divide between the Lochsa and Selway Rivers, then west along the divide over Diablo Mountain, Elk Summit, McConnell Mountain and Fenn Mountain to the confluence of the Lochsa and Selway Rivers, then down the Middle Fork of the Clearwater River to the Smith Creek Road, the point of beginning. (4-25-94)

17. Unit 13. That portion of IDAHO COUNTY bounded by the Snake River on the west, the Salmon River on the east and north and the White Bird-Pittsburg Landing Road on the south. (7-1-93)

18. Unit 14. That portion of IDAHO COUNTY within the following boundary: beginning at Riggins on the Salmon River, then upstream to Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the old wagon road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then west on the divide to Square Mountain, then west on the Square Mountain-Gospel Hill Road (Forest Service Road 444)

to the Grangeville-Salmon River Road (Forest Service Road 221), then north on Grangeville-Salmon River Road to State Highway 13 at Grangeville, then west on Highway 13 to U.S. 95, then northwest on U.S. 95 to Cottonwood, then south on the Graves Creek Road to the Salmon River, then upstream to Riggins, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (10-26-94)

19. Unit 15. That portion of IDAHO COUNTY within the following boundary: beginning at Grangeville on State Highway 13, then northeast on State Highway 13 to the South Fork of the Clearwater River, then downstream to the road that goes up Sally Ann Creek, then up the road to the town of Clearwater, then southeast along Forest Service Road 284 to Forest Service Road 464, then east along Forest Service Road 464 to the watershed divide between the South Fork Clearwater and Selway Rivers, then southeast along the divide over Forest Service Trail 835 to Anderson Butte, then south over Forest Service Trail 505 to Black Hawk Mountain and Soda Creek Point to the Montana Road (Forest Service Road 468), then west on Montana Road to the Red River Ranger Station-Mackay Bar Road (Forest Service Road 222.3), then southwest on Red River Ranger Station-Mackay Bar Road to Dixie Summit, then west along the watershed divide between the South Fork Clearwater and Salmon Rivers over the Crooked River-Big Creek Divide, Orogrande Summit and Square Mountain to the Moores Guard Station-Adams Ranger Station Road (Forest Service Road 444), then west on Moores Guard Station-Adams Ranger Station Road to the Grangeville-Salmon River Road (Forest Service Road 221), then north on Grangeville-Salmon River Road to Grangeville, the point of beginning. (7-1-93)

20. Unit 16. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of the Middle Fork of the Clearwater River, then upstream to the confluence of the Lochsa and Selway Rivers, then east along the watershed divide between the Lochsa and Selway Rivers to the watershed divide between Gedney and Three Links Creeks, then south along the divide to Big Fog Mountain, then along Forest Service Trail 343 to Big Fog Saddle, then south along the Fog Mountain Road (Forest Service Road 319) to the Selway River, then upstream to Meadow Creek, then up the Meadow Creek-Falls Point Road (Forest Service Road 443) to Forest Service Road 464, then west along Forest Service Road 464 to Forest Service Road 284, then along Forest Service Road 284 to the town of Clearwater, then west along the road down Sally Ann Creek to State Highway 13, then downstream on the South Fork of the Clearwater River to the Middle Fork of the Clearwater River, the point of beginning. (7-1-93)

21. Unit 16A. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of Meadow Creek on the Selway River, up the Selway River to Mink Creek, then up the divide between Mink Creek and the drainages of Coyote, Wolf, Jims, and Otter Creeks, over Wolf Point and Highline Ridge to the divide between Meadow Creek and the Selway River, then southeast along the divide over Bilk Mountain and Elk Mountain to the Elk Mountain Road, then southwest on the Elk Mountain-Green Mountain-Montana Road to the watershed divide between the South Fork of the Clearwater River and the Selway River (near Mountain Meadows), then northeast along the divide over Soda Creek Point and around the head of Red River, then northwest along the divide over Black Hawk Mountain to Anderson Butte, then from Anderson Butte northwest on Forest Service Trail 835 to the Falls Point Road (Forest Service Road 443), then northeast on Falls Point Road to the mouth of Meadow Creek, the point of beginning.

(7-1-93)

22. Unit 17. That portion of IDAHO COUNTY within the following boundary: beginning at the Fog Mountain Road (Forest Service Road 319) on the Selway River, then north along Fog Mountain Road to Big Fog Saddle, then north along Forest Service Trail 343 to Big Fog Mountain, then north along the watershed divide between Gedney and Three Links Creeks to the watershed divide between the Lochsa and Selway Rivers, then northeast along the divide over McConnell Mountain and Diablo Mountain to the Idaho-Montana State line, then south along the state line to the watershed divide between the Selway and Salmon Rivers, then west along the divide over Square Top, Waugh Mountain, Salmon Mountain, Burnt Knob and Three Prong Mountain to the Green Mountain-Elk Mountain Road, then north along Green Mountain-Elk Mountain Road to Elk Mountain, then along the watershed divide between the Selway River and Meadow Creek over Elk Mountain and Bilk Mountain to the head of Mink Creek, then down the divide between Mink Creek and the drainages of Otter, Jims, Wolf and Coyote Creeks over Highline Ridge and Wolf Point to the confluence of Three Links Creek with the Selway River, then down the Selway River to the Fog Mountain Road, the point of beginning.

(7-1-93)

23. Unit 18. Those portions of IDAHO and ADAMS COUNTIES within the following boundary: beginning at Riggins, up the Little Salmon River to Rapid River, then up Rapid River to and including the Shingle Creek drainage to the Snake River divide, then south along the divide to Purgatory Saddle at the head of Granite Creek, then down Granite Creek to the Snake River, then downstream to Pittsburg Landing, then east on the Pittsburg Landing-White Bird Road to the Salmon River, then upstream to Riggins, the point of beginning.

(4-25-94)

24. Unit 19. That portion of IDAHO COUNTY within the following boundary: beginning on the Salmon River at the mouth of Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the old wagon road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then east on the divide over Orogrande Summit and the Crooked River-Big Creek divide to Dixie Summit on the Red River Ranger Station-Dixie-Mackay Bar Road, then south on Red River Ranger Station-Dixie-Mackay Bar Road to Mackay Bar, then down the Salmon River to the mouth of Wind River, the point of beginning.

(7-1-93)

25. Unit 19A. Those portions of IDAHO and VALLEY COUNTIES within the drainage of the south side of the Salmon River from the French Creek-Burgdorf-Summit Creek Road upstream to the South Fork of the Salmon River, the drainage of the west side of the South Fork of the Salmon River from its mouth upstream to and including the Bear Creek watershed, and the drainage of the Secesh River upstream from the mouth of Paradise Creek (including the Paradise Creek watershed), EXCEPT those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit Creek Road.

(7-1-93)

26. Unit 20. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of the South Fork of the Salmon River, then north along the Mackay Bar-Red River Ranger Station Road (Forest Service Road 222.3) to the Montana Road, then east along Montana Road to the Green Mountain-Elk Mountain

Road, then northeast along Green Mountain-Elk Mountain Road to the watershed divide between the Selway and Salmon Rivers around the head of Bargamin Creek, then southeast along the divide over Three Prong Mountain, Burnt Knob, Salmon Mountain and Waugh Mountain, then south down Waugh Ridge to the Salmon River, then downstream to the South Fork of the Salmon River, the point of beginning. (7-1-93)

27. Unit 20A. Those portions of IDAHO and VALLEY COUNTIES within the drainage of the south side of the Salmon River from the mouth of the South Fork of the Salmon River upstream to the mouth of the Middle Fork of the Salmon River; the drainage of the east side of the South Fork of the Salmon River from its mouth upstream to and including Hall Creek drainage, and the drainage of the west side of the Middle Fork of the Salmon River from its mouth upstream to but excluding the Big Creek drainage. (7-1-31)

28. Unit 21. That portion of LEMHI COUNTY within the following boundary: beginning at the Idaho-Montana State line on U.S. 93, then west along the state line to the Idaho-Lemhi County line, then southwest along the Idaho-Lemhi County line to the Salmon River, then upstream to the town of North Fork, then north on U.S. 93 to the Idaho-Montana State line, the point of beginning. (7-1-93)

29. Unit 21A. That portion of LEMHI COUNTY within the drainage of the east side of the Salmon River downstream from and including the Carmen Creek drainage to the town of North Fork, and that portion of the North Fork of the Salmon River drainage east of U.S. 93 between the town of North Fork and the Idaho-Montana State line. (7-1-93)

30. Unit 22. Those portions of IDAHO, ADAMS, and WASHINGTON COUNTIES within the following boundary: beginning at the mouth of Granite Creek on the Snake River, then up Granite Creek to Purgatory Saddle located on the watershed divide between Rapid River and Snake River, then south along the divide to Lick Creek Lookout, then along the watershed divide between Boulder Creek and the Weiser River to the watershed divide between Mud Creek and the Weiser River, then south along the divide to U.S. 95, then southwest on U.S. 95 to Cambridge, then northwest on State Highway 71 to Brownlee Dam, then down the Snake River to Granite Creek, the point of beginning. (7-1-93)

31. Unit 23. Those portions of IDAHO, ADAMS, and VALLEY COUNTIES within the drainage of the south side of the Salmon River from its confluence with the Little Salmon River upstream to the French Creek-Burgdorf-Summit Creek Road; those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit Creek Road; and within the Little Salmon River drainage, EXCEPT that portion on the north side of Rapid River from the mouth upstream to and including Shingle Creek drainage. (7-1-93)

32. Unit 24. That portion of VALLEY COUNTY within the drainage of the North Fork of the Payette River, EXCEPT that portion south of the Smiths Ferry Bridge-Packer John Road on the east side of the river and south of the Smith Ferry-High Valley Road on the west side of the river. (7-1-93)

33. Unit 25. That portion of VALLEY COUNTY within the drainage of the South Fork of the Salmon River south of the Hall Creek drainage on the east side of the

river, and south of the Bear Creek drainage on the west side of the river, EXCEPT that portion of the Secesh River drainage upstream from and including Paradise Creek drainage. (7-1-93)

34. Unit 26. Those portions of IDAHO and VALLEY COUNTIES within the drainage of Big Creek (tributary to the Middle Fork of the Salmon River). (7-1-93)

35. Unit 27. Those portions of LEMHI, VALLEY, and CUSTER COUNTIES within the drainage of the Middle Fork of the Salmon River as follows: the drainages on the east side of the Middle Fork Salmon River from its mouth upstream to Camas Creek; the drainages on the north side of Camas Creek from its mouth upstream to, but excluding, the Yellowjacket Creek drainage; the drainages on the south side of Camas Creek and south of the Camas Creek Trail (Forest Service Trail 134); the drainages on the east side of the Middle Fork Salmon River from Camas Creek upstream to, but excluding, the Marsh Creek drainage; and the drainages on the west side of the Middle Fork of the Salmon River upstream from, but excluding, the Big Creek drainage to, but excluding, the Sulphur Creek drainage. (7-1-93)

36. Unit 28. That portion of LEMHI COUNTY within the drainage of the Salmon River south and west of the river from the mouth of the Middle Fork of the Salmon River upstream to, but excluding, the Ellis Creek and Morgan Creek drainages to the Custer County line, and that portion of the north side of Camas Creek and north of the Camas Creek Trail (Forest Service Trail 134) upstream from and including the Yellowjacket Creek drainage. (7-1-93)

37. Unit 29. That portion of LEMHI COUNTY within the Lemhi River drainage south and west of State Highway 28 and that portion of the Salmon River drainage east of the Salmon River from the Salmon River bridge in the City of Salmon upstream to and including the Poison Creek drainage. (7-1-93)

38. Unit 30. That portion of LEMHI COUNTY within the Lemhi River drainage north and east of State Highway 28 and north and west of State Highway 29 and that portion of the Salmon River drainage east of the Salmon River from the U.S. 93 bridge in the City of Salmon downstream to, but excluding, the Carmen Creek drainage. (7-1-93)

39. Unit 30A. That portion of LEMHI COUNTY within the Lemhi River Drainage north and east of State Highway 28 and east of State Highway 29. (7-1-93)

40. Unit 31. That portion of WASHINGTON COUNTY within the following boundary: beginning at Brownlee Dam on the Snake River, then southeast on State Highway 71 to U.S. 95, then southwest on U.S. 95 to the Snake River at Weiser, then down the Snake River to Brownlee Dam, the point of beginning. (7-1-93)

41. Unit 32. Those portions of ADAMS, BOISE, GEM, PAYETTE, VALLEY, and WASHINGTON COUNTIES within the following boundary: beginning at Banks, then down State Highway 55 to Floating Feather Road, then west on Floating Feather Road to State Highway 16, then north on State Highway 16 to State Highway 52, then north on State Highway 52 to the Payette River, then downstream (EXCLUDING PAYETTE RIVER ISLANDS) to the Snake River, then downstream to Weiser, then

northeast on U.S. 95 to the Emmett-Council Road in Indian Valley, then south on Emmett-Council Road to the Sheep Creek Road, then east on the Sheep Creek Road to the Squaw Creek Road, then south on the Squaw Creek Road to Ola, then northeast on the Ola-Smiths Ferry Road to High Valley, then south on the High Valley-Dry Buck Road to Banks, the point of beginning. (7-1-93)

42. Unit 32A. Those portions of ADAMS, GEM, VALLEY, and WASHINGTON COUNTIES within the following boundary: beginning at U.S. 95 on the watershed divide between Weiser River and Mud Creek, then southeast along the watershed divide between Weiser River and Little Salmon River to No Business Lookout, then south along the watershed divide between Weiser River and North Fork Payette River to Lookout Peak, then south along the watershed divide between Squaw Creek and North Fork Payette River to the Smiths Ferry-Ola Road, then northeast on Smiths Ferry-Ola Road to Smiths Ferry, then down the North Fork to Banks, then northwest on the Banks-Dry Buck-High Valley Road to the Ola-High Valley Road, then west on Ola-High Valley Road to Ola, then north on the Squaw Creek Road to the Sheep Creek Road, then west on the Sheep Creek Road to the Emmett-Council Road, then north on Emmett-Council Road to U.S. 95 in Indian Valley, then north on U.S. 95 to the watershed divide between the Weiser River and Mud Creek, the point of beginning. (7-1-93)

43. Unit 33. Those portions of BOISE and VALLEY COUNTIES within the North Fork of the Payette River drainage east of the river and south of the Packer John Lookout Road, and the drainage of the Middle and South Forks of the Payette River, (EXCEPT the drainage of the Deadwood River upstream from and including Nine Mile Creek on the west side, and No Man Creek on the east side), and that portion of the South Fork of the Payette River drainage downstream from and including the Lick Creek drainage on the north side of the South Fork of the Payette River and downstream from, but excluding, the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (7-1-93)

44. Unit 34. Those portions of BOISE and VALLEY COUNTIES within the Middle Fork of the Salmon River drainage on the west side of the river upstream from and including the Sulphur Creek drainage, the drainage of Bear Valley Creek and the drainage of Deadwood River upstream from and including the Nine Mile Creek drainage on the west side and the No Man Creek drainage on the east side. (7-1-93)

45. Unit 35. That portion of BOISE COUNTY within the South Fork of the Payette River drainage upstream from, but excluding, the Lick Creek drainage on the north side of the South Fork of the Payette River and upstream from, and including the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (7-1-93)

46. Unit 36. Those portions of BLAINE and CUSTER COUNTIES within the Salmon River drainage upstream from and including the Yankee Fork on the north side of the river, and upstream from, and including the Warm Springs, Treon, Cold, and Beaver Creek drainages on the south side of the Salmon River, and including the Marsh Creek drainage of the Middle Fork of the Salmon River. (7-1-93)

47. Unit 36A. That portion of CUSTER COUNTY within the Salmon River drainage south and west of U.S. 93 between Willow Creek Summit and the U.S. 93 bridge

across the Salmon River south of the town of Challis, and all drainages on the southeast side of the Salmon River upstream from the U.S. 93 bridge to, but excluding, the Warm Springs, Treon, Cold, and Beaver Creek drainages. (7-1-93)

48. Unit 36B. That portion of CUSTER COUNTY within the Salmon River drainage on the north and west side of the Salmon River from and including the Ellis Creek drainage upstream to, but excluding, the Yankee Fork drainage. (7-1-93)

49. Unit 37. Those portions of CUSTER and LEMHI COUNTIES within the Salmon and Pahsimeroi River drainages east of the Salmon River, south and west of the Ellis-May-Howe Highway, and north and east of U.S. 93 between the U.S. 93 bridge across the Salmon River south of the town of Challis and Willow Creek Summit. (7-1-93)

50. Unit 37A. Those portions of CUSTER and LEMHI COUNTIES within the Salmon and Pahsimeroi River drainages east of the Salmon River upstream from, but excluding, the Poison Creek drainage and north and east of the Ellis-May-Howe Highway. (7-1-93)

51. Unit 38. Those portions of ADA, BOISE, CANYON, ELMORE, GEM, and PAYETTE COUNTIES within the following boundary: beginning at the confluence of the Payette and Snake Rivers, then up the Payette River (INCLUDING ISLANDS) to State Highway 52 near Emmett, then south on State Highway 52 to State Highway 16, then south on State Highway 16 to Floating Feather Road, then east on Floating Feather Road to State Highway 55, then south on State Highway 55 to State Highway 44, then east on State Highway 44 to Boise, then south on Interstate 84 to Mountain Home, then south on State Highway 51 to the Snake River, then downstream (INCLUDING ISLANDS) to the Idaho-Oregon State line, then north on the state line to the Payette River, the point of beginning. LAKE LOWELL SECTOR OF DEER FLAT NATIONAL WILDLIFE REFUGE-CLOSED. (7-1-93)

52. Unit 39. Those portions of ADA, BOISE, and ELMORE COUNTIES within the following boundary: beginning at the City of Boise, then southeast on Interstate 84 to Mountain Home, then northeast on the Mountain Home-Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River to Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road, then north on Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road to James Creek Summit, then east along the watershed divide between the South and Middle Forks of the Boise River to the intersection of the Camas, Blaine and Elmore County lines, then north along the watershed divide between the Boise and Salmon Rivers to the watershed divide between the Boise and South Fork of the Payette Rivers, then west along the divide to Hawley Mountain, then northwest along the divide between the Payette River and the South Fork Payette River to Banks, then south on State Highway 55 to State Highway 44, then east on State Highway 44 to Boise, the point of beginning. THE AREA BETWEEN STATE HIGHWAY 21 AND THE NEW YORK CANAL FROM THE NEW YORK CANAL DIVERSION DAM DOWNSTREAM TO BOISE CITY LIMITS-CLOSED. (7-1-93)

53. Unit 40. That portion of OWYHEE COUNTY within the following boundary: beginning on the Snake River at the Idaho-Oregon State line, upstream to

Grandview, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek-Mud Flat-Deep Creek-Cliffs Road to the North Fork of the Owyhee River, then downstream to the Idaho-Oregon State line, then north to the Snake River, the point of beginning. (7-1-93)

54. Unit 41. That portion of OWYHEE COUNTY within the following boundary: beginning at Grandview on the Snake River, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek-Mud Flat Road to Poison Creek Summit, then southeast along the watershed divide between the drainages of Poison, Shoofly and Jacks Creeks, and the drainage of Battle Creek to the El Paso Natural Gas Pipeline, then south along the pipeline to the Idaho-Nevada State line, then east to the Rogerson-Three Creek-Jarbidge Road, then north on Rogerson-Three Creek-Jarbidge Road to the Jarbidge River, then downstream to the West Fork of the Bruneau River, then downstream to the Bruneau River, then downstream to State Highway 51, then north on State Highway 51 to the Snake River, then downstream (EXCLUDING ISLANDS) to Grandview, the point of beginning. (7-1-93)

55. Unit 42. That portion of OWYHEE COUNTY within the following boundary: beginning on the North Fork of the Owyhee River at the Idaho-Oregon State line, south along the state line to the Idaho-Nevada State line, then east along the state line to the El Paso Natural Gas Pipeline, then north along the pipeline to the watershed divide between Battle and Jacks Creeks, then northwest along the divide and the divide between Battle, Shoofly, and Poison Creeks to the Poison Creek-Mud Flat Road, then west on Poison Creek-Mud Flat Road to the North Fork of the Owyhee River crossing, then downstream to the state line, the point of beginning. (7-1-93)

56. Unit 43. Those portions of CAMAS and ELMORE COUNTIES within the following boundary: beginning at the confluence of the South Fork of the Boise River and Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road, then north on Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line, then north along the Elmore-Camas County line to the junction with the Camas-Blaine County line, then southeast along the Camas-Blaine County line to the Dollarhide Summit-Carrie Creek-Little Smoky Creek Road (Forest Service Road 227), then southwest on Dollarhide Summit-Carrie Creek-Little Smoky Creek Road to the Five Points Creek-Couch Summit Road (Forest Service Road 094), then south on Five Points Creek-Couch Summit Road to Couch Summit, then west along the South Fork of the Boise River-Camas Creek watershed divide to Iron Mountain, then southwest on the Forest Service trail to and down the Middle Fork of Lime Creek to Lime Creek (Forest Service Trails 050 and 049), then downstream to the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to the confluence of Fall Creek, the point of beginning. (7-1-93)

57. Unit 44. Those portions of BLAINE, CAMAS, and ELMORE COUNTIES within the following boundary: beginning at the junction of the Camp Creek-Croy Creek Road and U.S. 20, then west on U.S. 20 to the Anderson Ranch Dam Road, then north on the Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to Lime Creek, then

upstream along Lime Creek to the Middle Fork of Lime Creek, then northeast on the Middle Fork Lime Creek Forest Service trail to Iron Mountain (Forest Service Trails 049 and 050), then east along the South Fork Boise River-Camas Creek watershed divide to Couch Summit, then north on the Five Points Creek Road (Forest Service Road 094), to the Little Smoky Creek-Carrie Creek-Dollarhide Summit Road (Forest Service Road 227), then northeast on Little Smoky Creek-Carrie Creek-Dollarhide Summit Road to Dollarhide Summit, then southeast along the Little Smoky Creek-Big Wood River-Camas Creek watershed divide to Kelly Mountain, then south down Kelly Gulch Creek to the Camp Creek-Croy Creek Road, then southwest on Camp Creek-Croy Creek Road to U.S. 20, the point of beginning. (4-25-94)

58. Unit 45. Those portions of CAMAS, ELMORE, and GOODING COUNTIES within the following boundary: beginning at the junction of U.S. 20 and the Anderson Ranch Dam Road, then east on U.S. 20 to State Highway 46, then south on State Highway 46 to Gooding, then west on U.S. 26 to Bliss, then south on U.S. 30 to the Malad River, then downstream to the Snake River, then downstream (EXCLUDING ALL ISLANDS) to State Highway 51, then north on State Highway 51 to Mountain Home, then northeast on U.S. 20 to Anderson Ranch Dam Road, the point of beginning. THREE ISLAND STATE PARK-CLOSED. (7-1-93)

59. Unit 46. Those portions of ELMORE, OWYHEE, and TWIN FALLS COUNTIES within the following boundary: beginning at the State Highway 51 bridge on the Snake River, then upstream (INCLUDING ALL ISLANDS) to the Gridley Bridge across the Snake River near Hagerman, then southeast on U.S. 30 to U.S. 93, then south on U.S. 93 to Rogerson, then southwest on the Rogerson-Three Creek-Jarbidge Road to the Jarbidge River, then downstream to the West Fork of the Bruneau River, then downstream to the Bruneau River, then downstream to State Highway 51, then north on State Highway 51 to the Snake River, the point of beginning. THREE ISLAND STATE PARK AND ALL SNAKE RIVER ISLANDS BETWEEN THE GLENN'S FERRY BRIDGE AND THE SAILOR CREEK BRIDGE-CLOSED. (7-1-93)

60. Unit 47. Those portions of OWYHEE and TWIN FALLS COUNTIES within the following boundary: beginning at Rogerson on U.S. 93, then southwest on the Rogerson-Three Creek-Jarbidge Road to the Idaho-Nevada State line, then east along the state line to U.S. 93, then north on U.S. 93 to Rogerson, the point of beginning. (7-1-93)

61. Unit 48. That portion of BLAINE COUNTY within the following boundary: beginning at Ketchum, then south on State Highway 75 to U.S. 20, then west on U.S. 20 to the Camp Creek-Croy Creek Road, then northeast on Camp Creek-Croy Creek Road to Kelly Gulch Creek, then up Kelly Gulch Creek to the Big Wood River-Camas Creek-South Fork of the Boise River watershed divide, then north, east, and south around the headwaters of the Big Wood River to the Trail Creek Road, then southwest on Trail Creek Road to Ketchum, the point of beginning. (7-1-93)

62. Unit 49. That portion of BLAINE COUNTY with the following boundary: beginning at Ketchum, then south on State Highway 75 to U.S. 20, then east on U.S. 20 to Lava Lake, then up Copper Creek to the watershed divide between the Little Wood and Big Lost Rivers, then along the divide to the watershed divide between the Big Wood and Big Lost Rivers, then along the divide to the Trail Creek Road, then southwest on Trail Creek Road to Ketchum, the point of beginning. (7-1-93)

63. Unit 50. Those portions of BLAINE, BUTTE, and CUSTER COUNTIES within the Big Lost River drainage north of U.S. 20-26 and State Highway 33, and the area east of Lava Lake and Copper Creek and north of U.S. 20-26. CRATERS OF THE MOON NATIONAL MONUMENT-CLOSED. (7-1-93)

64. Unit 51. Those portions of BUTTE, CUSTER, and LEMHI COUNTIES within the Little Lost River drainage north and west of State Highway 33. I.N.E.L. SITE-CLOSED. (7-1-93)

65. Unit 52. Those portions of BLAINE, CAMAS, GOODING, AND LINCOLN COUNTIES within the following boundary: beginning at Gooding, then north on State Highway 46 to U.S. 20, then east on U.S. 20 to Carey, then southwest on U.S. 93 to Shoshone, then west on U.S. 26 to Gooding, the point of beginning. (7-1-93)

66. Unit 52A. Those portions of BLAINE, BUTTE, LINCOLN, and MINIDOKA COUNTIES within the following boundary: beginning at Shoshone, then north and east on U.S. 93 to Arco, then south on the Arco-Minidoka Road to Minidoka, then northwest on State Highway 24 to Shoshone, the point of beginning. CRATERS OF THE MOON NATIONAL MONUMENT-CLOSED. (7-1-93)

67. Unit 53. Those portions of BLAINE, CASSIA, GOODING, JEROME, LINCOLN, MINIDOKA, POWER, and TWIN FALLS COUNTIES within the following boundary: beginning at Twin Falls, then west and north on U.S. 30 to the Snake River, then down the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, then east on U.S. 26 to Shoshone, then southeast on State Highway 24 to Minidoka, then east on the Union Pacific railroad tracks to the Minidoka-Blaine County line, then south along the Minidoka-Blaine County line to the Minidoka National Wildlife Refuge, then southeast along the refuge boundary to the Cassia-Power County line, then south along the Cassia-Power County line to Interstate 86 near Raft River, then west on Interstate 86 to Yale Road, then southwest on Yale Road over Interstate 84 to State Highway 81, then west on State Highway 81 to Burley, then west on U.S. 30 to Twin Falls, the point of beginning. MINIDOKA NATIONAL WILDLIFE REFUGE-CLOSED. (7-1-93)

68. Unit 54. Those portions of CASSIA and TWIN FALLS COUNTIES within the following boundary: beginning at Burley, then west on U.S. 30 to U.S. 93 west of Twin Falls, then south on U.S. 93 to the Idaho-Nevada State line, then east along the state line to the Oakley-Goose Creek Road, then north on Oakley-Goose Creek Road to Oakley, then north on State Highway 27 to Burley, the point of beginning. (7-1-93)

69. Unit 55. That portion of CASSIA COUNTY within the following boundary: beginning at Burley, then south on State Highway 27 to Oakley, then south on the Oakley-Goose Creek Road to the Idaho-Utah State line, then east on the state line to the Strevell-Malta Road, then north on Strevell-Malta Road to Malta and State Highway 81, then northwest on State Highway 81 to Burley, the point of beginning. (7-1-93)

70. Unit 56. Those portions of CASSIA, ONEIDA, and POWER COUNTIES within the following boundary: beginning at the Yale Road-State Highway 81 junction, then northeast on Yale Road over Interstate 84 to Interstate 86, then east on

Interstate 86 to State Highway 37, then south on State Highway 37 to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then west on the state line to Interstate 84, then northwest on Interstate 84 to the Malta-Sublett Road, then west on Malta-Sublett Road to its junction with State Highway 81, then north on State Highway 81 to the point of beginning. (7-1-93)

71. Unit 57. Those portions of CASSIA and ONEIDA COUNTIES within the following boundary: beginning at Malta, then east on the Malta-Sublett Road to Interstate 84, then southeast on Interstate 84 to the Idaho-Utah State line, then west on the state line to the Malta-Strevell Road, then northwest on Malta-Strevell Road to Malta, the point of beginning. (7-1-93)

72. Unit 58. Those portions of BUTTE, CLARK, JEFFERSON, and LEMHI COUNTIES within the Birch Creek drainage northwest of State Highway 22. I.N.E.L. SITE-CLOSED. (7-1-93)

73. Unit 59. That portion of CLARK COUNTY within the following boundary: beginning at Dubois, then north on Interstate 15 to the Idaho-Montana State line, then west along the state line to Bannock Pass (Clark County), then south on Medicine Lodge Road to State Highway 22, then east on State Highway 22 to Dubois, the point of beginning. (7-1-93)

74. Unit 59A. Those portions of CLARK, JEFFERSON, and LEMHI COUNTIES within the following boundary: beginning at Bannock Pass (Clark County) on the Idaho-Montana State line, then west along the state line to the watershed divide between Birch and Crooked Creeks, then south along the divide through Reno Point to State Highway 22, then east on State Highway 22 to Medicine Lodge Road, then north on Medicine Lodge Road to Bannock Pass, the point of beginning. (7-1-93)

75. Unit 60. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Ashton, then north on U.S. 191-20 to the old (south) Shotgun Valley Road, then west on Shotgun Valley Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then southeast on the Sand Creek Road to the old Yellowstone Highway, then east on old Yellowstone Highway to U.S. 191-20, then north on U.S. 191-20 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE-CLOSED. (7-1-93)

76. Unit 60A. Those portions of CLARK, FREMONT, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idmon, then south on the Rexburg-Kilgore Road (Red Road) to the Camas Creek-Jackson Mill Springs Road, then east on Camas Creek-Jackson Mill Springs Road to the Hamilton Hill Road, then southeast on the Hamilton Hill Road to the Sand Creek Road, then south on the Sand Creek Road to the old Yellowstone Highway, then south on old Yellowstone Highway to U.S. 191-20, then south on U.S. 191-20 to Rexburg, then west on State Highway 33 to Sage Junction, then north on Interstate 15 to Spencer, the point of beginning. (7-1-93)

77. Unit 61. Those portions of CLARK and FREMONT COUNTIES within

the following boundary: beginning at Spencer, then east on the old (south) Shotgun Valley Road to U.S. 191, then south on U.S. 191 to State Highway 47, then southeast on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then north along the Yellowstone Park boundary to the Idaho-Montana State line, then west to Monida Pass, then south on Interstate 15 to Spencer, the point of beginning. (7-1-93)

78. Unit 62. Those portions of FREMONT, MADISON, and TETON COUNTIES within the following boundary: beginning at the Leigh Creek Road on the Idaho-Wyoming State line, north along the state line to the Yellowstone Park boundary, then northwest along the Yellowstone Park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, then south on U.S. 191 to State Highway 33, then east on State Highway 33 to Leigh Creek Road east of Tetonia, then east on Leigh Creek Road to the state line, the point of beginning. (7-1-93)

79. Unit 62A. That portion of FREMONT COUNTY within the following boundary: beginning at Ashton, then north on U.S. 191 to State Highway 47, then south on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then south along the park boundary to Robinson Creek, then downstream to State Highway 47, then southwest on State Highway 47 to Ashton, the point of beginning. HARRIMAN STATE PARK WILDLIFE REFUGE - CLOSED. (7-1-93)

80. Unit 63. Those portions of BINGHAM, BONNEVILLE, BUTTE, CLARK, and JEFFERSON COUNTIES within the following boundary: beginning at Blackfoot then north on Interstate 15 to Dubois, then southwest on State Highway 22 to U.S. 20-26, then southeast on U.S. 26 to Interstate 15 at Blackfoot, the point of beginning. I.N.E.L. SITE-CLOSED. (7-1-93)

81. Unit 63A. Those portions of BONNEVILLE, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Idaho Falls, then east on U.S. 26 to the spot directly above the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on Heise-Archer-Lyman Road to U.S. 191, then north on U.S. 191 to Rexburg, then west on State Highway 33 to Interstate 15 (Sage Junction), then south on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 26, the point of beginning. (7-1-93)

82. Unit 64. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning at the junction of State Highway 33 and U.S. 191 at Sugar City, then south on U.S. 191 to the Lyman-Archer-Heise Road (Snake River Road), then southeast on Lyman-Archer-Heise Road to the Kelly Canyon-Tablerock Road, then east on Kelly Canyon-Tablerock Road to the Hawley Gulch Road (Forest Service Road 218), then east on Hawley Gulch Road to the

Moody Swamp Road (Forest Service Road 226), then northeast on Moody Swamp Road to the head of Hilton Creek, then east along the watershed divide between Big Burns and Canyon Creeks to Garns Mountain, then north along the watershed divide between Canyon Creek and Teton River to Grandview Point, then north down the Milk Creek Road to State Highway 33, then west on State Highway 33 to U.S. 191, the point of beginning.
(7-1-93)

83. Unit 65. Those portions of BONNEVILLE, MADISON, and TETON COUNTIES within the following boundary: beginning on the Leigh Creek Road at the Idaho-Wyoming State line east of Tetonia, west to State Highway 33, then west on State Highway 33 to Milk Creek Road, then south on Milk Creek Road to Grandview Point, then south along the watershed divide between Canyon Creek and Teton River to Garns Mountain, then southeast along the watershed divide between Pine Creek and Teton River over Red Mountain to Pine Creek Pass, then east on State Highway 31 to Victor, then southeast on State Highway 33 to the state line, then north to the Leigh Creek Road, the point of beginning.
(7-1-93)

84. Unit 66. Those portions of BINGHAM and BONNEVILLE COUNTIES within the following boundary: beginning at the Idaho-Wyoming State line on the South Fork of the Snake River, then downstream to the Swan Valley bridge on U.S. 26, then northwest on U.S. 26 to the watershed divide between Granite and Garden Creeks, then southwest along the divide and the divides between Garden-Antelope Creeks, Antelope-Pritchard Creeks and Fall-Tex Creeks to the Fall Creek Road (Forest Service Road 077), then west on Fall Creek Road to Skyline Ridge Road (Forest Service Road 077), then south on Skyline Ridge Road to Brockman Guard Station, then down Brockman Creek to Grays Lake Outlet, then upstream along the outlet to the Bone-Grays Lake Road, then east on Bone-Grays Lake Road to the McCoy Creek Road (Forest Service Road 087), then east on the McCoy Creek Road to the Idaho-Wyoming State line, then north to the point of beginning.
(7-1-93)

85. Unit 66A. Those portions of BONNEVILLE and CARIBOU COUNTIES within the following boundary: beginning on the McCoy Creek Road (Forest Service Road 087) at the Idaho-Wyoming State line, west on McCoy Creek Road through Herman to the Bone Road, then south on the Bone Road to State Highway 34, then east on State Highway 34 to the state line, then north along the state line to the point of beginning.
(7-1-93)

86. Unit 67. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning on State Highway 33 at the Idaho-Wyoming State line, then northwest to Victor, then southwest on State Highway 31 to Pine Creek Pass, then northwest along the watershed divide between Pine Creek and Teton River over Red Mountain to Garns Mountain, then west along the watershed divide between Big Burns and Canyon Creeks to the Moody Swamp Road (Forest Service Road 226) at Hilton Creek, then west on Moody Swamp Road to the Hawley Gulch Road (Forest Service Road 218), then west on Hawley Gulch Road and the Kelly Canyon Road to the South Fork Snake River Road, then upstream to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then due south across the river to the mean high water line on the south shore of the South Fork Snake River, then upstream along the mean high water line to the divide between Garden and Granite Creeks in Conant Valley, then south up the divide to U.S. 26, then southeast on

U.S. 26 to the Swan Valley bridge, then up the South Fork Snake River to the Idaho-Wyoming State line, then north on the state line to State Highway 33, the point of beginning. (7-1-93)

87. Unit 68. Those portions of BINGHAM, BLAINE, BUTTE, CASSIA, MINIDOKA, and POWER COUNTIES within the following boundary: beginning at Arco, then southeast on U.S. 26 to Blackfoot, then southwest on State Highway 39 to American Falls, then southwest on Interstate 86 to the Cassia-Power County line east of Raft River, then north along the county line to the Snake River, then northwest along the northern boundary of the Minidoka National Wildlife Refuge to the Minidoka-Blaine County line, then north along the Minidoka-Blaine County line to the Union Pacific Railroad tracks, then west on the tracks to Minidoka, then north on the Minidoka-Arco Road to Arco, the point of beginning. I.N.E.L. SITE-CLOSED. (7-1-93)

88. Unit 68A. Those portions of BANNOCK, BINGHAM, BONNEVILLE, and POWER COUNTIES within the following boundary: beginning at American Falls, then northeast on State Highway 39 to U.S. 26 near Blackfoot, then east on U.S. 26 to Interstate 15, then north on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 91 (Old Yellowstone Highway), then south on U.S. 91 to Interstate 15, then south on Interstate 15 to Interstate 86, then southwest on Interstate 86 to American Falls, the point of beginning. (7-1-93)

89. Unit 69. Those portions of BINGHAM, BONNEVILLE, and CARIBOU COUNTIES within the following boundary: beginning at Idaho Falls, then south on U.S. 91 to Blackfoot, then south on Interstate 15 to the Fort Hall interchange, then east on the Fort Hall-Government Dam Road to the Blackfoot River below the Government Dam, then along the north and east shore of the Blackfoot River and Reservoir to State Highway 34, then north on State Highway 34 to the Bone Road, then north on the Bone Road west of Grays Lake to Grays Lake Outlet, then downstream along the outlet to Brockman Creek, then up Brockman Creek to the Brockman Guard Station, then northwest on the Skyline Ridge Road (Forest Service Road 077) to Fall Creek Road (Forest Service Road 077), then east on the Fall Creek Road to the watershed divide between Fall and Tex Creeks, then north along the Fall Creek-Tex Creek, Antelope Creek-Pritchard Creek, Antelope Creek-Garden Creek and Garden Creek-Granite Creek watershed divides to the South Fork of the Snake River, then downstream along the mean high water line on the south shore of the South Fork to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then southwest to U.S. 26, then west on U.S. 26 to Idaho Falls, the point of beginning. (7-1-93)

90. Unit 70. Those portions of BANNOCK and POWER COUNTIES within the following boundary: beginning at the junction of Interstate 86 and Interstate 15 near Pocatello, then west on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south along Bannock Creek-Arbon Valley Highway to Mink Creek-Arbon Valley junction near Pauline, then northeast along Mink Creek Road to the Rattlesnake Creek Road, then east along the Rattlesnake Creek-Garden Gap-Arimo Road, then southeast on Rattlesnake Creek-Garden Gap-Arimo Road to Arimo, then north on Interstate 15 to the point of beginning. (7-1-93)

91. Unit 71. Those portions of BANNOCK, BINGHAM, and CARIBOU COUNTIES within the following boundary: beginning at Bancroft, then north on the

Bancroft-Chesterfield Road to Chesterfield Dam, then upstream on the Portneuf River to the Government Dam-Fort Hall Road, then west to Fort Hall interchange, then south on Interstate 15 to U.S. 30, then east to the Pebble-Bancroft county road (old U.S. 30N), then northeast to Bancroft, the point of beginning. (7-1-93)

92. Unit 72. Those portions of BINGHAM and CARIBOU COUNTIES within the following boundary: beginning at State Highway 34 on the Blackfoot River, then west along the east and north shore of the Blackfoot River and Reservoir to the Government Dam Road, then west on the Government Dam-Fort Hall Road to the Portneuf River, then downstream to Chesterfield Dam, then south on the Chesterfield-Bancroft Road to Bancroft, then east on the Pebble-Bancroft county road (old U.S. 30N) to U.S. 30N-State Highway 34, then northeast on State Highway 34 to the point of beginning. (7-1-93)

93. Unit 73. Those portions of BANNOCK, FRANKLIN, POWER, and ONEIDA COUNTIES within the following boundary: beginning on U.S. 91 at the Idaho-Utah State line, then north to Arimo, then northwest on the Arimo-Garden Gap-Rattlesnake Road to the Mink Creek Highway, then south along Mink Creek Highway to the Arbon Valley Highway near Pauline, then south on the Arbon Valley Highway to State Highway 37, then west to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then east along the state line to U.S. 91, the point of beginning. (7-1-93)

94. Unit 73A. Those portions of BANNOCK, ONEIDA, and POWER COUNTIES within the following boundary: beginning at Holbrook, then north on State Highway 37 to Interstate 86, then northeast on Interstate 86 to the Bannock Creek-Arbon Valley Highway, then south on Bannock Creek-Arbon Valley Highway to State Highway 37, then west to Holbrook, the point of beginning. (7-1-93)

95. Unit 74. Those portions of BANNOCK, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Preston, then north on U.S. 91 to Interstate 15, then north on Interstate 15 to U.S. 30N, then east on U.S. 30N to the Pebble-Bancroft county road (old U.S. 30N), then northeast to State Highway 34, then south on State Highway 34 to Preston, the point of beginning. (7-1-93)

96. Unit 75. Those portions of BEAR LAKE, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Montpelier, then northwest on U.S. 30 to State Highway 34, then south to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east on Strawberry Canyon-Emigration Canyon Road to Ovid, then east on U.S. 89 to Montpelier, the point of beginning. (7-1-93)

97. Unit 76. Those portions of BEAR LAKE and CARIBOU COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Montpelier, then north on U.S. 30 to Soda Springs, then northeast on State Highway 34 to the Idaho-Wyoming State line, then south on the Idaho-Wyoming State line to the Idaho-Utah State line, then west on the Idaho-Utah State line to U.S. 89, the point of beginning. (7-1-93)

98. Unit 77. That portion of FRANKLIN COUNTY within the following

boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east to the Franklin-Bear Lake County line, then south on the county line to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to the Franklin Basin Road, then south to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning.

(7-1-93)

99. Unit 78. Those portions of BEAR LAKE and FRANKLIN COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Ovid, then west on the Emigration Canyon-Strawberry Canyon Road to the Bear Lake-Franklin County line, then south to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to Franklin Basin Road, then south on Franklin Basin Road to the Idaho-Utah State line, then east on the state line to U.S. 89, the point of beginning.

(7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

700. CONTROLLED HUNT AREA DESCRIPTIONS - DEER.

- | | | |
|----------------|--|---|
| 01. | Hunt Area 1. All of Unit 1. | (10-26-94) |
| 02. | Hunt Area 11. All of Unit 11. | (10-26-94) |
| 03. | Hunt Area 14. All of Unit 14. | (10-26-94) |
| 04. | Hunt Area 18. All of Unit 18. | (10-26-94) |
| 05. | Hunt Area 19A. All of Unit 19A. | (10-26-94) |
| 06. | <u>Hunt Area 21. All of Units 21, 21A, 28, 29, and 30.</u> | <u>(3-13-96)T</u> |
| 07. | Hunt Area 22. All of Unit 22. | (10-26-94) |
| 08. | Hunt Area 23. All of Unit 23. | (10-26-94) |
| 09. | Hunt Area 25. All of Unit 25. | (7-1-93) |
| 10. | Hunt Area 29 <u>30</u> . All of Units 29 and 37A <u>30</u> . | (10-26-94) <u>(3-13-96)T</u> |
| 11. | Hunt Area 31. All of Unit 31. | (10-26-94) |
| 12. | Hunt Area 32. All of Unit 32. | (10-26-94) |
| 13. | Hunt Area 32A. All of Unit 32A. | (7-1-93) |
| 14. | Hunt Area 33. All of Units 33 and 35, and that portion of Unit 34 south | |

- and west of the Landmark Stanley Road. (10-26-94)
143. Hunt Area 36A. All of Unit 36A. (10-26-94)
154. Hunt Area 36B. All of Unit 36B. (10-26-94)
- ~~16. Hunt Area 37. All of Unit 37. (10-26-94)~~
175. Hunt Area 39-1. All of Unit 39. (10-26-94)
186. Hunt Area 39-2. That portion of Unit 39 within the following boundary: Beginning at a point four hundred (400) yards north of State Highway 21 at the Ada County Line, south and west on a line 400 yards north of State Highway 21 to the Highlands-Table Rock powerline, north and west on the Highlands-Table Rock powerline to State Highway 55, north on Highway 55 to the Ada County Line, and southeast on the Ada County Line to the point of beginning. (10-26-94)
197. Hunt Area 40-1. All of Unit 40. ~~(10-26-94)~~(3-13-96)T
18. Hunt Area 40-2. That portion of Unit 40 east of Sinker Creek and north of a line seven (7) air miles south of Highway 78. (3-13-96)T
- ~~2019. Hunt Area 41. All of Unit 41-1. (10-26-94)~~(3-13-96)T
20. Hunt Area 41-2. That portion of Unit 41 north of a line seven (7) air miles south of Highway 78 east of a line seven (7) air miles west of Highway 51 south to mile post 60 on Highway 51. (3-13-96)T
21. Hunt Area 42. All of Unit 42. (10-26-94)
22. Hunt Areas 43-1 and 43-2. All of Unit 43. (5-15-95)
23. Hunt Areas 44-1 and 44-2. All of Unit 44. (10-26-94)
24. Hunt Areas 45-1, 45-2, 45-3 and 45-4. All of Unit 45, EXCEPT that portion of Unit 45 within the following boundary: beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (9.5 miles north of Bliss), then west along the two-pole powerline to U.S. 20 (milepost 102.3), then southwest on U.S. 20 to Mountain Home, then south on U.S. 51 to the Snake River, then upstream on the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, the point of beginning. (10-26-94)
25. Hunt Areas 47-1 and 47-3. All of Unit 47. (10-26-94)
26. Hunt Area 47-2. All of Units 46 and 47. (10-26-94)
27. Hunt Area 48. All of Unit 48. (10-26-94)
28. Hunt Area 49. All of Unit 49. (10-26-94)

29. Hunt Area 50. That portion of Unit 50 west of U.S. 93. (10-26-94)
30. Hunt Area 51. All of Unit 51 and that portion of Unit 50 east of U.S. Highway 93. (10-26-94)
31. Hunt Areas 52-1, 52-2, and 52-3. All of Unit 52. (10-26-94)
32. Hunt Area 52A. All of Unit 52A. (7-1-93)
33. Hunt Areas 54-1, 54-2, and 54-3. All of Unit 54. (10-26-94)
34. Hunt Areas 55-1, 55-2 and 55-3. All of Unit 55. Most of City of Rocks National Reserve is open to hunting, and special information about the Reserve will be mailed to permittees and be available to others at Almo. (10-26-94)
35. Hunt Area 56. All of Unit 56. (10-26-94)
36. Hunt Areas 57-1, 57-2 and 57-3. All of Unit 57. (10-26-94)
37. Hunt Area 58. All of Unit 58. (10-26-94)
38. Hunt Area 59. All of Units 59 and 59A. (10-26-94)
39. Hunt Areas 60A-1 and 60A-2. That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road) and beyond one (1) mile north and west of the North (Henry's) Fork of the Snake River. ~~(5-15-95)~~(3-13-96)T
40. Hunt Area 61. All of Unit 61. (10-26-94)
41. Hunt Area 65. All of Unit 65. (5-15-95)
42. Hunt Area 66. All of Unit 66. (10-26-94)
43. Hunt Area 67. All of Unit 67. (10-26-94)
44. Hunt Area 68A. All of Unit 68A. (3-13-96)T
445. Hunt Area 69. That portion of Unit 69 north and east of the Grays Lake-Long Valley-Bone-Iona Road. (10-26-94)
46. Hunt Area 72. All of Unit 72. (3-13-96)T
457. Hunt Area 75. All of Unit 75. (10-26-94)

701. CONTROLLED HUNT AREA DESCRIPTIONS - ELK.

01. Hunt Area 4. All of Units 4 and 7. (3-13-96)T
042. Hunt Areas 8-1 and 8-3. That portion of Units 8 and 8A north of the following line: Beginning at the western boundary of Unit 8 at its junction with State

Highway 8, then east and north on Highway 8 to Forest Service Road 381, then northwest on Forest Service Road 381 to Forest Service Road 447, then west on Forest Service Road 447 to State Highway 6, then north on Highway 6 to the Unit 8A boundary. (10-26-94)

023. Hunt Areas 8-2 and 8-4. That portion of Units 8 and 8A south of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast along Long Meadow Creek to Dworshak Reservoir, then south along the western shoreline of Dworshak Reservoir to the Unit 8A boundary at Dworshak Dam. (10-26-94)

03. ~~Hunt Area 10. All of Unit 10.~~ (10-26-94)

04. Hunt Area 10-1. That portion of Unit 10, north and west of the following boundary: Beginning on the Unit 10 boundary at the junction of the North Fork of the Clearwater River and Forest Service Road 250, then northeast along Forest Service Road 250 to the Unit 10 boundary at Hoodoo Pass. (3-13-96)T

05. Hunt Area 10-2. That portion of Unit 10, east of the following boundary: Beginning on the Unit 10 boundary at Hoodoo Pass, then southwest along Forest Service Road 250 to the junction with Forest Service Road 255, then east along Forest Service Road 255 to the junction with Forest Service Road 581, then southeast along Forest Service Road 581 to the Unit 10 boundary at Cayuse Junction. (3-13-96)T

06. Hunt Area 10-3. That portion of Unit 10, south of the following boundary: Beginning on the Unit 10 boundary at the junction of the North Fork of the Clearwater River and Forest Service Road 250, then east along Forest Service Road 250 to the junction with Forest Service Road 255, then east along Forest Service Road 255 to the junction with Forest Service Road 581, then southeast along Forest Service Road 581 to the Unit 10 boundary at Cayuse Junction. (3-13-96)T

047. Hunt Area 10A-1. That portion of Unit 10A east of Dworshak Reservoir. (10-26-94)

058. Hunt Areas 10A-2 and 10A-4. That portion of Unit 10A west of Dworshak Reservoir and west of the Little North Fork Clearwater River. (10-26-94)

069. Hunt Area 10A-3. That portion of Unit 10A west of the Clearwater National Forest boundary and south of Forest Service Road 250 and State Highway 11. (10-26-94)

0710. Hunt Areas 11-1 and 11-2. All of Unit 11. (10-26-94)

0811. Hunt Area 11A-1. All of Unit 11A. (10-26-94)

0912. Hunt Area 11A-2. All of Units 11A, 24, 25, 29, 30, 30A, 33, 36A, 37, 37A, 50, 58, 59, 59A, 61, 66A, and 76. (10-26-94)

103. Hunt Area 12. All of Unit 12. (10-26-94)

- ~~14.~~ Hunt Areas 13-1 and 13-2. All of Unit 13. (10-26-94)
- ~~15.~~ Hunt Areas 14-1 and 14-2. That portion of Unit 14 north of the following line: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (10-26-94)
16. Hunt Area 14-3. That portion of Unit 14 south of the following boundary: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (3-13-96)T
- ~~17.~~ Hunt Area 14-~~34~~. All of Unit 14. (~~10-26-94~~)(3-13-96)T
18. Hunt Area 15. All of Unit 15. (3-13-96)T
- ~~19.~~ Hunt Area 16-~~1~~. Those portions of Units 15 and 16 north and west of the Nez Perce National Forest perimeter boundary. (~~10-26-94~~)(3-13-96)T
20. Hunt Area 16-2. All of Unit 16. (3-13-96)T
- ~~21.~~ Hunt Area 16A. All of Unit 16A. (10-26-94)
22. Hunt Area 17-1. That portion of Unit 17 north of the following boundary: Beginning on the Unit 17 boundary along the Selway River at the Fog Mountain Road (Forest Service Road 319), then east along the Selway River to Moose Creek, then north along Moose Creek to the East Fork of Moose Creek, then northeast along the East Fork of Moose Creek to Forest Service Trail 5, then northeast along Forest Service Trail 5 to the Unit 17 boundary. (3-13-96)T
23. Hunt Area 17-2. That portion of Unit 17 within the following boundary: Beginning on the Unit 17 boundary at the junction of Forest Service Roads 357 and 285, then east along Forest Service Road 357 to Running Creek, then northeast along Running Creek to the Selway River, then south along the Selway River to Forest Service Trail 517, then northeast along Forest Service Trail 517 to the White Cap Creek/Bear Creek Divide at Gardiner Peak, then east along the White Cap Creek/Bear Creek Divide to the Unit 17 boundary, then north along the Unit 17 boundary to Forest Service Trail 5, then southwest along Forest Service Trail 5 to the East Fork of Moose Creek, then southwest along the East Fork of Moose Creek to Moose Creek, then south along Moose Creek to the Selway River, then west along the Selway River to the Unit 17 boundary at Weasel Creek, then south along the Unit 17 boundary to the point of beginning. (3-13-96)T
24. Hunt Area 17-3. That portion of Unit 17 south of the following boundary: Beginning on the Unit 17 boundary at the junction of Forest Service Roads 357 and 285, then east along Forest Service Road 357 to Running Creek, then northeast along Running Creek to the Selway River, then south along the Selway River to Forest Service Trail 517, then northeast along Forest Service Trail 517 to the White Cap Creek/Bear Creek Divide at Gardiner Peak, then east along the White Cap Creek/Bear Creek Divide to the Unit 17 boundary. (3-13-96)T

- ~~16.~~ ~~Hunt Area 17. All of Unit 17.~~ (~~10-26-94~~)
- ~~17~~25. Hunt Area 18. All of Unit 18. (10-26-94)
26. Hunt Area 19. All of Unit 19. (3-13-96)T
- ~~18~~27. Hunt Area 19A. All of Unit 19A. (10-26-94)
- ~~19~~28. Hunt Area 20. All of Unit 20. (10-26-94)
- ~~20~~29. Hunt Area 20A. All of Unit 20A. (10-26-94)
- ~~21~~30. Hunt Areas 21-1 and 21-3. That portion of Unit 21 within the North Fork of the Salmon River drainage. (10-26-94)
- ~~22~~31. Hunt Areas 21-2 and 21-4. That portion of Unit 21 from and including the Horse Creek drainage to but excluding the North Fork of the Salmon River drainage. (10-26-94)
- ~~23~~32. Hunt Areas 21A-1 and 21A-2. All of Unit 21A. (10-26-94)
- ~~24~~33. Hunt Areas 22-1, 22-3, and 22-4. That portion of Unit 22 described as follows: beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then west on Unit 22 boundary to the Snake River, then south on the Snake River to State Highway 71, then southeast on Highway 71 to Cambridge, then north on U.S. 95 to the point of beginning. (5-15-95)
- ~~25~~34. Hunt Area 22-2. That portion of Unit 22 as follows: beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then east along Unit 22 boundary to U.S. 95 to the point of beginning. (5-15-95)
- ~~26~~35. Hunt Area 23-1. All of Unit 23. (10-26-94)
- ~~27~~36. Hunt Areas 23-2 and 23-4. That portion of Unit 23 within the Little Salmon River drainage, upstream from but excluding the Round Valley Creek drainage on the west side of the Little Salmon River; and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River, EXCEPT the Little Goose Creek drainage and the Goose Creek drainage above Little Goose Creek are CLOSED. (5-15-95)
- ~~28~~37. Hunt Areas 23-3 and 23-6. That portion of Unit 23 west of U.S. 95 and north of, and excluding, the Boulder Creek drainage. (5-15-95)

~~2938.~~ Hunt Area 23-5. That portion of Unit 23 which drains into the main Salmon River upstream from its confluence with the Little Salmon River to the French Creek-Burgdorf Road. (5-15-95)

~~309.~~ Hunt Areas 24-1 and 24-3. That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and the Warm Lake Road then east along Warm Lake Road to the watershed divide between the North Fork of the Payette River and the South Fork of the Salmon River, then north along the divide to the Lick Creek Road, then southwest along Lick Creek Road to State Highway 55, then west on State Highway 55 to the Adams County/Valley County line, then south on the Unit 23/24 unit boundary to the Unit 32A/24 boundary junction, then south to Forest Service Road 186, then southeast on Forest Service Road 186 to Tamarack Falls, then east on the Tamarack Falls/Norwood/West Roseberry Road to Highway 55, then south along State Highway 55 to the point of beginning. Unit 24/25 boundary, then north along the Unit 24/25/19A boundary to the intersection of the Unit 24/19A/23 boundaries, then south along the Unit 24/23/32A boundary to Forest Service Road 186 at No Business Saddle, then southeast on Forest Service Road 186 to West Mountain Road, then north and east on West Mountain Road and West Valley Road to Boydston Street, then north on Boydston Street to State Highway 55, then south on State Highway 55 to Elo Road, then east on Elo Road to Farm-To-Market Road, then south on Farm-To-Market Road to State Highway 55, then south on State Highway 55 to the point of beginning. (5-15-95)(3-13-96)T

~~340.~~ Hunt Areas 24-2 and 24-4. That portion of Unit 24 within the following boundary: Beginning in Donnelly at the junction of State Highway 55 and the West Roseberry/Norwood/Tamarack Falls Road, then west to Tamarack Falls, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A/33/25 Unit Boundary to the Warm Lake Road, then west on the Warm Lake Road to State Highway 55, then north on State Highway 55 to the point of beginning. Cascade at the junction of State Highway 55 and Cabarton Road, then south on Cabarton Road to West Mountain Road, then west and north on West Mountain Road to Forest Service Road 186, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A/33/25 unit boundary to the intersection of the Unit 24/32A/33 boundaries at Smith's Ferry, then north along the Unit 24/33/25 boundary to Warm Lake Road, then west on Warm Lake Road to State Highway 55, then south on State Highway 55 to the point of beginning. (5-15-95)(3-13-96)T

~~3241.~~ Hunt Area 24-5. All of Unit 24. That portion of Unit 24 with the following boundary: Beginning at the junction of State Highway 55 and Warm Lake Road, then east on Warm Lake Road to the Unit 24/25 boundary, then south on the Unit 24/25/33 boundary to the North Fork Payette River at Smith's Ferry, then north along the North Fork Payette River to Cabarton Road, then north on Cabarton Road to West Mountain Road, then west and north along the West Mountain Road and West Valley Road to Boydston Street, then north on Boydston Street to State Highway 55, then south on State Highway 55 to Elo Road, then east on Elo Road to Farm-To-Market Road, then south on Farm-To-Market Road to State Highway 55, then south on State Highway 55 to the point of beginning. (5-15-95)(3-13-96)T

42. Hunt Area 24-6. All of Unit 24. (3-13-96)T

~~3343.~~ Hunt Area 25. All of Unit 25. (10-26-94)

- ~~3444.~~ Hunt Area 26. All of Unit 26. (10-26-94)
- ~~3545.~~ Hunt Area 27. All of Unit 27. (10-26-94)
- ~~3646.~~ Hunt Area 28-1. That portion of Unit 28 east of Panther Creek Road (Forest Service Road 055). (10-26-94)
- ~~3747.~~ Hunt Area 28-2. That portion of Unit 28 west of the Panther Creek Road (Forest Service Road 055). (10-26-94)
- ~~3848.~~ Hunt Areas 29-1 and 29-2. All of Unit 29. (10-26-94)
- ~~39.~~ ~~Hunt Area 29-3. All of Units 29 and 37A.~~ (10-26-94)
- ~~409.~~ Hunt Areas 30-1, ~~and 30-2,~~ and 30-3. All of Unit 30. (10-26-94)(3-13-96)T
- ~~4150.~~ Hunt Areas 30A-1 and 30A-2. All of Unit 30A. (10-26-94)
- ~~4251.~~ Hunt Area 31-1, 31-2, and 31-3. All of Unit 31. (10-26-94)
- ~~4352.~~ Hunt Areas 32-1 and 32-3. That portion of Unit 32 south and east of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. (10-26-94)
- ~~4453.~~ Hunt Areas 32-2, 32-4, and 32-5. That portion of Unit 32 north and west of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. (5-15-95)
- ~~4554.~~ Hunt Areas 32A-1, 32A-2, 32A-3, and 32A-4. All of Unit 32A (10-26-94)
- ~~4655.~~ Hunt Areas 33-1 and 33-2. All of Unit 33. (10-26-94)
- ~~56.~~ ~~Hunt Area 33-3. That portion of Unit 33 outside of the exterior boundary of the Boise National Forest.~~ (3-13-96)T
- ~~4757.~~ Hunt Areas ~~33-3 and~~ 33-4. All of Units 33 and 35 and that portion of Unit 34 south and west of the Landmark-Stanley Road. (10-26-94)(3-13-96)T
- ~~48.~~ ~~Hunt Area 33-5. That portion of Unit 33 outside of the exterior boundary of the Boise National Forest.~~ (5-15-95)

- ~~4958.~~ Hunt Area 34. All of Unit 34. (10-26-94)
509. Hunt Area 35. All of Unit 35. (10-26-94)
- ~~5160.~~ Hunt Areas ~~36-1 and 36-2.~~ All of Unit 36. ~~(10-26-94)~~(3-13-96)T
- ~~5261.~~ Hunt Areas 36A-1 and 36A-3. That portion of Unit 36A west of the East Fork of the Salmon River and that portion east of the East Fork of the Salmon River upstream from and including the West Pass Creek drainage. (10-26-94)
- ~~5362.~~ Hunt Areas 36A-2 and 36A-4. That portion of Unit 36A east of the East Fork of the Salmon River downstream from but EXCLUDING the West Pass Creek drainage; and that portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 50 north of the Doublespring Pass Road east of U.S. 93. (10-26-94)
5463. Hunt Area 36B. All of Unit 36B. (10-26-94)
5564. Hunt Areas 37-1 and 37-2. All of Unit 37. (10-26-94)
5665. Hunt Areas 37A-1 and 37A-2. All of Unit 37A. (10-26-94)
- ~~5766.~~ Hunt Areas 39-1 and 39-23. That portion of Unit 39 north and west of State Highway 21. That portion of Unit 39 north and west of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain. ~~(10-26-94)~~(3-13-96)T
67. Hunt Area 39-2. That portion of Unit 39 south and east of the Blacks Creek Road and the South Fork of the Boise River. (3-13-96)T
- ~~5868.~~ Hunt Area ~~39-34.~~ That portion of Unit 39 south and east of State Highway 21. ~~(10-26-94)~~(3-13-96)T
- ~~59.~~ Hunt Area 39-4. That portion of Unit 39 south and east of the Blacks Creek Road and the South Fork of the Boise River. ~~(10-26-94)~~
69. Hunt Area 39-5. That portion of Unit 39 south and east of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin then north on Forest Service Road 376 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain. (3-13-96)T
- ~~6070.~~ Hunt Areas 40-1 and 40-3. That portion of Unit 40 within the Owyhee River drainage north of the Cow Creek-Delamar-Silver City Road and within the Snake River drainage. That portion of Unit 40 north of the following boundary: Beginning at the Cow Creek-Delamar-Silver City Road at the Oregon-Idaho border, south and east on the Cow Creek-Delamar-Silver City Road to the Murphy-Silver city Road, north on the Murphy-Silver City Road to Highway 78, east on Highway 78 to Sinker Creek, north on Sinker Creek to the Snake River. ~~(10-26-94)~~(3-13-96)T
- ~~6171.~~ Hunt Areas 40-2 and 40-4. That portion of Unit 40 within the Owyhee

~~River drainage south of the Cow Creek-Delamar-Silver City Road and all of Unit 42. That portion of Unit 40 south of the following boundary: Beginning at the Cow Creek-Delamar-Silver City Road at the Oregon-Idaho border, south and east on the Cow Creek-Delamar-Silver City Road to the Murphy-Silver City Road, north on the Murphy-Silver City Road to Highway 78, east on Highway 78 to Sinker Creek, north on Sinker Creek to the Snake River.~~ (10-26-94)(3-13-96)T

- ~~6272.~~ Hunt Areas 43-1, 43-2, 43-3, ~~and 43-4,~~ 43-5, and 43-6. All of Unit 43
(5-15-95)(3-13-96)T
- ~~6373.~~ Hunt Area 43-~~57~~. That portion of Unit 43 within the South Fork of the Boise River drainage downstream from and including the Trinity Creek and Abbot Gulch drainages.
(5-15-95)(3-13-96)T
- ~~6474.~~ Hunt Areas 44-1, 44-2, and 44-3. All of Unit 44. (10-26-94)
- ~~6575.~~ Hunt Area 45-1. All of Units 45 and 52. (10-26-94)
- ~~6676.~~ Hunt Areas 45-2 and 45-~~43~~. That portion of Unit 45 north of Interstate 84 and west of the Bliss-Hill City Road. (10-26-94)(3-13-96)T
- ~~67~~ Hunt Areas 45-3 and 45-5. That portion of Unit 45 east of the Bliss-Hill City Road, and all of Units 52, 52A, and 53. (10-26-94)
- ~~6877.~~ Hunt Area 48-1. All of Unit 48. (10-26-94)
- ~~6978.~~ Hunt Areas 48-2 and 48-4. That portion of Unit 48 north of the Ketchum-Warm Springs Creek-Dollarhide Summit Road and west and south of State Highway 75. (10-26-94)
- ~~709.~~ Hunt Areas 48-3 and 48-5. All of Unit 48 EXCEPT that portion north of the Ketchum-Warm Springs Creek-Dollarhide Summit Road and west and south of State Highway 75. (10-26-94)
- ~~7180.~~ Hunt Areas 49-1, 49-2, and 49-3. All of Unit 49 and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (10-26-94)
- ~~7281.~~ Hunt Areas 50-1 and 50-2. That portion of Unit 50 south of the Doublespring Pass Road east of U.S. 93, and that portion south of the Trail Creek Road west of U.S. 93 but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (10-26-94)
- ~~7382.~~ Hunt Area 50-3. That portion of Unit 50 west of U.S. 93, south of Trail Creek Road, downstream from and including the Rock Creek drainage of the Big Lost River but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (10-26-94)
- ~~7483.~~ Hunt Areas 51-1, 51-2 and 51-3. All of Unit 51 and that portion of Unit 63 within Butte County and including that portion of this hunt within one-half mile inside

the north and west boundary of the Idaho National Engineering Laboratory (INEL) adjacent to agricultural lands. (10-26-94)

84. Hunt Areas 53-1 and 53-2. That portion of Unit 45 east of the Bliss-Hill City Road and all of Units 52, 52A, and 53. (3-13-96)T

~~7585.~~ Hunt Areas 56-1 and 56-2. All of Unit 56. (10-26-94)

~~7686.~~ Hunt Areas 58-1 and 58-2. All of Unit 58. (10-26-94)

~~7787.~~ Hunt Areas 59-1, ~~and 59-2,~~ and 59-3. All of Units 59 and 59A. (10-26-94)(3-13-96)T

~~7888.~~ Hunt Areas 60-1, 60-2, and 60-3. All of Unit 60, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED. (5-15-95)(3-13-96)T

~~7989~~ Hunt Areas 60A-1 and 60A-2. That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road), and that portion of Unit 63A north of Highway 48 and west of the West Butte Road (3600 East Jefferson County). (10-26-94)

~~8090.~~ Hunt Areas 61-1, 61-2, and 61-3. All of Unit 61. (5-15-95)

~~8191.~~ Hunt Area 62. All of Unit 62. (10-26-94)

~~8292.~~ Hunt Area 62A-1. All of Unit 62A. (10-26-94)

~~8393.~~ Hunt Area 62A-2. That portion of Unit 62A west of the Henrys Fork of the Snake River and that portion of Unit 60 south of the Microwave Tower Road and east of the powerline to its intersection with Ashton Reservoir. (10-26-94)

~~8494.~~ Hunt Area 62A-3. That portion of Unit 62A east of the Henrys Fork of the Snake River. (10-26-94)

~~8595.~~ Hunt Area 63. ~~That portion of Unit 63 north of State Highway 20. That portion of Unit 63 north of State Highway 20 and including that portion of this hunt in Unit 63 within one-half mile inside the north and west boundary of the Idaho National Engineering Laboratory (INEL) which is adjacent to agricultural lands, that portion of Unit 51 south of South Creek and east of the Howe-Clyde-Goldberg Road, and that portion of Unit 58 south of and including the Kyle Canyon drainage north and west of State Highway 22, including all INEL lands in Units 51 and 58 within this described boundary.~~ (5-15-95)(3-13-96)T

~~8696.~~ Hunt Area 63A. That portion of Unit 63A ~~south~~ north of Highway 48 and east of the West Butte Road (3600 East Jefferson County). (5-15-95)(3-13-96)T

~~8797.~~ Hunt Area 64. All of Unit 64. (10-26-94)

~~8898.~~ Hunt Area 65. All of Unit 65. (10-26-94)

~~89~~99. Hunt Areas 66-1 and 66-2. All of Unit 66, and that portion of Unit 69 north and east of the Gray's Lake-Long Valley-Bone-Iona Road. (10-26-94)

~~90~~100. Hunt Areas 66A-1 and 66A-2. All of Unit 66A. (10-26-94)

~~94~~101. Hunt Areas ~~67-1, 67-2, and 67-3~~. All of Unit 67. ~~(10-26-94)~~(3-13-96)T

~~92~~. ~~Hunt Areas 67-2 and 67-3. That portion of Unit 67 south and east of State Highway 31.~~ (10-26-94)

~~93~~102. Hunt Areas 68-1 and 68-2. All of Unit 68 and that portion of Unit 63 south of Highway 20 and that portion of Unit 52-A east of Range 25E through the Great Rift. ~~(5-15-95)~~(3-13-96)T

~~94~~103. Hunt Area 69. That portion of Unit 69 south and west of the Gray's Lake-Long Valley-Bone-Iona Road. (10-26-94)

~~95~~104. Hunt Area ~~70-1~~. All of Unit 70. ~~(10-26-94)~~(3-13-96)T

105. Hunt Area 70-2. All of Unit 70 and that portion within the following boundary: Beginning at Jensen Pass Road on the West Daniels Road, then west along the Jensen Pass Road to the Arbon Valley Highway, then north on the Arbon Valley Highway to Pauline, then northeast on the Mink Creek Road to the Rattlesnake-Garden Gap Road, then east on the Virginia Road to the Dairy Creek-Sheep Creek Road at Hawkins Reservoir, then southwest on the Dairy Creek-Sheep Creek Road to the West Daniels Road, then south on the West Daniels Road to the point of beginning. (3-13-96)T

~~96~~106. Hunt Areas ~~71-1 and 71-2~~. All of Unit 71. ~~(10-26-94)~~(3-13-96)T

~~97~~107. Hunt Areas 72-1 and 72-2. All of Unit 72. (5-15-95)

108. Hunt Area 73-1. That portion of Unit 73 within the following boundary: Beginning on Interstate 15 at the Utah border, then north on Interstate 15 to U.S. 91 near Virginia, then southeast on U.S. 91 to the Idaho-Utah State line, then west on the state line to Interstate 15, the point of beginning. (3-13-96)T

~~98~~109. Hunt Areas ~~73-1 and 73-2~~. That portion of Unit 73 within the following boundary: Beginning at Jensen Pass Road on the West Daniels Road, then west along the Jensen Pass Road to the Arbon Valley Highway, then north on the Arbon Valley Highway to Pauline, then northeast on the Mink Creek Road to the Rattlesnake-Garden Gap Road, then east on the Virginia Road to the Dairy Creek-Sheep Creek Road at Hawkins Reservoir, then southwest on the Dairy Creek-Sheep Creek Road to the West Daniels Road, then south on the West Daniels Road to the point of beginning. ~~(10-26-94)~~(3-13-96)T

~~99~~. ~~Hunt Area 73-2. That portion of Unit 73 within the following boundary: beginning on Interstate 15 at the Utah border, then north on Interstate 15 to U.S. 91 near Virginia, then southeast on U.S. 91 to the Idaho-Utah State line, then west on the state line to Interstate 15, the point of beginning.~~ (10-26-94)

~~100~~10. Hunt Areas 74-1 and 74-2. All of Unit 74 south of U.S. Highway 30.
(~~5-15-95~~)(3-13-96)T

~~101~~1. Hunt Areas 75-1 and 75-2. All of Unit 75. (10-26-94)

~~102~~12. Hunt Area 75-3. All of Units 75, 77, and 78. (5-15-95)

~~103~~13. Hunt Area 76-1. Those portions of Units 66A and 76 within the following boundary: beginning at the intersection of the Idaho-Wyoming border and the Stump Creek Road, then north along the border to the Jackknife Creek Road, then west along Jackknife Creek Road to Cabin Creek Road, then west along Cabin Creek Road to the Cabin Creek-Haderlie Ridge Trail (Forest Service Trail 155), then south on the trail to its junction with the Tincup Highway (State Highway 34), then west along the Tincup Highway approximately 4 miles to the South Fork of Tincup Creek and Forest Service Trail 014, then south up Forest Service Trail 014 to the Stump Creek Road, then south and east along Stump Creek Road to the Idaho-Wyoming border, the point of beginning. That portion of Unit 66A within the Miller and Newswander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek-Haderlie Ridge Trail (Forest Service Trail 619), and that portion of Unit 76 within the following boundary: Beginning at the intersection of State Highway 34 and the Idaho-Wyoming border, then west approximately four miles to the mouth of the South Fork of Tincup Creek and Forest Service Trail 014, then south up Trail 014 to the Stump Creek Road, then south and east along Stump Creek Road, to the Idaho-Wyoming border, then north along the border to the Junction of State Highway 34, the point of beginning.

(~~10-26-94~~)(3-13-96)T

~~104~~14. Hunt Area 76-2. That portion of Unit 76 within the following boundary: beginning at Soda Springs on State Highway 34, then north to the Lanes Creek Road to Wayan, then south along the Lanes Creek-Diamond Creek Road to Timber Creek Road, then northeast along Timber Creek-Smokey Canyon-Stump Creek Road to the Idaho-Wyoming State line, then south along the state line to the Crow Creek Road, then southwest along Crow Creek-Wells Canyon-Georgetown Canyon Road to U.S. 30, then north along U.S. 30 to Soda Springs, the point of beginning. (10-26-94)

~~105~~15. Hunt Area 76-3. That portion of Unit 76 south of the Georgetown-Wells Canyon-Crow Creek Road. (10-26-94)

~~106~~16. Hunt Area 76-4. That portion of Unit 76 within the following boundary: beginning at the Idaho-Wyoming State line at the Stump Creek Road, then west along the Stump Creek-Smoky Canyon-Timber Creek Road to the Diamond Creek Road, then north along the Diamond Creek-Lanes Creek Road to State Highway 34 at Wayan, then east along State Highway 34 to the Idaho-Wyoming State line, then south along the state line to the Stump Creek Road, the point of beginning. (10-26-94)

~~107~~17. Hunt Areas 77-1 and 77-2. All of Unit 77. (10-26-94)

~~108~~18. Hunt Areas 78-1 and 78-2. All of Unit 78. (10-26-94)

(BREAK IN CONTINUITY OF SECTIONS)

703. CONTROLLED HUNT AREA DESCRIPTIONS - ANTELOPE.

01. Hunt Area 21A. All of Unit 21A. (10-26-94)
02. Hunt Areas 29-1 and 29-3. That portion of Unit 29 downstream from and including the Hayden Creek drainage on the west side of the Lemhi River and those drainages on the east side of the main Salmon River upstream from the mouth of the Lemhi River to, but excluding, the Poison Creek drainage. ~~(10-26-94)~~(3-13-96)T
03. Hunt Areas 29-2 and 29-4. That portion of Unit 29 upstream from, but excluding, the Hayden Creek drainage on the west side of the Lemhi River. ~~(10-26-94)~~(3-13-96)T
04. Hunt Areas 30-1 and 30-2. All of Unit 30. ~~(10-26-94)~~(3-13-96)T
05. Hunt Areas 30A-1 and 30A-2. All of Unit 30A. ~~(10-26-94)~~(3-13-96)T
06. Hunt Area 36A-1. That portion of Unit 36A west of the East Fork of the Salmon River. (10-26-94)
07. Hunt Area 36A-2. That portion of Unit 36A east of the East Fork of the Salmon River. (10-26-94)
08. Hunt Area 36A-3. That portion of Unit 36A north of the Spar Canyon Road within the Warm Springs Creek drainage and north from and including the Bradbury Gulch drainage within the Salmon River drainage. (10-26-94)
09. Hunt Areas 36B-1 and 36B-2. All of Unit 36B, and that portion of Unit 28 upstream from and including the Iron Creek drainage. ~~(10-26-94)~~(3-13-96)T
10. Hunt Areas 37-1 and 37-3. That portion of Unit 37 south of the Doublespring Pass-Goldburg Road. (10-26-94)
11. Hunt Areas 37-2 and 37-4. That portion of Unit 37 north of the Doublespring Pass-Goldburg Road. (10-26-94)
12. Hunt Area 37A-1. That portion of Unit 37A east of the (Little) Morgan Creek Road and the north fork of (Little) Morgan Creek. (10-26-94)
13. Hunt Area 37A-2. That portion of Unit 37A west of the (Little) Morgan Creek Road and the north fork of (Little) Morgan Creek, and that portion of Unit 29 in the Poison Creek drainage. (10-26-94)
- ~~14. Hunt Area 37A-3. All of Unit 37A and that portion of Unit 29 in the Poison Creek drainage. (10-26-94)~~
14. Hunt Area 39. All of Unit 39. (3-13-96)T

15. Hunt Area 40. All of Unit 40. (10-26-94)
16. Hunt Area 41. That portion of Unit 41 east of State Highway 51. (10-26-94)
17. Hunt Area 42. That portion of Unit 41 west of State Highway 51 and all of Unit 42. (10-26-94)
18. Hunt Area 44. All of Unit 44 and that portion of Unit 45 within the Camas Creek drainage. (10-26-94)
19. Hunt Areas 46-1 and 46-2. All of Unit 46. (10-26-94)
20. Hunt Area 47. All of Unit 47. (10-26-94)
21. Hunt Area 49-1. That portion of Unit 49 west of the Fish Creek Road and east of the Little Wood River. (10-26-94)
22. Hunt Area 49-2. That portion of Unit 49 east of the Fish Creek Road and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (10-26-94)
23. Hunt Area 49-3. That portion of Unit 49 west of the Little Wood River. (10-26-94)
24. Hunt Area 50-1. That portion of Unit 50 north of Antelope Creek and west of U.S. 93. (10-26-94)
25. Hunt Area 50-2. That portion of Unit 50 southeast of Antelope and Pass Creeks but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of Craters of the Moon National Monument. (10-26-94)
26. Hunt Area 50-3. That portion of Unit 50 north of Pass Creek and east of U.S. 93. (10-26-94)
27. Hunt Area 51-1. That portion of Unit 51 north of Badger Creek Road and north of the Wet Creek-Pass Creek Road. (10-26-94)
28. Hunt Area 51-2. That portion of Unit 51 south of Badger Creek Road and south of the Wet Creek-Pass Creek Road and that portion of Unit 63 within Butte County including that portion of this hunt area within one-half mile the north and west boundary of the Idaho National Engineering Laboratory (INEL) adjacent to agricultural lands. (10-26-94)
- ~~29. Hunt Area 52. All of Unit 52. (10-26-94)~~
- ~~30. Hunt Area 52A. All of Unit 52A. (10-26-94)~~
- ~~31~~29. Hunt Area 53. All of Unit 53. (10-26-94)

30. Hunt Area 54. All of Unit 54. (3-13-96)T
31. Hunt Area 57. All of unit 57 and that portion of Unit 56 west of Interstate 84. (3-13-96)T
32. Hunt Area 58. All of Unit 58 outside the Idaho National Engineering Laboratory boundary. (10-26-94)
33. ~~Hunt Area 59. All of Units 59 and 59A, and that portion of Unit 61 within the Beaver Creek drainage.~~ (10-26-94)(3-13-96)T
34. Hunt Area 60A. All of Units 60 and 60A, and that portion of Unit 61 west of Hotel creek. (10-26-94)(3-13-96)T
35. Hunt Area 61. That portion of Unit 61 east of Hotel Creek. (10-26-94)
36. Hunt Area 63-1. That portion of Unit 63 south of State Highway 33 and including that portion of this hunt area within one-half mile inside the east boundary of the Idaho National Engineering Laboratory and which is adjacent to agricultural lands. (10-26-94)
37. Hunt Area 63-2. That portion of Unit 63 north of State Highway 33, and including that portion of this hunt area within one-half mile inside the east boundary of the Idaho National Engineering Laboratory and which is adjacent to agricultural lands, EXCLUDING the Camas National Wildlife Refuge which is CLOSED. (10-26-94)
38. Hunt Area 68. All of Unit 68. (10-26-94)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.17 - RULES GOVERNING THE USE OF BAIT FOR
TAKING BIG GAME ANIMALS

DOCKET NO. 13-0117-9601

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective March 13, 1996.

ACTION: The action, under Docket No. 13-0117-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01, Chapter 17, Rules Governing the Use of Bait for Taking Big Game Animals in the state of Idaho.

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed rule-making. The action is authorized pursuant to §36-104(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

To clarify season dates for use of bait to attract black bears.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact John Beecham, (208) 334-2920, 600 South Walnut, Boise, Idaho 83707.

DATED this 24th day of April 1996.

W. Dallas Burkhalter, Deputy Attorney General
P.O. Box 25, Boise, ID 83707
(208) 334-3715/FAX (208) 334-2148

TEXT OF DOCKET NO. 13-0117-9601

100. USE OF BAIT.

Bait is defined as any substance placed to attract big game animals, except liquid scent for deer and elk. Bait may be used to hunt ONLY black bear and ONLY under the following conditions. (7-9-93)

01. Time. (7-1-93)

a. No bait may be placed for the purpose of attracting or taking black bear prior to the opening of black bear take season. (7-1-93)

b. All bait containers and materials must be removed and all excavations

refilled ~~when the site is abandoned or~~ no later than seven (7) days after the close of the spring and fall black bear season. ~~(7-1-93)~~(3-13-96)T

02. Location. (7-1-93)
- a. No bait site may be located within 200 yards of any free water (lake, pond, reservoir, spring, stream), any maintained trail or any road. (7-1-93)
- b. No bait site may be located within one-half mile of any designated campground or picnic area, administrative site, or dwelling. (7-1-93)
03. Types. (7-1-93)
- a. No parts of or whole game animals, game birds, or game fish may be used as bait. (7-1-93)
- b. The skin must be removed from any mammal parts or carcasses used as bait. (7-1-93)
04. Containers. (7-1-93)
- a. No bait may be contained within paper, plastic, glass, metal, wood or other nonbiodegradable materials, except that a single, metal container with a maximum size of fifty-five (55) gallons may be used if securely attached at the bait site. (7-1-93)
- b. No bait may be contained in any excavated hole greater than four (4) feet in diameter. (7-1-93)
05. Establishment of Bait Sites. (7-1-93)
- a. Any structures constructed at bait sites using nails, spikes, ropes, screws, or other materials must be removed ~~when the site is abandoned~~ by the permit holder, ~~or~~ within seven (7) days of the close of the spring and fall black bear season. ~~(7-1-93)~~(3-13-96)T
- b. All bait sites must be visibly marked at the nearest tree or on the bait container using a tag supplied by the Department. (7-1-93)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

**13.01.19 - RULES GOVERNING OPERATING,
DISCONTINUING, AND SUSPENDING VENDORS**

DOCKET NO. 13-0119-9601

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective March 13, 1996.

ACTION: The action, under Docket No.13-0119-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 19, Rules Governing Operating, Discontinuing, and Suspending Vendors in the state of Idaho.

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed rule-making. The action is authorized pursuant to §36-104(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

Amend the phone line installation cost-share provision as requested during legislative review.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Steve Barton at 208-334-3782, 600 South Walnut, Boise, Idaho 83707.

DATED this 24th day of April 1996.

W. Dallas Burkhalter, Deputy Attorney General
P.O. Box 25, Boise, ID 83707
(208) 334-3715/FAX (208) 334-2148

Text of Docket No. 13-0119-9601

159. TELECOMMUNICATION REIMBURSEMENTS TO VENDORS.

Each vendor must have a phone line available for the computerized license system. The department shall prescribe the type of phone line service that is required by each vendor. Vendors will ~~pay the first~~ reimburse the department for one-half (1/2), not to exceed two-hundred dollars (\$200), of phone line installation costs for the phone line necessary for the computerized license system. ~~The department will reimburse the vendor for the balance of the phone line installation.~~ (8-25-95T)(3-13-96)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.20 - RULES GOVERNING THE SELECTION OF
FISH AND GAME LICENSE VENDORS
DOCKET NO. 13-0120-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These rules are effective March 13, 1996.

ACTION: The action, under Docket No.13-0120-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 20, Rules Governing the Selection of Fish and Game License Vendors in the state of Idaho.

AUTHORITY: In compliance with Sections 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and proposed rule-making. The action is authorized pursuant to §36-104(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

Amends the vendor selection criteria concerning cooperative attitude as requested by legislative review.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Steve Barton at (208) 334-3782, 600 South Walnut, Boise, Idaho 83707.

DATED this 24th day of April 1996.

W. Dallas Burkhalter, Deputy Attorney General
P.O. Box 25, Boise, ID 83707
(208) 334-3715/FAX (208) 334-2148

TEXT OF DOCKET NO. 13-0120-9601

102. SELECTION.

The following criteria are established for selecting an applicant to become a fish and game license vendor: (8-21-95)T

01. Low Numbered Vendors. Applicants classified in lower-numbered vendor classifications will be given priority over applicants in higher-numbered classifications from the same general location. (8-21-95)T

02. Class Six (6) Applicants. Applicants classified as class six (6) will generally not be approved. They will be approved only when they have demonstrated a

major significant public benefit to have a license vendorship at their location. (8-21-95)T

03. Unsettled Debts Reported. Applicants who have unsettled debts reported and listed with a credit bureau will not be approved. Unsettled debts that are in dispute will not be considered against the applicant. (8-21-95)T

04. Surety Bond Needed. Applicants who would otherwise qualify for a vendorship and have been in business less than three (3) years will be required to furnish the department a ten thousand dollar (\$10,000) surety bond in the form and length as determined by the director. (8-21-95)T

05. Applicant Cooperation Required. The applicant and its employees should exhibit a cooperative attitude toward the ~~department and the license~~ issuing requirements; however, this shall not be the only rationale for denying a vendorship.
(8-21-95)T(3-13-96)T

06. Permanent Place of Business Required. Applicants who do not have a permanent place of business open and accessible to all segments of the public will not be approved. (8-21-95)T

07. Number of Existing Vendors in Area. The number of existing vendors in the applicant's geographical area and their distance to the applicant. For the three (3) closest existing vendors, their hours and days of operation, classification, accessibility to the public, and other pertinent information, including their distance to the applicant, will be compared to the applicant. (8-21-95)T

08. Incorporated City. If the applicant is in an incorporated city, the number of vendors in the city. (8-21-95)T

09. Unincorporated City. If the applicant is located in an unincorporated area, the number of vendors within a twenty-five (25) mile radius. (8-21-95)T

10. Minimum Sales Volume Requirement. The applicant's estimated license sales volume should meet the minimum sales volume requirements. If the applicant is seeking to replace an existing vendor at the prior vendor's location, the prior vendor's sales volume will be used to estimate the applicant's sales volume. (8-21-95)T

11. Satisfactory Past Performance Record Required. If the applicant was a license vendor or the manager for a license vendor within the past five (5) years, the performance record for compliance with the requirements for license vendors must be satisfactory. (8-21-95)T

12. No Fish and Game Violations Allowed. Neither the owner(s) nor store manager (if the applicant is a corporation) shall have had a fish and game violation other than an infraction within the past five (5) years. (8-21-95)T

13. Remote Location. An applicant's location will be considered remote if there are no year-round vendors within a twenty-five (25) mile radius. (8-21-95)T

14. The Applicant's Hours of Operation. Priority will be given in the

following order: (8-21-95)T

- a. Seven (7) days per week, minimum fifty-six (56) hours. (8-21-95)T
- b. Six (6) days per week, minimum forty-eight (48) hours. (8-21-95)T
- c. Five (5) days per week, minimum forty (40) hours. (8-21-95)T
- d. Four (4) days per week, minimum thirty-two (32) hours. (8-21-95)T

15. Turnover in Vendorship of Location. The number of times the location has had a turnover in the vendorship. Three (3) changes of ownership in any twenty-four (24) month period are considered excessive and the application may not be approved for this reason. (8-21-95)T

16. Length of Time in Business. Except as otherwise provided in these rules, all applicants for a new license vendorship should have been established in business for at least one (1) year. The department may waive this requirement in the case of a license vendor applicant located in a remote area if there is a department or public need for license availability. Changes in ownership at established vendor locations will be handled on a case-by-case basis. (8-21-95)T

- 17. Distance to Fishing and Hunting Areas: (8-21-95)T
 - a. Distance zero (0) to ten (10) miles. (8-21-95)T
 - b. Distance eleven (11) to twenty (20) miles. (8-21-95)T
 - c. Distance twenty-one (21) to thirty (30) miles. (8-21-95)T
 - d. Distance thirty-one (31) to forty (40) miles. (8-21-95)T
 - e. Distance forty-one (41) miles and greater. (8-21-95)T

18. Need Determination. Can the public reasonably obtain licenses/tags without this vendor. (8-21-95)T

19. Vendor Ceiling. Qualified applications will be approved until the active vendor ceiling has been reached. (8-21-95)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9601
NOTICE OF VACATION OF RULE-MAKING

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency has vacated the rule-making previously initiated under this docket. The action is authorized pursuant to Section(s) 56-202(b) and 39-106(l), Idaho Code.

DESCRIPTIVE SUMMARY: This rulemaking was previously published as a temporary rule in the February 7, 1996, issue of the Idaho Administrative Bulletin. Proposed regular rulemaking procedures have now been initiated and the changes made in docket no. 16-0304-9601 will be published under docket no. 16-0304-9602.

SUBMISSION OF WRITTEN COMMENTS, ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation, contact Patti Campbell at (208) 334-5819.

DATED this 5th day of June, 1996.

Staci Welsh
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
PO Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9602
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: Sections 533 and 550 are effective December 1, 1995; Sections 203, 221, 362, 377, 612, 680, 713, 716, 717, and 718 are effective April 1, 1996; and Sections 002, 283, and 284 are effective May 1, 1996.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(b) and 39-106(l), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 1996.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary rule-making and a statement in nontechnical language of the substance of the proposed rule:

Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to comply with deadlines in amendments to governing law or federal programs.

Public Law 101-624 requires that the criteria which property can be considered inaccessible to households in calculation of their resources for Food Stamp eligibility be expanded.

Public Law 102-237 requires that the definition of a student enrolled in an institution of higher education be revised; the definition of eligible students be expanded; and the student work study exemption revised.

The 1996 Agriculture Appropriations law requires that the standard deduction for Food Stamps be frozen at FY 1995 levels.

The final rules at 7CFR 272.1(g) require implementation of the Federal Income Tax Refund Offset Program (FTROP) as a method of collecting past due claims for non-participating individuals.

Administrative Notice 96-06 requires that Intentional Program Violation sanctions be imposed immediately regardless of whether or not the individual is currently participating in the Food Stamp Program.

16.03.04.002 - Adds business and trade school to the list of institutions of higher education; effective May 1, 1996.

16.03.04.203 - Adds clarification of the provision allowing participation in the Food Stamp Program after supplying proof of application for a Social Security Number;

effective April 1, 1996.

16.03.04.221 - Adds clarification about action taken when adding an eligible member with income to the Food Stamp household results in a reduction of benefits; effective April 1, 1996.

16.03.04.283 - Adds the definition of when a student is considered enrolled in an institution of higher education; effective May 1, 1996.

16.03.04.284 - Changes the work study criteria and the training criteria for determining eligibility of students; effective May 1, 1996.

16.03.04.362 - Adds the definition of return required for a saleable resource to be considered significant and the definition of a saleable resource with no significant return; effective April 1, 1996.

16.03.04.377 - Adds clarification of conditions to exclude an irrevocable trust; effective April 1, 1996.

16.03.04.533 and 550 - Changes the standard deduction from \$138 to \$134; effective December 1, 1995.

16.03.04.612 - Adds vendor payments and reimbursements as reportable changes in unearned income; effective April 1, 1996.

16.03.04.680 and 713 - Adds Federal Income Tax Refund Offset Program (FTROP) as a method of collection for inadvertent household error (IHE) and intentional program violation (IPV) overissuances; effective April 1, 1996.

16.03.04.716, 717, and 718 - Deletes the provisions for postponing imposition of IPV penalties for those individuals not currently participating in the Food Stamp Program; effective April 1, 1996.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Patti Campbell at (208) 334-5819.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before June 26, 1996.

DATED this 5th day of June, 1996.

STACI WELSH
Administrative Procedures Coordinator
DHW - Division of Legal Services
450 West State Street, 10th Floor
PO Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0304-9602

002. DEFINITIONS.

For the Food Stamp Program, the following definitions apply: (6-1-94)

01. Administrative Error Claim. A claim resulting from an overissuance caused by the Department's action or failure to act. (6-1-94)

02. Applicant. A person applying for Food Stamps. (6-1-94)

03. Application for Participation. The application form filed by the head of the household or authorized representative. (6-1-94)

04. Authorization to Participate. The card issued by the Department authorizing a Food Stamp allotment. The card specifies the household, allotment amount and the redemption month. (6-1-94)

05. Authorized Representative. A person designated by the household to act on behalf of the household to apply for or get and use Food Stamps. Authorized representatives include private nonprofit organizations or institutions conducting a drug addiction or alcoholic treatment and rehabilitation center acting for center residents. Authorized representatives include group living arrangement centers acting for center residents. Authorized representatives include battered women's and children's shelters acting for the shelters' residents. Homeless meal providers may not be authorized representatives for homeless Food Stamp recipients. (6-1-94)

06. Battered Women and Children's Shelter. A shelter for battered women and children which is a public or private nonprofit residential facility. If the facility serves others, a portion of the facility must be set aside on a long-term basis to serve only battered women and children. (6-1-94)

07. Boarder. Any person or group to whom a household, other than a commercial boarding house, furnishes meals and lodging in exchange for an amount equal to or greater than the thrifty food plan. Children, parents and spouses in a household must not be treated as boarders. (6-1-94)

08. Boarding House. A licensed commercial enterprise offering meals and lodging for payment to make a profit. (6-1-94)

09. Categorical Eligibility. If all household members are authorized to get AFDC, AABD and/or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. (9-1-94)

10. Certification Determination. Actions necessary to determine household eligibility including interviews, verification, approval, denial, field investigation, analysis and corrective action necessary to insure prompt, efficient and correct certifications. (6-1-94)

11. Claim Determination. The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)
12. Client. A person entitled to or receiving Food Stamps. (6-1-94)
13. Coupon. Any coupon, stamp or certificate issued pursuant to the Food Stamp Program for the purchase of food. (6-1-94)
14. Coupon Allotment. The total dollar amount of Food Stamps allowed the household during the full or prorated month. (6-1-94)
15. Department. The Idaho Department of Health and Welfare. (6-1-94)
16. Disqualified Household Members. Individuals required to be excluded from participation in the Food Stamp program are Disqualified Household Members. These include: (6-1-94)
- a. Ineligible aliens who do not meet the citizenship or eligible alien requirements. (6-1-94)
- b. Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)
- c. Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)
- d. Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)
17. Documentation. The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)
18. Drug Addiction or Alcoholic Treatment Program. Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XXIX of the Public Health Service Act (42 USC 300 et seq.). Indian reservation based centers may qualify if FNS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (6-1-94)
19. Eligible Foods. Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)
- a. Garden seeds and plants to grow food for human consumption. (6-1-94)
- b. Meals prepared for the elderly at a communal dining facility. (6-1-94)

- c. Meals prepared and delivered by an authorized meal delivery service. (6-1-94)
- d. Meals served to a narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)
- e. Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)
- f. Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)
- g. Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
- 20. Eligible Household. A household living in a project area and meeting the eligibility criteria in these rules. (6-1-94)
- 21. Emancipated Minor. A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
- 22. Enumeration. The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
- 23. Exempt. A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
- 24. Federal Fiscal Year. The Federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
- 25. Food Assistance. The Department's Food Stamp Program or Food Distribution Program. (6-1-94)
- 26. General Assistance. Cash or other aid, excluding in-kind assistance, financed by Federal, state or local government and provided to cover living expenses or other basic needs. This cash or other aid is intended to promote the health and well-being of recipients. (6-1-94)
- 27. Group Living Arrangement. A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)
- 28. Homeless Person. A person: (6-1-94)

- a. Who has no fixed or regular nighttime residence. (6-1-94)
- b. Whose primary nighttime residence is a temporary residence in the home of another individual or household. (6-1-94)
- c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
- d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
- e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)
29. Homeless Meal Provider. A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FNS. (6-1-94)
30. Identification Card. The card identifying the bearer as eligible to get and use Food Stamps. (6-1-94)
31. Inadvertent Household Error Claim (IHE). A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)
32. Income and Eligibility Verification System (IEVS). A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)
33. Indian General Assistance. The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)
34. Institution of Higher Education. Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, ~~or~~ technical, or trade schools at the post-high school level. ~~(6-1-94)~~(5-1-96)T
35. Institution of Post Secondary. Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (6-1-94)
36. Nonexempt. A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)

37. Nonprofit Meal Delivery Service. A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)

38. Overissuance. The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)

39. Parental Control. Parental control means that an adult household member has a minor in the household. The minor is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. (6-1-94)

40. Participation. Participation means a person or household was certified for the Food Stamp Program and is getting Food Stamps. (6-1-94)

41. Period of ATP or Coupons Intended Use. The month the ATP or Food Stamps are issued. When issued after the twentieth (20th), the period of intended use is from the twenty-first (21st) to the last day of the next month. (6-1-94)

42. Program. The Food Stamp Program created under the Food Stamp Act and administered in Idaho by the Department. (6-1-94)

43. Project Area. The state of Idaho has been approved as one project area by the Department of Agriculture. (6-1-94)

44. Public Assistance. Public assistance means Old-Age Assistance (OAA), Aid to Families with Dependent Children (AFDC), Aid to the Blind (AB) and Aid to the Disabled (AD). (6-1-94)

45. Retail Food Store. A retail food store, for Food Stamp purposes means: (6-1-94)

a. An establishment, or recognized department of an establishment, or a house-to-house food trade route, whose food sales volume is more than fifty percent (50%) staple food items for home preparation and consumption. (6-1-94)

b. Public or private communal dining facilities and meal delivery services. (6-1-94)

c. Private nonprofit drug addict or alcohol treatment and rehabilitation programs. (6-1-94)

d. Public or private nonprofit group living arrangements. (6-1-94)

e. Public or private nonprofit shelters for battered women and children. (6-1-94)

f. Private nonprofit cooperative food purchasing ventures, including those whose members pay for food prior to the receipt of the food. (6-1-94)

- g. A farmers' market. (6-1-94)
- h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FNS. (6-1-94)
- 46. Spouse. Persons who are: (6-1-94)
 - a. Ceremonially married under applicable state law; or (6-1-94)
 - b. Living together, free to marry and holding themselves out as man and wife. (6-1-94)
- 47. State. Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)
- 48. State Agency. The Idaho Department of Health and Welfare. (6-1-94)
- 49. Student. An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)
- 50. Supplemental Security Income (SSI). Monthly cash payments under Title XVI of the Social Security Act. Payments include state or Federally administered supplements, such as AABD payments in Idaho. (6-1-94)
- 51. Verification. The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

203. SOCIAL SECURITY NUMBER (SSN) REQUIREMENT.

Before certification, households must provide the Department the SSN, or proof of application for SSN, for each household member. If a household member has more than one (1) SSN, he must provide all of his SSNs. Document the SSNs in the case file. (6-1-94)

01. Religious Objection. Households declaring a valid religious objection to getting or providing an SSN may get Food Stamps, if otherwise eligible. Document the valid reason for the SSN objection. Tell the household SSNs may be assigned to household members without their cooperation. Tell the household other sources may be used to get SSN data. (6-1-94)

02. Apply for SSN. If a household member does not have an SSN, he must apply for an SSN. After the member files the SSN application, he may get Food Stamps while the SSN is assigned. If a household member is unable to provide his SSN, he must apply for a duplicate SSN card. If a household member does not know if he has an SSN, he must apply for an SSN. If a household member has a questionable SSN he must apply for an SSN. SSN application process and proof is listed below: ~~(6-1-94)~~(4-1-96)T

a. Application for SSN or duplicate SSN card. For the household member with a SS card, the Department must tell the household an SS-5 Application for SSN must be filed at an SSA office, give the household an HW 0446 Social Security Number Referral form tell the household proof of age, identity, and citizenship must be provided to the SSA. (6-1-94)

b. Proof of SSN application. The household must prove it applied for an SSN by giving one (1) of three (3) forms to the Department: A completed HW 0446 Social Security Number Referral, signed and dated by SSA, a completed SSA-5028 Evidence of Application for Account Number Card, signed and dated by SSA, a completed SSA-2853 Message From Social Security, signed and dated by a hospital representative. The acquired SSN card is proof of application. (6-1-94)

03. Expedited Services SSN Requirements. Households getting expedited services must furnish an SSN or apply for an SSN for each person before the first full month of Food Stamp participation. If the application date is the first day of the month and proof is delayed, the household is assigned a normal certification period. For a household applying on the first day of the month, if the SSN or application for SSN is not provided for a household member during the first month, the person is treated as an excluded household member beginning the second month. (10-1-94)

04. Refusal or Failure to Provide SSN. Refusal or failure, without good cause, to provide an SSN will end benefits of the person without an SSN. Refusal or failure, without good cause, to apply for an SSN, will end benefits of the person without an SSN. The person is not eligible until an SSN is provided or application is made. The disqualified person's income and resources must be counted in the Food Stamp budget. Explain these penalties to the household. If benefits are reduced or ended, because one (1) or more persons fail to meet the SSN requirement, send a Notice of Decision. The notice includes the name of the disqualified household member, the reason and the new household benefit. The notice tells the household the actions they must take to get Food Stamps for the disqualified member. (6-1-94)

05. Good Cause for Not Applying for SSN. If a member can show good cause why an SSN application was not completed, within the application month, the member can participate for an additional month. Good Cause is described below: (6-1-94)

a. Good cause exists if the HW 0446 or other documents show the household submitted form SS-5 to the SSA, but the SS-5 was not processed in a timely manner by the SSA. Once the SS-5 has been filed and accepted by the SSA, the member can be eligible until the SS-5 is processed. (6-1-94)

b. Good cause exists if documents or collateral data show the household applied for, or made every effort to apply for, an SSN. (6-1-94)

c. Good cause does not include household-caused delays due to illness, lack of transportation, or temporary absences. (6-1-94)

06. Person Unable to Get Proof for SSA. If the person is unable to get the proof required by SSA for an SSN, the Department will help the person get proof.

(6-1-94)

07. Good Cause Extension. If the person cannot get an SSN in the application month, and good cause exists, a one (1) month extension must be granted to allow the person to get Food Stamps until the SSN is received. (6-1-94)

08. SSN Proof Required. Verify all SSNs, or application for SSNs, for each household member. SSNs are proved through Numident. (6-1-94)

09. SSN Not Proved Due to Numident Discrepancy. If there is a Numident discrepancy take the action listed below: (6-1-94)

a. Notify household. Notify the household, in writing, they must submit a corrected SS-5 and supporting data to SSA within ten (10) calendar days. Notify the household Food Stamps will end if the Department does not have proof the SS-5 was submitted to SSA within ten (10) calendar days. (6-1-94)

b. Evaluate good cause. Determine good cause for refusal to cooperate if a household claims it cannot submit the SS-5 and supporting data to SSA. If the supporting data has been destroyed good cause may exist. (6-1-94)

c. End benefits. Close the case after timely notice if the household refuses to cooperate. Refusal to cooperate means the household fails or refuses to submit the SS-5 and required proof to SSA, without good cause. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

221. WHEN TO COUNT FOOD STAMP HOUSEHOLD MEMBERS.

Members of the Food Stamp household must be determined before Food Stamps can be issued. Count household members using guidelines below: (6-1-94)

01. New Household. Determine household composition for a new household as of the application month. (6-1-94)

02. Household Gains an Eligible Member. If the Food Stamp household gains an eligible member, add the member the month after the month the household reports and verifies the new member. Provide a supplemental issuance if necessary. If the new member has income and Food Stamp benefits must be reduced, advance notice is required. If advance notice is required, add the member two (2) months after the month the household reports and verifies the new member. (~~6-1-94~~)(4-1-96)T

03. Household Loses a Member. If the household loses a member, remove the member as soon as possible following proper notice. Food Stamps based on the lost member must end not later than two (2) months after the month the member left the household. (6-1-94)

04. Moves From One Food Stamp Household to Another Food Stamp Household. If a person moves from one Food Stamp household to another Food Stamp

household remove the person from the old household with proper notice. Add the person to the new household. The person cannot get Food Stamps in both households in the same month. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

283. STUDENT ENROLLMENT.

A student is considered enrolled in an institution of higher education if participating in a regular curriculum there. Enrollment status of a student begins the first day of the institution of higher education school term. The enrollment continues through normal periods of class attendance, vacation and recess. Enrollment stops if the student graduates, is suspended or expelled, drops out, or does not intend to register for the next normal school term. Summer school terms are not normal school terms. ~~(6-1-94)~~(5-1-96)T

284. DETERMINING STUDENT ELIGIBILITY.

To be eligible for Food Stamps, a student must meet at least one (1) of the criteria listed below: (6-1-94)

01. Employment. The student is employed a minimum of twenty (20) hours per week and is paid for such employment. The student is self-employed a minimum of twenty (20) hours per week. The student must earn at least the Federal minimum wage times twenty (20) hours. (6-1-94)

02. Work Study Program. The student is in a State or Federally financed work study program during the regular school year. The student exemption begins the month the school term begins, or the month the work study is approved, whichever is later. The exemption continues until the end of the month the school term ends, or it becomes known the student has refused an assignment. The student work study exemption stops when there are breaks of a full calendar month or longer between terms, without approved work study. The exemption only applies to months the student is approved for work study. ~~(6-1-94)~~(5-1-96)T

03. Caring for Dependent Child. The student is responsible for the care of a dependent household member under age six (6). There must not be another adult in the household available to care for the child. Availability of adequate child care is not a factor. The student is responsible for the care of a dependent household member at least age six (6) but under age twelve (12). The Department must determine adequate child care is not available to enable the student to attend class and satisfy the twenty (20) hour work requirement. The student must be a single parent responsible for the care of a dependent child under the age of twelve (12). The student is enrolled full-time in an institution of higher education. Full-time enrollment is determined by the institution. Availability of adequate child care is not a factor. (6-1-94)

04. AFDC or AFDC-UP Recipient. The student gets cash benefits from the AFDC program or AFDC-UP programs. (6-1-94)

05. Training. The student is assigned to or placed in an institution of higher education through or complying with: The JTPA program. The JOBS program. The JSAP

program. A program under Section 236 of the Trade Act of 1974. A program for employment and training operated by a State or local government, ~~determined to be proper by the Secretary of Agriculture.~~ (6-1-94)(5-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

362. SALEABLE ITEM WITHOUT SIGNIFICANT RETURN EXCLUDED.

Resources that cannot be sold for a significant return are excluded. ~~The high sale cost or low equity value of the resources, make significant funds for household support unlikely. A significant return is one-half (1/2) the household resource limit. One-half (1/2) the household resource limit is one thousand dollars (\$1000) or one thousand five hundred dollars (\$1500), depending on household composition. The Department requires the household to give proof of the value of a resource only if it questions the resource data provided. Vehicles are not included under this rule. A single resource cannot be divided to get an exclusion under this rule. A resource meeting the conditions described in Subsections 362.01 through 362.03 is not counted.~~ (6-1-94)(4-1-96)T

01. No Profit From Sale. The sale, or other disposal, of the resource is not likely to produce one-half (1/2) the resource limit for the household. (4-1-96)T

02. No Interest In Resource. The household's interest in a resource is slight. The sale of the resource is not likely to bring one-half (1/2) the household resource limit. (4-1-96)T

03. Cost of Sale Too Great. The cost of selling the household's interest in a resource is excessive. The household is not likely to sell the resource for one-half (1/2) the resource limit. (4-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

377. TRUST FUNDS EXCLUDED.

Trust funds are excluded if all conditions listed below are met: (6-1-94)

01. Trust Irrevocable or Not Changeable by Household. The household must be unable to revoke the trust agreement or change the name of the beneficiary during the certification period. (6-1-94)

02. Trust Unlikely to End During Certification. The trust arrangement must be unlikely to end during the certification period. (6-1-94)

03. Trustee Independent from Household Control. The trustee of the fund is either a court, institution, corporation, or organization not under the direction or ownership of a household member, or a court appointed person who has court-imposed limits placed on the use of funds. (6-1-94)

04. Trust Not Under Control of Household-Directed Business. The trust investments do not directly involve or help any business or corporation under the control,

direction, or influence of a household member. (6-1-94)

05. Origin and Use of Trust. The funds held in an irrevocable trust are: (6-1-94)

a. Set up from the household's own funds. The trustee uses the funds only to make investments for the trust, or to pay education or medical expenses of the beneficiary; or (6-1-94)(4-1-96)T

b. ~~The trustee uses the funds only to make investments for the trust, or to pay education or medical expenses of the beneficiary.~~ (6-1-94)

eb. Set up from nonhousehold funds by a non-household member. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

533. INCOME DEDUCTIONS.

A household is entitled to a deduction when it gets a bill or, if there is no bill, when the payment is due. Only the deductions listed below must be taken from household's gross income: (6-1-94)

01. Standard Deduction. The standard deduction is one hundred and thirty-eight ~~four~~ dollars (\$138~~4~~) per month per household. (10-1-95)(12-1-95)T

02. Earned Income Deduction. The earned income deduction is twenty percent (20%) of gross earned income. (6-1-94)

03. Excess Medical Deduction. The excess medical deduction is nonreimbursed medical expenses more than thirty-five dollars (\$35) per household per month. The household member must be either age sixty (60) or older or disabled to get this deduction. Special diets are not deductible. (6-1-94)

04. Dependent Care Deduction. The dependent care deduction each month is dependent care expenses up to a maximum of two hundred dollars (\$200) per dependent child under age two (2) and one hundred seventy-five dollars (\$175) for any other dependent. The care must be needed for a household member to accept, continue, or seek employment, or attend school or training for employment. (9-1-94)

05. Child Support Deduction. The child support deduction is the legally obligated child support amount the household pays, or expects to pay, on behalf of a non-household member. (10-1-95)T

06. Shelter Costs. The monthly shelter cost, over fifty percent (50%) of the household's income after all other deductions, is the excess shelter cost. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

550. STEPS TO COMPUTE FOOD STAMP PAYMENT.

Use the steps in Subsections 550.01 through 550.38 to compute the Food Stamp issuance. Do not round figures or calculations of income and deductions in determining gross or net income. (10-1-95)T

01. Step 1. List projected wages and salaries for the household for the month. Do not count excluded income. (6-1-94)

02. Step 2. Compute and list net self-employment income. If a farmer, list any self-employment profit or loss. (6-1-94)

03. Step 3. Add results of step 1 and step 2. **THIS IS GROSS EARNED INCOME.** (6-1-94)

04. Step 4. Compute and list prorated monthly non-excluded educational income. (6-1-94)

05. Step 5. Compute and list prorated monthly tuition, mandatory fees, and allowed expenses. (6-1-94)

06. Step 6. Subtract amount in step 5 from the amount in step 4. (6-1-94)

07. Step 7. List other unearned income for household. (6-1-94)

08. Step 8. Add results of step 6 and step 7. **THIS IS TOTAL UNEARNED INCOME.** (6-1-94)

09. Step 9. Add results of step 3 and step 8. (6-1-94)

10. Step 10. Subtract any loss not used up in step 2 from step 9. **THIS IS GROSS MONTHLY INCOME.** Record the gross monthly income. Check to see if gross income exceeds the limit for family size. Categorically eligible households are exempt from the gross income test. Households with an elderly or disabled household member are exempt from the gross income test. (6-1-94)

11. Step 11. Multiply amount in step 3 times 0.2 (20%). (6-1-94)

12. Step 12. Subtract amount in step 11 from amount in step 3. (6-1-94)

13. Step 13. Add amount in step 12 to amount in step 8. (6-1-94)

14. Step 14. List the standard deduction of one hundred thirty-eight ~~four~~ dollars (\$138~~4~~). ~~(10-1-95)~~(12-1-95)T

15. Step 15. Subtract amount in step 14 from amount in step 13. (6-1-94)

16. Step 16. List converted medical costs over thirty-five dollars (\$35) for

- household with elderly or disabled member. (6-1-94)
17. Step 17. Subtract amount in step 16 from amount in step 15. (6-1-94)
18. Step 18. List converted dependent care costs (not to exceed two hundred dollars (\$200) per dependent under age two (2) and one hundred seventy five dollars (\$175) for any other dependent). (10-1-94)
19. Step 19. Subtract amount in step 18 from amount in step 17. (10-1-95)T
20. Step 20. List child support paid or expected to be paid by the household. (10-1-95)T
21. Step 21. Subtract amount in step 20 from amount in step 19. **THIS IS INCOME, AFTER DEDUCTIONS, EXCEPT SHELTER DEDUCTION.** (10-1-95)T
22. Step 22. Divide amount in step 21 by 2 (this is used to weigh shelter costs). **THIS IS HALF THE ADJUSTED INCOME.** (10-1-95)T
23. Step 23. List rent or mortgage payment. (10-1-95)T
24. Step 24. List property taxes (averaged over 12 months). (10-1-95)T
25. Step 25. List homeowners insurance on structure (averaged over 12 months). (10-1-95)T
26. Step 26. Add amount in step 23 and amount in step 24 and amount in step 25. (10-1-95)T
27. Step 27. If client chooses the standard utility allowance (SUA), add one hundred sixty three dollars (\$163) to the amount in step 246. (10-1-95)T
28. Step 28. If client has chosen to use actual utility expenses, list and add the following expenses. (10-1-95)T
- a. Basic rate for telephone. (6-1-94)
 - b. Electric bill. (6-1-94)
 - c. Gas bill. (6-1-94)
 - d. Heating oil. (6-1-94)
 - e. Wood costs (only if purchased for heat). (6-1-94)
 - f. Water and sewer bill. (6-1-94)
 - g. Garbage and trash collection. (6-1-94)
 - h. Installation costs for utilities. (6-1-94)

- i. Other allowed utility costs. (6-1-94)
29. Step 29. If client has chosen to use actual utility expenses, add amount in step 26 and amount in step 28. (10-1-95)T
30. Step 30. Use amount from step 27 (using standard utility allowance) or amount from step 29 (using actual utility costs) as total shelter cost. (10-1-95)T
31. Step 31. Subtract half adjusted income (step 22) from amount in step 30. **THIS IS THE EXCESS SHELTER DEDUCTION.** The maximum excess shelter deduction for household with no elderly or disabled member is two hundred forty-seven dollars (\$247). If any member of the household is age sixty (60) or disabled, the maximum is the full excess shelter allowance. (10-1-95)T
32. Step 32. Subtract amount in step 31 from amount in step 21. **THIS IS THE NET INCOME.** (10-1-95)T
33. Step 33. List maximum net income limit based on household size. (10-1-95)T
34. Step 34. If amount in step 32 is less than or equal to amount in step 33, or if all household members are categorically eligible, compute the Food Stamp amount. If the amount in step 32 is greater than the amount in step 33, net income exceeds allowed limits. (10-1-95)T
35. Step 35. List maximum Food Stamp amount for number of eligible household members. (10-1-95)T
36. Step 36. Multiply amount in step 32 times 0.3 (30%). (10-1-95)T
37. Step 37. Subtract amount in step 36 from the amount in step 35. (10-1-95)T
38. Step 38. Round the amount in step 37 to the next lower dollar. **THIS IS THE FOOD STAMP ISSUANCE AMOUNT.** (10-1-95)T

(BREAK IN CONTINUITY OF SECTIONS)

612. HOUSEHOLD MUST REPORT CHANGES.

Households must report any changes listed below: (6-1-94)

01. Household Composition. Households must report when a person enters or leaves the Food Stamp household. (10-1-95)T

02. Residence. Households must report residence changes and resulting shelter cost changes. (6-1-94)

03. Unearned Income. Households must report changes in an unearned income source. Households must report changes in unearned gross monthly income of twenty-five dollars (\$25) or more, except changes in AFDC or AABD grants. This includes vendor payments and reimbursements. (7-1-94)(4-1-96)T

04. Earned Income. Households must report a change in an earned income source. Households must report a change in hourly rate or salary. Households must report a change from part-time to full-time work or full-time to part-time work. Work of less than thirty (30) hours weekly is part-time work. Thirty (30) or more hours weekly is full-time work. (7-1-94)

05. Vehicles. Households must report any change in the number or type of licensed vehicles. (6-1-94)

06. Resources. Households must report changes in cash on hand, stocks, bonds, savings, and bank accounts combining to reach or exceed two thousand dollars (\$2,000). (6-1-94)

07. Child Support. Households must report changes in legal obligations. Legal obligations include but are not limited to changes in the child support amount or the child reaches an age at which child support is no longer legally obligated. Households must report changes greater than fifty dollars (\$50) in the amount of legally obligated child support actually paid. (10-1-95)T

(BREAK IN CONTINUITY OF SECTIONS)

680. COLLECTING IHE OVERISSUANCES.

Food Stamps are reduced by ten percent (10%) of the monthly Food Stamps or ten dollars (\$10) per month, whichever is greater. Food Stamps must not be withheld from an initial month's benefits. The procedures for collecting IHE claims are listed below: (6-1-94)

01. Lump Sum Payment. The household makes a full or partial lump sum cash or coupon return repayment, not requiring liquidation of the household's resources. (6-1-94)

02. Installments. The household makes regular monthly installments by cash or coupon return. (6-1-94)

03. Lump Sum and Installments. The household makes a combination of lump sum and installment cash or coupon returns. (6-1-94)

04. Repayment Within Three (3) Years. If the claim cannot be repaid in three (3) years, the Department may lower the debt to an amount allowing repayment in three (3) years. (6-1-94)

05. Benefits Offset by Amount Not Restored. When offsetting unrestored benefits, use the full amount of the claim. Include any amount compromised for the three (3) year requirement. (6-1-94)

06. Household Fails to Pay. If the household fails to pay under the repayment agreement, by paying nothing or less than agreed, send them a notice. (6-1-94)

- a. The notice must state insufficient or no payment was received. (6-1-94)
- b. The notice must state the household may contact the Department to renegotiate their repayment agreement. (6-1-94)
- c. The notice must state if the household fails to make the overdue payment or to contact the Department to discuss renegotiation, the current Food Stamps will be reduced without further notice. (6-1-94)

07. Household Renegotiates Repayment. If the household requests renegotiation, the Department must decide if their financial circumstances allow payment renegotiation. If their financial circumstances warrant renegotiation, negotiate a new repayment agreement. If renegotiation is not feasible, continue renegotiation until a settlement is reached. Begin allotment reduction if a settlement is not reached. Notice is not required. (6-1-94)

08. Household Fails to Respond to Notice. Begin allotment reduction if a Food Stamp household fails to respond to the notice. (6-1-94)

09. Federal Income Tax Refund Offset Program (FTROP). Past Due claims can be submitted for collection through FTROP as specified in 7CFR 273.18 (g). The claim must meet the following criteria: (4-1-96)T

- a. The claim is properly established. (4-1-96)T
- b. No person liable for the claim currently participates in a Food Stamp household. (4-1-96)T
- c. The claim is for at least thirty dollars (\$30). Multiple claims may be combined to total thirty dollars (\$30). (4-1-96)T
- d. The date of the first demand letter is within ten (10) years of the processing year. There is no time limit on court judgements. (4-1-96)T
- e. Voluntary or involuntary payments are thirty (30) days past due. (4-1-96)T

10. FTROP Notices. Sixty (60) days before referring claims for collection under FTROP, the Department will provide the person with a notice of intent to collect via tax refund offset. The notice must inform the person of their right to request a Department review of the intended collection action. The request for review must be received within sixty (60) days of the notice of intent. The Department will determine if the claims in question are past due and legally enforceable based on a review of its records or other information submitted by the person. The Department will notify the person in writing if it is determined the claim is past due and legally enforceable and the Department intends to refer the claim to IRS for offset. The notice of determination must inform the person of the

right to request that FCS review the Department's decision. The notice must include instructions for requesting a review by FCS and the address of the FCS regional office. Claims subject to federal salary offset will be handled in accordance with 7CFR 273.18(g). (4-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

713. COLLECTING IPV OVERISSUANCES.

Procedures for collecting IPV claims are listed below: (6-1-94)

01. Lump Sum Payment. The household makes a full or partial lump sum cash or coupon return repayment, not requiring liquidation of the household's resources. (6-1-94)

02. Installments. The household makes regular monthly installments by cash or coupon return. (6-1-94)

03. Lump Sum and Installments. The household makes a combination of lump sum and installment cash or coupon returns. (6-1-94)

04. Unable to Repay Within Three (3) Years. If the claim cannot be repaid in three (3) years, the Department may lower the debt to an amount allowing repayment in three (3) years. (6-1-94)

05. Benefits Offset by Amount Not Restored. When offsetting unrestored benefits, use the full amount of the claim. Include any amount compromised for the three (3) year requirement. (6-1-94)

06. Household Fails to Pay. If the household fails to pay under the repayment agreement, by paying nothing or less than agreed, send them a notice. The notice must state: (6-1-94)

a. No payment, or not enough payment, was received. (6-1-94)

b. The household may contact the Department to renegotiate their repayment agreement. (6-1-94)

c. If the household fails to make the overdue payment or to contact the Department to discuss renegotiation, the current Food Stamps will be reduced without further notice. (6-1-94)

07. Household Renegotiates Repayment. If the household requests renegotiation, the Department must decide if their financial circumstances allow payment renegotiation. If their financial circumstances warrant renegotiation, negotiate a new repayment agreement. If renegotiation is not feasible, continue renegotiation until a settlement is reached. Begin allotment reduction if a settlement is not reached. Notice is not required. (6-1-94)

08. Household Fails to Respond to Notice. If a Food Stamp household fails to respond to the notice by making the overdue payments or requesting renegotiation, reduce Food Stamp issuance. (6-1-94)

09. Federal Income Tax Refund Offset Program (FTROP). Past Due claims can be submitted for collection through FTROP as specified in 7CFR 273.18 (g). The claim must meet the following criteria: (4-1-96)T

a. The claim is properly established. (4-1-96)T

b. No person liable for the claim currently participates in a Food Stamp household. (4-1-96)T

c. The claim is for at least thirty dollars (\$30). Multiple claims may be combined to total thirty dollars (\$30). (4-1-96)T

d. The date of the first demand letter is within ten (10) years of the processing year. There is no time limit on court judgements. (4-1-96)T

e. Voluntary or involuntary payments are thirty (30) days past due. (4-1-96)T

10. FTROP Notices. Sixty (60) days before referring claims for collection under FTROP, the Department will provide the person with a notice of intent to collect via tax refund offset. The notice must inform the person of their right to request a Department review of the intended collection action. The request for review must be received within sixty (60) days of the notice of intent. The Department will determine if the claims in question are past due and legally enforceable based on a review of its records or other information submitted by the person. The Department will notify the person in writing if it is determined the claim is past due and legally enforceable and the Department intends to refer the claim to IRS for offset. The notice of determination must inform the person of the right to request that FCS review the Department's decision. The notice must include instructions for requesting a review by FCS and the address of the FCS regional office. Claims subject to federal salary offset will be handled in accordance with 7CFR 273.18(g). (4-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

716. DISQUALIFICATION AFTER WAIVED HEARING.

Persons waiving their right to an IPV administrative disqualification hearing must have penalties imposed. The steps to impose disqualification penalties are listed below: (6-1-94)

01 Member Disqualified. If the household member signs, completes, and returns the waiver form within thirty (30) days, the household member must be disqualified. The Food Stamp disqualification period begins the first month after the month the member gets written notice of disqualification. (6-1-94)

02. Disqualification Notice. To start the disqualification, the Department must send a completed Notice of Disqualification (HW 0541) to the disqualified member and remaining household members. The Department must send a completed Demand Letter for Overissuance and Repayment Agreement (HW 0544) to the disqualified member. (6-1-94)

~~03. Disqualified Person Not Eligible. If the person is not eligible for Food Stamps when the disqualification is to begin, disqualification is postponed. The person is disqualified when he next applies for Food Stamps and is otherwise eligible. (6-1-94)~~

04. Penalty Continued. Once a disqualification penalty has been imposed against a household member getting Food Stamps, the disqualification period continues without stopping until completed, regardless of the member's eligibility. (6-1-94)

717. COURT REFERRALS.

Procedures for court referrals are listed below: (6-1-94)

01. Referred Cases. The Department must refer persons suspected of getting large amounts of Food Stamps by committing an IPV. The Department must refer persons suspected of committing more than one (1) act of IPV. (6-1-94)

02. Referral to Department Fraud Unit. The Department refers appropriate IPV cases to the Department Fraud Unit. The Fraud Unit investigates the case to determine if it should be prosecuted. If the referral is determined fitting for prosecution, the Department will refer the case to the prosecuting authority. (6-1-94)

03. Impose Court Penalties. The Department must disqualify a person found guilty of IPV by a court for the length of time specified by the court. The disqualified member's household will remain responsible for the overissuance, resulting from the disqualified member's IPV, regardless of the household's eligibility. If the court fails to specify a period, use the following periods unless they are contrary to the court order: (6-1-94)

a. Impose six (6) months for the first IPV. (6-1-94)

b. Impose twelve (12) months for the second violation. (6-1-94)

c. Impose permanent disqualification for the third IPV. (6-1-94)

04. Penalty Start Date. Once a disqualification penalty has been imposed against a household member, the disqualification period continues without stopping until completed, regardless of the member's eligibility. If disqualification is ordered but a start date is not specified, start the disqualification period: (6-1-94)

a. Within forty-five (45) days of the date the disqualification was ordered for currently eligible persons. (6-1-94)

b. The date the court found a currently eligible person guilty of civil or criminal intentional program violation. (6-1-94)

~~05. Postpone Disqualification. If the person is not eligible when the disqualification period is to begin, disqualification is postponed. The person is disqualified when he next reappplies and is otherwise eligible. (6-1-94)~~

065. Notice of Disqualification. The disqualification period must begin within forty-five (45) days of the date of the court ordered disqualification. If there is no court ordered disqualification, disqualify the person within forty-five (45) days of the date the court found the person guilty. The Department must: (6-1-94)

a. Send a Notice of Disqualification (HW 0541) to the disqualified member and the remaining household members if the court finds the member committed an IPV. (6-1-94)

b. Give written notice to the household member before the disqualification, if possible. (6-1-94)

c. Tell the member the disqualification period and the date the disqualification will take effect. (6-1-94)

076. Notice to Other Household Members. The Department must give written notice to the remaining household members. The notice must state the amount of Food Stamps they will get during the period of disqualification or the household must reapply because the certification expired. (6-1-94)

087. Demand for Repayment. The Department must send the household a written Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

718. DEFERRED ADJUDICATION.

Deferred Adjudication is an out-of-court settlement between the accused IPV member and the prosecutor. Terms of the settlement are listed below: (6-1-94)

01. Deferred Judgement Conditions. Guilt is not decided by the court because the accused person has met the terms of a court order or an agreement with the prosecutor. (6-1-94)

02. Agreement with Prosecutor. If the Department has an agreement with the prosecutor, the prosecutor may defer adjudication. The prosecutor must agree to give advance written notice to the member stating the consequences of consenting to disqualification. (6-1-94)

03. Notice to Food Stamp Member. If the prosecutor decides deferred adjudication is fitting, the household member suspected of IPV must be mailed or presented with a Deferred Adjudication Disqualification Consent Agreement (HW 0546). The prosecutor must enter the following information on the form: (6-1-94)

a. The accused member's name and address. (6-1-94)

b. The case name and number. (6-1-94)

c. The date the agreement must be received by the prosecutor to avoid

court action. (6-1-94)

d. Check the penalty violation box. (6-1-94)

04. Impose Penalties. The Department must disqualify a person found guilty of IPV by an out-of-court settlement. The disqualified member's household will remain responsible for the overissuance resulting from the disqualified member's IPV, regardless of the household's eligibility. If the prosecutor fails to specify a period, use the following periods unless they are contrary to the court order: (6-1-94)

a. Impose six (6) months for the first IPV. (6-1-94)

b. Impose twelve (12) months for the second violation. (6-1-94)

c. Impose permanent disqualification for the third IPV. (6-1-94)

05. Disqualification Period. The period of disqualification must begin within forty-five (45) days of the date the member signed the Deferred Adjudication Disqualification Consent Agreement (HW 0546). The period of disqualification must begin as agreed upon with the Prosecutor. ~~If the person is not Food Stamp eligible when the disqualification is to begin, the disqualification must be postponed until the person is determined otherwise eligible for benefits.~~ Once a disqualification penalty is imposed against a member, the period continues uninterrupted regardless of the household's eligibility. The disqualified member's household continues to be responsible for overissuance repayment resulting from the disqualified member's IPV regardless of the household's eligibility. ~~(6-1-94)~~(4-1-96)T

06. Notice of Disqualification. The Department must provide a completed Notice of Disqualification (HW 0541) before the disqualification to the disqualified member and remaining household members. The Department must provide a Demand Letter for Overissuance and Repayment Agreement (HW 0544). (6-1-94)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

**16.05.01 - RULES GOVERNING THE PROTECTION
AND DISCLOSURE OF DEPARTMENT RECORDS**

DOCKET NO. 16-0501-9601

NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule will become effective July 1, 1996.

AUTHORITY: In compliance with Section 67-5291, Idaho Code, notice is hereby given that the Idaho Legislature has amended IDAPA 16.05.01, Rules Governing the Protection and Disclosure of Department Records, by concurrent resolution.

DESCRIPTIVE SUMMARY: House Concurrent Resolution No. 29aa amended IDAPA 16.05.01, Section 105. Pursuant to Section 67-5291, Idaho Code, the Idaho Department of Health and Welfare is implementing legislative intent as expressed in the concurrent resolution by incorporating the legislative amendments to IDAPA 16.05.01 and republishing the amendment.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Jeanne Goodenough at (208) 334-5537.

DATED this 5th day of June, 1996.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
PO Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0501-9601

105. CHILD PROTECTION.

01. Department Records. Department written records of investigations, evaluations, prognosis and all orders concerning disposition or treatment of every person over whom it has legal custody, must not be disclosed outside the Agency without a court order (Section 16-1623, Idaho Code). (Subsection 105.01 is more restrictive than present federal law, as restated in Subsections 105.02 and 105.03, and therefore supersedes.)

(12-31-91)

02. Grants - Programs. All records concerning reports of child abuse and

neglect, in order to protect the rights of the child or his parents or guardians, may be disclosed only to the following agencies and persons: (12-31-91)

a. A legally mandated child protection agency which is investigating a report of known or suspected child abuse or neglect or which is treating a child or family who is the subject of a report or record; or (11-24-77)

b. A police or other law enforcement agency investigating a report of known or suspected child abuse or neglect; or (11-24-77)

c. A physician who has before him/her a child whom he reasonably suspects may be abused or neglected; or (12-31-91)

d. A person legally authorized to place a child in protective custody if such person has before him a child whom he reasonably suspects may be abused or neglected and if the information is required in a report or record to determine whether to place the child in protective custody; or (12-31-91)

e. An agency legally responsible or authorized to care for, treat or supervise a child who is the subject of a report or record; or (11-24-77)

f. Any person named in the report or record who is alleged to be abused or neglected; if the person named is a minor or is otherwise incompetent, his guardian ad litem; or (12-31-91)

g. A parent, guardian, or other person responsible for the welfare of a child named in a report or record, with protection provided for the identity of persons supplying the information and other appropriate persons; or (11-24-77)

h. A court, upon its finding that access to such records may be necessary for determination of an issue--such access must be limited to inspection before the judge in his private room or in the courtroom when all spectators are excluded--unless the court determines that public disclosure is necessary for the resolution of an issue then pending before it; or (11-24-77)

i. A grand jury upon its determination that access to such records is necessary in the conduct of its official business; or (11-24-77)

j. Any appropriate state or local official responsible for the child protective service or legislation carrying out his official functions; or (12-31-91)

k. Any person engaged in a bona fide research purpose, provided, however, that no information identifying the subjects of the report will be made available to the researcher unless it is absolutely essential to the research purpose and unless the appropriate state official gives prior approval (45 CFR 1340.3-3(d)(5)). (Note controlling effect of Subsection 105.01). (12-31-91)

03. Records of Programs Assisted Under Child Abuse Prevention and Treatment Act of 1974. Information obtained as to personal facts about individuals served by any demonstration, research, training or technical assistance project or program

assisted under this Act must not be disclosed except as provided in Subsection 105.03.b. (45 CFR 1340.2-5(a)). (12-31-91)

a. Information to be protected includes lists of names, addresses, photographs and records of evaluation. (11-24-77)

b. The use of such information must be limited to purposes directly connected with the administration of these programs, including evaluations conducted under contract with the Department of Health, Education and Welfare. Such information must not be disclosed, directly or indirectly, other than for such a purpose and the purposes of Subsection 105.02, unless the written consent of the Department and the patient or client or his representative to whom the information applies has been obtained. No report or other documentation of these programs to be disclosed may contain individual identifying information without the written consent of the individual or his representative (45 CFR 1340.2-5(b)). (Note controlling effect of Subsection 105.01). (12-31-91)

04. Child Abuse Report to Law Enforcement. (11-24-77)

a. Any physician, resident on hospital staff, intern, nurse, coroner, school teacher, day care personnel, social worker or other person, having reasonable cause to believe that a person under the age of eighteen (18) has been abused, or who observes the child being subjected to conditions or circumstances which would reasonably result in abuse, must report or cause to be reported within twenty-four (24) hours such conditions or circumstances to the proper law enforcement agency (Section 16-1619, Idaho Code). (11-24-77)

b. When a physician, resident, intern, nurse or day care worker is attending the child in the performance of services as a member of the staff of a hospital or similar institution, he must notify the person in charge of the institution, or his designated delegate, who must make the necessary reports (Section 16-1619, Idaho Code). (12-31-91)

c. Any person acting upon reasonable cause in the making of such a report will have immunity from any civil or criminal liability that might otherwise be incurred or imposed. Any such person will have the same immunity with respect to participation in any judicial proceeding resulting from such report. Any person who reports in bad faith or from malice will not be protected from the provisions of this section (Section 16-1620, Idaho Code - For privileged communications in cases of child abuse and neglect, see Section 004). (12-31-91)

05. Court Proceedings. Records of a court proceeding may be made available to the Department: (12-31-91)

a. When the Department is providing protective supervision or has legal custody of the child; or (11-24-77)

b. When it is proven to the court that disclosure to the Department: (11-24-77)

i. Is in the best interest of the child; or (11-24-77)

ii. Is for the purpose of legitimate research in which case the Department may not disclose identifying information (Section 16-1621, Idaho Code). (11-24-77)

06. Actions for Termination of Parent-Child Relationships. (11-24-77)

a. In actions for termination of parent-child relationships, social records must not be disclosed to the public except as determined by the court and then only to persons or agencies having a legitimate interest in the protection, welfare and treatment of the child. Social records include social service records of the court, investigations made by this Department upon direction of the court pursuant to Section 16-2008, Idaho Code, and related papers and correspondence which include medical, psychological and psychiatric studies or reports. Such records may be either in the possession of the court or this Department (Section 16-2013, Idaho Code). (11-24-77)

b. It is a misdemeanor for Department personnel to disclose, or allow to be disclosed, the information in Subsection 105.03.a., or allow any copy thereof to be made, without a court order while an action for termination is pending (Section 16-2013, Idaho Code). (12-31-91)

07. Notwithstanding any other section of these rules regarding access to child protection assessment, evaluation, treatment and/or disposition records of the department, duly elected state officials may access such records in the course of carrying out their official duties. Such disclosure is subject to the same standard of confidentiality that exists for access granted to others by law or department rule. (7-1-96)L

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES
DOCKET NO. 16-0601-9603
NOTICE OF FINAL RULE

EFFECTIVE DATE: Section 16.06.01.173 will become effective July 1, 1996.

AUTHORITY: In compliance with Section 67-5291, Idaho Code, notice is hereby given that the Idaho Legislature has amended IDAPA 16.06.01.173, Rules Governing Family and Children's Services, by concurrent resolution. The amendment was adopted during the Fifty-third Legislature in the Second Regular Session, 1996.

DESCRIPTIVE SUMMARY: Senate Concurrent Resolution No. 146 amended IDAPA 16.06.01.173. Pursuant to Section 67-5291, Idaho Code, the Idaho Department of Health and Welfare is implementing legislative intent as expressed in the concurrent resolution by incorporating the legislative amendments to IDAPA 16.06.01.173 and republishing the amendment.

The original text of Section 173 was published in the Idaho Administrative Bulletin, Volume 96-1, January 3, 1996, under docket no. 16-0601-9602. The docket was a rewrite of IDAPA 16, Title 06, Chapter 01, published temporary with an effective date of November 16, 1995. Pursuant to Senate Concurrent Resolution 142, the remainder of docket no. 16-0601-9602 shall remain in effect until it expires by its own terms, replaced by a final rule, or beyond the conclusion of the First Regular Session of the Fifty-fourth Idaho Legislature, unless it is further extended, amended or modified by adoption of a concurrent resolution.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Kathryn Morris at (208) 334-5706.

DATED this 5th day of June, 1996.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
PO Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

TEXT OF DOCKET NO. 16-0601-9603

173. SUBSTANTIATED REPORTS.

Reports determined to be "valid" ~~or "indicated"~~ shall be considered substantiated and the information shall be entered into the Department's Central Registry for the reporting of child abuse, abandonment and neglect, and the families so advised in writing. Notification will include how the individual can appeal to have his name removed from the list.

~~(11-16-96)F(7-1-96)L~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM
DOCKET NO. 16-0612-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective May 1, 1996.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 56-201 through 56-233, Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 1996.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary rule-making and a statement in nontechnical language of the substance of the proposed rule:

Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

The Idaho Child Care Program (ICCP) limits benefits to those families whose income is less than one hundred twenty five percent (125%) of the Federal Poverty Guidelines. Families who qualify for benefits receive only a partial reimbursement of the cost of their child care.

The Department of Health and Welfare has determined that there are sufficient funds available to the program to allow the income limit to be raised from one hundred twenty five percent (125%) to one hundred fifty percent (150%) of the Federal Poverty Guidelines. The Department will also raise the percentage of child care costs which it will reimburse to eligible families.

This docket makes the following change:

Section 307: The table in Subsection 307.04 will be deleted and a new table reflecting the new income limits and sliding fee schedule will be inserted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Ellen Welch at (208) 334-0661.

Anyone can submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before June 26, 1996.

DATED this 5th day of June, 1996.

STACI WELSH
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TEXT OF DOCKET NO. 16-0612-9601

307. SLIDING FEE SCHEDULES.

Eligible families, except families receiving Title IV-A (Non-Jobs) reimbursement, shall pay part of their child care costs. (8-10-95)T

01. Poverty Rates. Poverty rates shall be the established rates published annually in federal regulations. The monthly rate shall be calculated by dividing the yearly rate by twelve (12). (8-10-95)T

02. Sliding Fee Schedules. A sliding fee schedule shall be established annually. The amount required from the family shall increase incrementally as the family's income increases. (8-10-95)T

03. Calculating Family Payment. Families shall pay directly to the provider of child care. Family income for the month the child care is provided shall be applied to the sliding fee schedule to calculate the family share of child care costs. The ICCP reimbursement shall be the allowable rate less the amount calculated using the sliding fee schedule. The sliding fee schedule is listed in Table 307. (8-10-95)T

04. Maximum Income and Sliding Fee Schedules:

TABLE 307									
ICCP SLIDING FEE SCHEDULES EFFECTIVE 2-1-95									
MONTHLY INCOME	FAMILY SIZE								
	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
	2	3	4	5	6	7	8	9	10
\$0-\$99	5%	5%	5%	5%	5%	5%	5%	5%	5%

TABLE 307										
ICCP SLIDING FEE SCHEDULES EFFECTIVE 2-1-95										
MONTHLY INCOME	FAMILY SIZE									
	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY									
\$ 100-\$ 199	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
\$ 200-\$ 299	10%	5%	5%	5%	5%	5%	5%	5%	5%	5%
\$ 300-\$ 399	20%	10%	5%	5%	5%	5%	5%	5%	5%	5%
\$ 400-\$ 499	30%	15%	10%	5%	5%	5%	5%	5%	5%	5%
\$ 500-\$ 599	40%	20%	15%	10%	5%	5%	5%	5%	5%	5%
\$ 600-\$ 699	50%	30%	20%	15%	10%	5%	5%	5%	5%	5%
\$ 700-\$ 799	60%	40%	25%	20%	15%	10%	5%	5%	5%	5%
\$ 800-\$ 899	+70%	50%	30%	25%	20%	15%	10%	5%	5%	5%
\$ 900-\$ 999	80%	60%	35%	30%	25%	20%	15%	10%	5%	5%
\$1,000-\$1,099	90%	+70%	40%	35%	30%	25%	20%	10%	5%	5%
\$1,100-\$1,199	100%	80%	50%	40%	35%	30%	25%	15%	10%	10%
\$1,200-\$1,299	100%	90%	+60%	45%	40%	35%	30%	15%	10%	10%
\$1,300-\$1,399	100%	100%	70%	50%	45%	40%	35%	20%	15%	15%
\$1,400-\$1,499	100%	100%	80%	+60%	50%	45%	40%	25%	15%	15%
\$1,500-\$1,599	100%	100%	90%	70%	55%	50%	45%	30%	20%	20%
\$1,600-\$1,699	100%	100%	100%	80%	+60%	55%	50%	35%	25%	25%
\$1,700-\$1,799	100%	100%	100%	90%	65%	60%	55%	40%	30%	30%
\$1,800-\$1,899	100%	100%	100%	100%	70%	+65%	60%	45%	35%	35%
\$1,900-\$1,999	100%	100%	100%	100%	80%	70%	65%	50%	40%	40%
\$2,000-\$2,099	100%	100%	100%	100%	90%	75%	+70%	55%	45%	45%
\$2,100-\$2,199	100%	100%	100%	100%	100%	80%	75%	60%	50%	50%
\$2,200-\$2,299	100%	100%	100%	100%	100%	85%	80%	+65%	55%	55%
\$2,300-\$2,399	100%	100%	100%	100%	100%	90%	85%	70%	60%	60%
\$2,400-\$2,499	100%	100%	100%	100%	100%	100%	90%	75%	+65%	65%
\$2,500-\$2,599	100%	100%	100%	100%	100%	100%	95%	80%	70%	70%

TABLE 307									
ICCP SLIDING FEE SCHEDULES EFFECTIVE 2-1-95									
MONTHLY INCOME	FAMILY SIZE								
	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$2,600-\$2,699	100%	100%	100%	100%	100%	100%	100%	85%	75%
\$2,700-\$2,799	100%	100%	100%	100%	100%	100%	100%	90%	80%
\$2,800-\$2,899	100%	100%	100%	100%	100%	100%	100%	95%	85%
\$2,900-\$2,999	100%	100%	100%	100%	100%	100%	100%	100%	90%
\$3,000-\$3,099	100%	100%	100%	100%	100%	100%	100%	100%	95%
\$3,100-\$3,199	100%	100%	100%	100%	100%	100%	100%	100%	100%

#Maximum income for ICCP benefits: + Monthly Poverty Level:
\$1,025 for household of 2 + \$ 820 for household of 2
\$1,283 for household of 3 + \$1027 for household of 3
\$1,542 for household of 4 + \$1233 for household of 4
\$1,800 for household of 5 + \$1440 for household of 5
\$2,058 for household of 6 + \$1647 for household of 6
\$2,317 for household of 7 + \$1853 for household of 7
\$2,575 for household of 8 + \$2060 for household of 8
\$2,833 for household of 9 + \$2268 for household of 9
\$3,091 for household of 10 + \$2473 for household of 10

***MAXIMUM INCOME (OR ELIGIBILITY FOR REIMBURSEMENT) BASED ON 125% OF POVERTY(8-10-95)†**

TABLE 307 - FAMILY CO-PAYMENT REQUIREMENTS									
ICCP SLIDING FEE SCHEDULES EFFECTIVE 5-01-96									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$0 - \$99	2%	2%	2%	2%	2%	2%	2%	2%	2%
\$100 - \$199	3%	3%	3%	3%	3%	3%	3%	3%	3%
\$200 - \$299	4%	4%	4%	4%	4%	4%	4%	4%	4%
\$300 - \$399	5%	5%	5%	5%	5%	5%	5%	5%	5%
\$400 - \$499	10%	5%	5%	5%	5%	5%	5%	5%	5%
\$500 - \$599	15%	5%	5%	5%	5%	5%	5%	5%	5%
\$600 - \$699	20%	10%	5%	5%	5%	5%	5%	5%	5%
\$700 - \$799	25%	15%	5%	5%	5%	5%	5%	5%	5%
\$800 - \$899	+30%	20%	5%	5%	5%	5%	5%	5%	5%
\$900 - \$999	45%	25%	10%	5%	5%	5%	5%	5%	5%
\$1,000 - \$1,099	60%	+30%	15%	5%	5%	5%	5%	5%	5%
\$1,100 - \$1,199	75%	40%	20%	10%	5%	5%	5%	5%	5%
\$1,200 - \$1,299	90%	50%	25%	15%	10%	5%	5%	5%	5%
\$1,300 - \$1,399	100%	60%	+30%	20%	10%	5%	5%	5%	5%
\$1,400 - \$1,499	100%	70%	40%	25%	15%	10%	5%	5%	5%
\$1,500 - \$1,599	100%	80%	50%	+30%	20%	10%	5%	5%	5%
\$1,600 - \$1,699	100%	90%	60%	35%	25%	15%	10%	5%	5%
\$1,700 - \$1,799	100%	100%	70%	40%	+30%	20%	10%	5%	5%
\$1,800 - \$1,899	100%	100%	80%	50%	35%	25%	15%	10%	5%
\$1,900 - \$1,999	100%	100%	90%	60%	40%	+30%	20%	10%	5%
\$2,000 - \$2,099	100%	100%	100%	70%	45%	35%	25%	15%	10%
\$2,100 - \$2,199	100%	100%	100%	80%	50%	40%	+30%	20%	10%
\$2,200 - \$2,299	100%	100%	100%	90%	55%	45%	35%	25%	15%

TABLE 307 - FAMILY CO-PAYMENT REQUIREMENTS ICCP SLIDING FEE SCHEDULES EFFECTIVE 5-01-96									
FAMILY SIZE	2	3	4	5	6	7	8	9	10
MONTHLY INCOME	PERCENTAGE OF CHILD CARE COST FAMILY MUST PAY								
\$2,300 - \$2,399	100%	100%	100%	100%	60%	50%	40%	+30%	15%
\$2,400 - \$2,499	100%	100%	100%	100%	70%	55%	45%	35%	20%
\$2,500 - \$2,599	100%	100%	100%	100%	80%	60%	50%	40%	25%
\$2,600 - \$2,699	100%	100%	100%	100%	90%	65%	55%	45%	+30%
\$2,700 - \$2,799	100%	100%	100%	100%	100%	70%	60%	50%	35%
\$2,800 - \$2,899	100%	100%	100%	100%	100%	80%	65%	55%	40%
\$2,900 - \$2,999	100%	100%	100%	100%	100%	90%	70%	60%	45%
\$3,000 - \$3,099	100%	100%	100%	100%	100%	100%	75%	65%	50%
\$3,100 - \$3,199	100%	100%	100%	100%	100%	100%	80%	70%	55%
\$3,200 - \$3,299	100%	100%	100%	100%	100%	100%	90%	75%	60%
\$3,300 - \$3,399	100%	100%	100%	100%	100%	100%	100%	80%	65%
\$3,400 - \$3,499	100%	100%	100%	100%	100%	100%	100%	85%	70%
\$3,500 - \$3,599	100%	100%	100%	100%	100%	100%	100%	90%	75%
\$3,600 - \$3,699	100%	100%	100%	100%	100%	100%	100%	100%	80%
\$3,700 - \$3,799	100%	100%	100%	100%	100%	100%	100%	100%	85%
\$3,800 - \$3,899	100%	100%	100%	100%	100%	100%	100%	100%	90%
\$3,900 - \$3,999	100%	100%	100%	100%	100%	100%	100%	100%	95%
\$4,000 - \$4,099	100%	100%	100%	100%	100%	100%	100%	100%	100%

#Maximum income for ICCP benefits:	+Monthly Poverty Level:
\$1,295 for household of 2	+ \$ 863 for household of 2
\$1,623 for household of 3	+ \$1082 for household of 3
\$1,950 for household of 4	+ \$1300 for household of 4

#Maximum income for ICCP benefits:	+Monthly Poverty Level:
<u>\$2,277 for household of 5</u>	<u>+ \$1518 for household of 5</u>
<u>\$2,606 for household of 6</u>	<u>+ \$1737 for household of 6</u>
<u>\$2,993 for household of 7</u>	<u>+ \$1955 for household of 7</u>
<u>\$3,260 for household of 8</u>	<u>+ \$2173 for household of 8</u>
<u>\$3,587 for household of 9</u>	<u>+ \$2391 for household of 9</u>
<u>\$3,914 for household of 10</u>	<u>+ \$2609 for household of 10</u>

*MAXIMUM INCOME (OR ELIGIBILITY FOR REIMBURSEMENT) BASED ON ONE HUNDRED FIFTY PERCENT (150%) OF POVERTY (1996 POVERTY TABLES). (5-1-96)T

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE
18.01.54 - RULES GOVERNING MEDICARE SUPPLEMENT
INSURANCE MINIMUM STANDARDS

DOCKET NO. 18-0154-9601

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective April 1, 1996

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule and has proposed rule making. These rules are adopted and proposed pursuant to the authority vested in the Director of the Department of Insurance under Title 41, Chapter 2, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule:

This rule amends the existing rule to incorporate changes recommended by the National Association of Insurance Commissioners to implement the requirements of the Medicare Supplement Minimum Standards Model Act as required by the Social Security Act Amendments of 1994 (P.L. 103-432). States are required to implement these changes to maintain approval as meeting minimum federal standards. The changes impose additional requirements and restrictions on insurers that issue Medicare supplemental policies, and make provision for a Medicare Select policy. The changes also include grammatical corrections, deletion of appendices incorrectly included with the prior rule, and addition of an appendix consisting of a form disclosure statement.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that adoption of the temporary rule is appropriate in order to comply with the federal deadline for meeting the requirements of the Medicare Supplement Provisions of the Social Security Act Amendments of 1994. The amendments to the rule must be in place no later than April 28, 1996, in order for the state to maintain approval as meeting minimum federal standards for allowing the sale of Medicare supplemental policies.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these temporary and proposed rules, contact Ken Hurt at 208-334-4350.

Anyone may submit written comments regarding these rules. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before June 28, 1996.

Dated this 24th day of April, 1996.

James M. Alcorn, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
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TEXT OF DOCKET NO. 18-0154-9601

001. TITLE AND SCOPE.

01. Purpose. The purpose of this rule is to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and to provide for full disclosures in the sale of disability insurance coverages to persons eligible for Medicare. This rule superseded Rule No. 40 which became effective May 1, 1982. (7-1-93)

02. Applicability. Except as otherwise specifically provided in Section 012, 013, 014, 022, 023, 026 and 030, this rule shall apply to: ~~(7-1-92)~~(4-1-96)T

a. All Medicare supplement policies delivered or issued for delivery in this State on or after the effective date ~~hereof~~of this rule, and ~~(7-1-92)~~(4-1-96)T

b. All certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this State. (7-1-92)

03. Employers or Labor Organizations. This rule shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations. (7-1-92)

(BREAK IN CONTINUITY OF SECTIONS)

004. DEFINITIONS.

For purposes of this rule: (7-1-92)

01. Applicant. "Applicant" means: (7-1-92)

a. In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and; ~~(7-1-92)~~(4-1-96)T

b. In the case of a group Medicare supplement policy, the proposed certificateholder. (7-1-92)

02. Certificate. "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy. (7-1-92)

03. Certificate Form. "Certificate Form" means the form on which the certificate is delivered or issued for delivery by the issuer. (7-1-92)

04. Issuer. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates. (7-1-92)

05. Medicare. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended. (7-1-92)

06. Medicare Supplement Policy. "Medicare Supplement Policy" means a group or individual policy of disability insurance or a subscriber contract of hospital and professional service corporations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 or ~~Section 1833~~ of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project ~~authorized pursuant to amendments to the federal Social Security Acts specified in 42 U.S.C. Section 1395ss(g)(1)~~ which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. (7-1-92)(4-1-96)T

07. Policy Form. "Policy Form" means the form on which the policy is delivered or issued for delivery by the issuer. (7-1-92)

005. POLICY DEFINITIONS AND TERMS.

No policy or certificate may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy or certificate unless ~~such~~ the policy or certificate contains definitions or terms which conform to the requirements of this section. (7-1-92)(4-1-96)T

01. Accident, Accidental Injury or Accidental Means. "Accident," "Accidental Injury," or "Accidental Means" shall be defined to employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization. (7-1-92)

a. The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force." (7-1-92)

b. ~~Such~~The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law. (7-1-92)(4-1-96)T

02. Benefit Period or Medicare Benefit Period. "Benefit Period" or "Medicare Benefit Period" shall not be defined more restrictively than as defined in the Medicare program. (7-1-92)

03. Convalescent Nursing Home, Extended Care Facility or Skilled Nursing Facility. "Convalescent Nursing Home," "Extended Care Facility," or "Skilled Nursing Facility" shall not be defined more restrictively than as defined in the Medicare program.

(7-1-92)

04. Health Care Expenses. "Health Care Expenses" means expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers. ~~Such expenses shall not include:~~ ~~(7-1-92)~~(4-1-96)T

- a. Home office and overhead costs; (7-1-92)
- b. Advertising costs; (7-1-92)
- c. Commissions and other acquisition costs; (7-1-92)
- d. Taxes; (7-1-92)
- e. Capital costs; (7-1-92)
- f. Administrative costs; and (7-1-92)
- g. Claims processing costs. (7-1-92)

05. Hospital. "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program. (7-1-93)

06. Medicare. "Medicare" shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import. (7-1-92)

07. Medicare Eligible Expenses. "Medicare Eligible Expenses" shall mean expenses of the kinds covered by Medicare, to the extent recognized as reasonable and medically necessary by Medicare. (7-1-93)

08. Physician. "Physician" shall not be defined more restrictively than as defined in the Medicare program. (7-1-93)

09. Sickness. "Sickness" shall not be defined to be more restrictive than the following: "Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law. (7-1-92)

(BREAK IN CONTINUITY OF SECTIONS)

013. GENERAL STANDARDS.

The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule. (7-1-92)

01. **Preexisting Condition Exclusions.** Idaho Code Sections 41-2106 and 41-4206 notwithstanding, a Medicare supplement policy shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage. (7-1-92)

02. **Prohibition Against Differentiating Against Losses Resulting From Sickness Versus Accidents.** A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents. (7-1-92)

03. **Benefits Designed to Cover Cost Sharing Amounts.** A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the factors. Premiums may be modified to correspond with such changes. (7-1-92)

04. **Noncancelable, Guarantees Renewable, or Noncancelable and Guaranteed Renewable Medicare Supplement Policy.** A "noncancelable," "guaranteed renewable," or "noncancelable and guaranteed renewable" Medicare supplement policy shall not: (7-1-92)

a. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or (7-1-92)

b. Be cancelled or nonrenewed by the issuer solely on the grounds of deterioration of health; and (7-1-92)

05. **Cancelation, Termination or Replacement of Policy.** (7-1-92)

a. Except as authorized by the Director of this state, an issuer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation. (7-1-92)

b. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in Subsection 013.05.d., the issuer shall offer certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices: (7-1-92)

i. An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare

supplement policy; or (7-1-92)

ii. An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Section 017. (7-1-92)

c. If membership in a group is terminated, the issuer shall: (7-1-92)

i. Offer the certificateholder ~~such~~ the conversion opportunities described in Subsection 013.01; or ~~(7-1-92)~~(4-1-96)T

ii. At the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy. (7-1-92)

d. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the ~~succeeding~~ issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced. ~~(7-1-92)~~(4-1-96)T

06. Extension of Benefits Upon Termination. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

016. GENERAL STANDARDS.

The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule. (7-1-92)

01. Six-Month (6) Limitation on Exclusions for Preexisting Conditions. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage. (7-1-92)

02. Losses Resulting from Sickness Versus Accident. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents. (7-1-92)

03. Benefits Designed to Cover Cost Sharing Amounts. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing

amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes. (7-1-92)

04. Termination of Coverage of a Spouse. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium. (7-1-92)

05. Cancellation, Nonrenewal, Replacement or Termination. Each Medicare supplement policy shall be guaranteed renewable. ~~and~~ (7-1-92)(4-1-96)T

a. The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual; and (7-1-92)

b. The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation. (7-1-92)

c. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Subsection 016.05.e., the issuer shall offer certificateholders an individual Medicare supplement policy which (at the option of the certificateholder (7-1-92)

i. Provides for continuation of the benefits contained in the group policy, or (7-1-92)

ii. Provides for ~~such~~ benefits that as otherwise meets the requirements of this Section. (7-1-92)(4-1-96)T

d. If an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall (7-1-92)

i. Offer the certificateholder the conversion opportunity described in subsection 016.05.c., or (7-1-92)

ii. At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy. (7-1-92)

e. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the ~~succeeding~~ issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced. (7-1-92)(4-1-96)T

06. Extension of Benefits Upon Termination. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or

payment of the maximum benefits. (7-1-92)

07. Suspension of Benefits and Premiums at the Request of the Policyholder or Certificateholder. (7-1-92)

a. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of such policy or certificate within ninety (90) days after the date the individual becomes entitled to such assistance. ~~Upon receipt of timely notice, the issuer shall return to the policyholder or certificateholder that portion of the premium attributable to the period of Medicaid eligibility, subject to adjustment for paid claims.~~ (7-1-92)(4-1-96)T

b. If ~~such~~ suspension occurs and if the policyholder or certificate holder loses entitlement to such medical assistance, such policy or certificate shall be automatically reinstated (effective as of the date of termination of ~~such~~ entitlement) as of the termination of such entitlement if the policyholder or certificateholder provides notice of loss of such entitlement within ninety (90) days after the date of ~~such~~ loss and pays the premium attributable to the period, effective as of the date of termination of such entitlement. (7-1-92)(4-1-96)T

c. Reinstitution of such coverages: (7-1-92)

i. Shall not provide for any waiting period with respect to treatment of preexisting conditions; (7-1-92)

ii. Shall provide for coverage which is substantially equivalent to coverage in effect before the date of such suspension; and (7-1-92)

iii. Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the policyholder or certificateholder had the coverage not been suspended. (7-1-92)

017. STANDARDS FOR BASIC ("CORE") BENEFITS COMMON TO ALL BENEFIT PLANS.

Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu ~~thereof~~ of it. (7-1-92)(4-1-96)T

01. Coverage Part A Expenses for Hospitalization from the 61st through the 90th Day. Coverage of Part A Medicare Eligible Expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period. (7-1-93)

02. Coverage of Part A Expenses for each Medicare LifeTime Inpatient

Reserve Day Used. Coverage of Part A Medicare Eligible Expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used. (7-1-92)

03. Coverage of Parts A and B for the Cost of the First Three (3) Pints of Blood. Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the Diagnostic Related Group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional three hundred sixty-five (365) days. (7-1-92)

04. Coverage Under Parts A and B for the Cost of the First Three (3) Pints of Blood. Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations. (7-1-92)

05. Coverage for Part B Coinsurance Amount. Coverage for the coinsurance amount of Medicare Eligible Expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible. (7-1-92)

018. STANDARDS FOR ADDITIONAL BENEFITS.

The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 019 of this rule. (7-1-92)

01. Medicare Part A Deductible. Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period. (7-1-92)

02. Skilled Nursing Facility Care. Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A. (7-1-92)

03. Medicare Part B Deductible. Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement. (7-1-92)

04. Eighty Percent of the Medicare Part B Excess Charges. Eighty Percent (80%) of the Medicare Part B Excess Charges: Coverage for eighty percent (80%) of the difference between the actual Medicare Part B charge as billed not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge. (7-1-92)

05. One Hundred Percent (100%) of the Medicare Part B Excess Charges. One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge. (7-1-92)

06. Basic Outpatient Drug Benefit. Basic Outpatient Prescription Drug

Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible, to a maximum of one thousand two hundred fifty dollars (\$1,250) in benefits received by the insured per calendar year, to the extent not covered by Medicare. (7-1-92)

07. Extended Outpatient Prescription Drug Benefit. Extended Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible, to a maximum of three thousand dollars (\$3,000) in benefits received by the insured per calendar year, to the extent not covered by Medicare. (7-1-92)

08. Medically Necessary Emergency Care In a Foreign Country. Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eight percent (80%) of the billed charges for Medicare for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of two hundred fifty dollars (\$250), and a lifetime maximum benefit of fifty thousand dollars (\$50,000). For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset. (7-1-92)

09. Preventive Medical Care Benefit. Preventive Medical Care Benefit: Coverage for the following preventive health services: (7-1-92)

a. An annual clinical preventive medical history and physical examination that may include tests and services from Subsection 018.09.b. and patient education to address preventive health care measures. (7-1-92)

b. Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate: (7-1-92)

i. Fecal occult blood test ~~and~~ or digital rectal examination, or both; (7-1-92)(4-1-96)T

ii. Mammogram; (7-1-92)

iii. Dipstick urinalysis for hematuria, bacteriuria and proteinuria; (7-1-92)

iv. Pure tone (air only) hearing screening test, administered or ordered by a physician; (7-1-92)

v. Serum cholesterol screening (every five (5) years); (7-1-92)

vi. Thyroid function test; (7-1-92)

vii. Diabetes screening. (7-1-92)

c. Influenza vaccine administered at any appropriate time during the year and Tetanus and Diphtheria booster (every ten (10) years). (7-1-92)

d. Any other tests or preventive measures determined appropriate by the attending physician. (7-1-92)

e. Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare. (7-1-92)

10. **At-Home Recovery Benefit.** At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery. For purposes of this benefit, the following definitions shall apply: (7-1-92)

a. "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings. (7-1-92)

b. "Care provider" means a duly qualified or licensed home health aid/ or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry. ~~(7-1-92)~~(4-1-96)T

c. "Home" shall mean any place used by the insured as a place of residence, provided that such place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence. (7-1-92)

d. "At-home recovery visit" means the period of visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four (4) hours in a twenty-four (24) hour period of services provided by a care provider is one visit. (7-1-92)

e. Coverage Requirement and Limitations: (7-1-92)

i. At-home recovery services provided must be primarily services which assist in activities of daily living. (7-1-92)

ii. The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare. (7-1-92)

f. Coverage is limited to: (7-1-92)

i. No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment. (7-1-92)

- ii. The actual charges for each visit up to a maximum reimbursement of forty dollars (\$40) per visit. (7-1-92)
- iii. One thousand six hundred dollars (\$1,600) per calendar year. (7-1-92)
- iv. Seven (7) visits in any one week. (7-1-92)
- v. Care furnished on a visiting basis in the insured's home. (7-1-92)
- vi. Services provided by a care provider as defined in this section. (7-1-92)
- vii. At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded. (7-1-92)
- viii. At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit. (7-1-92)
- g. Coverage is excluded for: (7-1-92)
 - i. Home care visits paid for by Medicare or other government programs; and (7-1-92)
 - ii. Care provided by family members, unpaid volunteers or providers who are not care providers. (7-1-92)

11. **New or Innovative Benefits.** New or Innovative Benefits: An issuer may, with the prior approval of the director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. Drafting Note: The Omnibus Budget Reconciliation Act 1990, 42 U.S.C. Section 1395ss(p)(7), does not prohibit the issuers of Medicare supplement policies, through an arrangement with a vendor for discounts from the vendor, from making available discounts from the vendor to the policyholder or certificateholder for the purchase of items or services not covered under its Medicare supplement policies (for example: discounts on hearing aids or eyeglasses). Drafting Note: Use of new or innovative benefits may be appropriate to add coverage or access to such benefits as prescription drugs, at-home recovery services and preventive medical care. Any such innovative benefit, however, should offer uniquely different or significantly expanded coverage. (7-1-92)

(BREAK IN CONTINUITY OF SECTIONS)

020. ~~(RESERVED)~~ MEDICARE SELECT POLICIES AND CERTIFICATES.
No Medicare Select policies or certificates may be issued for delivery in this state unless

such policy or certificate contains definitions or terms which conform to the requirements of this section. (4-1-96)T

01. Definitions. For the purpose of this section: (4-1-96)T

a. Complaint. "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers. (4-1-96)T

b. Grievance. "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers. (4-1-96)T

c. Medicare Select Issuer. "Medicare Select Issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate. (4-1-96)T

d. Medicare Select Policy or Medicare Select Certificate. "Medicare Select Policy" or "Medicare Select Certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions. (4-1-96)T

e. Network Provider. "Network Provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy. (4-1-96)T

f. Restricted Network Provision. "Restricted Network Provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers. (4-1-96)T

g. Service Area. "Service Area" means the geographic area approved by the director within which an issuer is authorized to offer a Medicare Select policy. (4-1-96)T

02. Authorization. The director may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to Section 020 and section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the Director finds that the issuer has satisfied all of the requirements of this regulation. (4-1-96)T

03. Restrictions. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this State until its plan of operation has been approved by the director. (4-1-96)T

04. Proposed Plan of Operation. A Medicare Select issuer shall file a proposed plan of operation with the director in a format prescribed by the director. The plan of operation shall contain at least the following information: (4-1-96)T

a. Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that: (4-1-96)T

i. The services can be provided by network providers with reasonable

promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community. (4-1-96)T

ii. The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either to deliver adequately all services that are subject to a restricted network provision; or to make appropriate referrals. (4-1-96)T

iii. There are written agreements with network providers describing specific responsibilities. (4-1-96)T

iv. Emergency care is available twenty-four (24) hours per day and seven (7) days per week. (4-1-96)T

v. In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate. (4-1-96)T

b. A statement or map providing a clear description of the service area. (4-1-96)T

c. A description of the grievance procedure to be utilized. (4-1-96)T

d. A description of the quality assurance program, including: (4-1-96)T

i. The formal organizational structure. (4-1-96)T

ii. The written criteria for selection, retention and removal of network providers. (4-1-96)T

iii. The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted. (4-1-96)T

e. A list and description, by specialty, of the network providers. (4-1-96)T

f. Copies of the written information proposed to be used by the issuer to comply with Subsection 020.04. (4-1-96)T

g. Any information requested by the director. (4-1-96)T

05. Changes to Proposed Plan of Operation. A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the director prior to implementing the changes: (4-1-96)T

a. Changes shall be considered approved by the director after thirty (30) days unless specifically disapproved. (4-1-96)T

b. An updated list of network providers shall be filed with the director at least quarterly. (4-1-96)T

06. Non-Network Providers. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if: (4-1-96)T

a. The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and (4-1-96)T

b. It is not reasonable to obtain services through a network provider. (4-1-96)T

07. Medicaid Select Policy. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers. (4-1-96)T

08. Full and Fair Disclosure. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following: (4-1-96)T

a. An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with: (4-1-96)T

i. Other Medicare supplement policies or certificates offered by the issuer; (4-1-96)T
and

ii. Other Medicare Select policies or certificates. (4-1-96)T

b. A description(including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers. (4-1-96)T

c. A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. (4-1-96)T

d. A description of coverage for emergency and urgently needed care and other out-of-service area coverage. (4-1-96)T

e. A description of limitations on referrals to restricted network providers and to other providers. (4-1-96)T

f. A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer. (4-1-96)T

g. A description of the Medicare Select issuer's quality assurance program and grievance procedure. (4-1-96)T

09. Requirements Prior to Sale. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection 020.08 of this rule and that the applicant understands the restrictions of the Medicare Select policy or certificate. (4-1-96)T

10. Complaints and Written Grievances. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures: (4-1-96)T

a. The grievance procedure shall be described in the policy and certificates and in the outline of coverage. (4-1-96)T

b. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer. (4-1-96)T

c. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action. (4-1-96)T

d. If a grievance is found to be valid, corrective action shall be taken promptly. (4-1-96)T

e. All concerned parties shall be notified about the results of a grievance. (4-1-96)T

f. The issuer shall report no later than each March 31st to the director regarding its grievance procedure. The report shall be in a format prescribed by the director and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances. (4-1-96)T

11. Medicare Select Issuer Must Offer all Products. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer. For these purposes, the following should apply: (4-1-96)T

a. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six (6) months. (4-1-96)T

b. For the purposes of Subsection 020.11.b., a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one (1) or more significant benefits not included in the Medicare Select policy or

certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges. (4-1-96)T

12. Continuation of Coverage. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment. Such plans shall: (4-1-96)T

a. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make such policies and certificates available without requiring evidence of insurability. (4-1-96)T

b. For the purposes of Subsection 020.11.b., a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one (1) or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges. (4-1-96)T

13. Reasonable Request For Data. A Medicare Select issuer shall comply with reasonable request for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program. (4-1-96)T

021. OPEN ENROLLMENT.

01. Open Enrollment Period Following Eligibility for Medicare. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this State, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant where in the case of an application for such a policy or certificate that is submitted prior to or during the six (6) months period beginning with the first day of the first month in which an individual (who is both sixty-five (65) years of age or older) first and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age. (7-1-92)(4-1-96)T

02. Preexisting Condition Exclusion. Subsection 032 021-01 shall not be construed as preventing the exclusion of benefits under a policy, during the first six (6) months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six (6) months before the coverage became effective. (7-1-92)(4-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

023. LOSS RATIO STANDARDS AND REFUND OR CREDIT OF PREMIUM.

01. Loss Ratio Standards. (7-1-92)

a. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificateholders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form: (7-1-92)

i. At least ~~75~~ seventy-five percent (75%) of the aggregate amount of premiums earned in the case of group policies, or ~~(7-1-92)~~(4-1-96)T

ii. At least ~~65~~ sixty-five percent (65%) of the aggregate amount of premiums earned in the case of individual policies, ~~calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices.~~ ~~(7-1-92)~~(4-1-96)T

biii. Calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than a reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices. (4-1-96)T

~~cb.~~ All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards. (7-1-92)

~~de.~~ For purposes of applying Subsection 023.01.a. policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies. ~~(7-1-92)~~(4-1-96)T

02. Refund or Credit Calculations. (7-1-92)

a. An issuer shall collect and file with the director by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan. ~~(7-1-92)~~(4-1-96)T

b. If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a

statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded. (7-1-92)

c. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a de minimis level. ~~The Such~~ refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for 13-week Treasury notes. A refund or credit against premiums due shall be made by the September 30 following the experience year upon which the refund or credit is based. (7-1-92)(4-1-96)T

d. For the purposes of this section, policies or certificates issued prior to July 1, 1992, the effective date of the states regulation implementing the requirements of OBRA [1990], the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after July 1, 1992. The first such report shall be due by May 31, 1994. (4-1-96)T

03. Annual Filing of Premium Rates. (7-1-92)

a. An issuer of Medicare supplement policies and certificates issued before or after the effective date of IDAPA 18.01.54 in this State shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the director in accordance with the filing requirements and procedures prescribed by the director. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. Such demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this State shall file with the director in accordance with the applicable filing procedures of this State:(7-1-92)

i. Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. ~~The Such~~ supporting documents as necessary to justify the adjustment shall accompany the filing. (7-1-92)(4-1-96)T

ii. An issuer shall make such premium adjustments ~~as are~~ necessary to produce an expected loss ratio under ~~the such~~ policy or certificate ~~to as will conform to~~ ~~with~~ minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for ~~the such~~ Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date. (7-1-92)(4-1-96)T

iii. If an issuer fails to make premium adjustments acceptable to the director, the director may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section. (7-1-92)

b. Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. ~~The such~~ riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate. (7-1-92)(4-1-96)T

04. Public Hearings. The director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of IDAPA 18.01.54 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for such reporting period. Public notice of ~~the such~~ hearing shall be furnished in a manner deemed appropriate by the director. (7-1-92)(4-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

026. REQUIRED DISCLOSURE PROVISIONS.

01. General Rules. (7-1-92)

a. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of ~~such the~~ provision shall be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, shall appear on the first page of the policy, and shall clearly state the duration, where limited, or renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age. (7-1-92)(4-1-96)T

b. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, ~~such the~~ premium charge shall be set forth in the policy. (7-1-92)(4-1-96)T

c. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import. (7-1-92)

d. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations." (7-1-92)

e. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason. (7-1-92)

f. Issuers of disability policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis, ~~other than incidentally~~, to a person(s) eligible for Medicare ~~by reason of age~~ shall provide to ~~such~~ those applicants a Medicare Supplement Buyer's Guide to Health Insurance for People with Medicare in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than twelve (12) point type. Delivery of the ~~Buyer's Guide~~ shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this rule. Except in the case of direct response issuers, delivery of the ~~Buyer's Guide~~ shall be made to the applicant at the time of application and acknowledgement of receipt of the ~~Buyer's Guide~~ shall be obtained by the issuer. Direct response issuers shall deliver the ~~Buyer's Guide~~ to the applicant upon request but not later than at the time the policy is delivered. ~~(7-1-92)~~(4-1-96)T

g. For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character, and line spacing. (4-1-96)T

02. Notice Requirements. (7-1-92)

a. As soon as practicable, but no later than thirty (30) days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the director. ~~Such~~ The notice shall: ~~(7-1-92)~~(4-1-96)T

i. Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and (7-1-92)

ii. Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare. (7-1-92)

b. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

(7-1-92)

- c. Such notices shall not contain or be accompanied by any solicitation. (7-1-92)

03. Outline of Coverage Requirements for Medicare Supplement Policies. (7-1-92)

a. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of ~~such~~ the outline from the applicant; and ~~(7-1-92)~~(4-1-96)T

b. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued." (7-1-92)

c. The outline of coverage provided to applicants pursuant to this Section consists of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than twelve (12) point type. All plans A-J shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated. (7-1-92)

d. The following items shall be included in the outline of coverage in the order prescribed below. (7-1-92)

COMPANY NAME

Outline of Medicare Supplement Coverage Cover Page:

Benefit Plan(s)_____ insert letter(s) of plan(s) being offered

Medicare supplement insurance can be sold in only ten standard plans. This chart shows the benefits included in each plan. Every company must make available Plan "A". Some plans may not be available in your state.

BASIC BENEFITS: Included in All Plans. Hospitalization: Part A coinsurance plus coverage for three hundred sixty-five (365) additional days after Medicare benefits end.

Medical Expenses: Part B coinsurance (twenty percent (20%) of Medicare-approved

expenses).

Blood: First three (3) pints of blood each year.

PREMIUM INFORMATION

We (insert issuer's name) can only raise your premium if we raise the premium for all policies like yours in this State. If the premium is based on the increasing age of the insured, include information specifying when premiums will change.

DISCLOSURES

Use this outline to compare benefits and premiums among policies:

READ YOUR POLICY VERY CAREFULLY

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company

RIGHT TO RETURN POLICY

If you find that you are not satisfied with your policy, you may return it to (insert issuer's address). If you send the policy back to us within thirty (30) days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE

This policy may not fully cover all of your medical costs.
(for agents:)

Neither (insert company's name) nor its agents are connected with Medicare.

(for direct responses:)

(insert company's name) is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult "The Medicare Handbook" for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may

cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. If the policy or certificate is guaranteed issue, this paragraph need not appear.

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this rule. An issuer may use additional benefit plan designations on these charts pursuant to Section 9D of this rule.

Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the director.

DRAFTING NOTE: The term "certificate" should be substituted for the word "policy" throughout the outline of coverage where appropriate. (7-1-93)

04. Notice Regarding Policies or Certificates Which Are Not Medicare Supplement Policies. Any disability insurance policy or certificate, other than a Medicare supplement policy; or a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. Subsection 1395, et seq.), disability income policy; ~~basic, catastrophic, or major medical expense policy; single premium nonrenewable policy~~ or other policy identified in this rule, issued for delivery in this State to persons eligible for Medicare ~~by reason of age~~ shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. ~~Such~~ The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. ~~Such~~ The notice shall be in no less than twelve (12) point type and shall contain the following language:

"THIS POLICY OR CERTIFICATE OR SUBSCRIBER CONTRACT IS NOT A MEDICARE SUPPLEMENT POLICY OR CONTRACT. If you are eligible for Medicare, review the ~~Medicare Supplement Buyer's Guide~~ to Health Insurance for People with Medicare available from the company."

Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Appendix D, Paragraph 1 shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate. (7-1-93)(4-1-96)T

027. REQUIREMENT FOR APPLICATION FORMS AND REPLACEMENT COVERAGE.

01. Questions Regarding Other-In-Force Insurance. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement or other health

insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other disability policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used. (7-1-93)

STATEMENTS (7-1-93)

a. You do not need more than one Medicare supplement policy. (7-1-93)

b. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages. (7-1-93)(4-1-96)T

~~cb.~~ ~~If you are 65 or older, y~~You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy. (7-1-93)(4-1-96)T

d. The benefits and premiums under your Medicare supplement policy ~~will~~ can be suspended if requested during your entitlement to benefits under Medicaid for twenty-four (24) months. You must request this suspension within ninety (90) days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstated if requested within 90 days of losing Medicaid eligibility. (7-1-93)(4-1-96)T

~~ed.~~ Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning ~~Medicaid~~ medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

QUESTIONS

To the best of your knowledge: (7-1-93)(4-1-96)T

i. Do you have another Medicare supplement insurance policy or certificate in force ~~(including health care service contract, health maintenance organization contract)?~~

If so, do you intend to replace your current Medicare supplement policy with this policy?

If so, with which company?

ii. Do you have any other health insurance coverages ~~policies~~ that provide benefits similar ~~which~~ this Medicare supplement policy would duplicate?

If so, with which company?

What kind of policy? (7-1-93)(4-1-96)T

iii. ~~If the answer to question i. or ii. is yes, do you intend to replace these medical~~

or health policies with this policy certificate? (7-1-93)

iii. Are you covered by for medical assistance through the state Medicaid program?² (7-1-93)(4-1-96)T

(1) As a Specified Low-Income Medicare Beneficiary (SLMB)? (4-1-96)T

(2) As a Qualified Medicare Beneficiary (QMB)? (4-1-96)T

(3) For other Medicaid medical benefits? (4-1-96)T

02. Agent Requirements. Agents shall list any other health insurance policies they have sold to the applicant. (7-1-93)

i. List policies sold which are still in force. (7-1-93)

ii. List policies sold in the past five (5) years which are no longer in force. (7-1-93)

03. Direct Response Issuer. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy. (7-1-93)

04. Notification of Existing Insurer Upon Replacement. Where replacement is involved, the replacing insurer shall notify by written communication the existing insurer of the proposed replacement. Such existing insurance shall be identified by the name of the insurer, name of insured and contract number. The written communication shall be made within five (5) working days of the date the application is received in the replacing insurer's home or regional office or the date the proposed policy or contract is issued, whenever is sooner. (7-1-93)

05. Notification of Applicant Upon Replacement. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One (1) copy of such notice signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage. (7-1-93)

06. Form of Notice. The notice required by subsection 026.05 above for an issuer shall be provided in substantially the following form in no less than ~~ten (10)~~ twelve (12) point type:

NOTICE TO APPLICANT REGARDING REPLACEMENT
OF MEDICARE SUPPLEMENT INSURANCE

(Insurance company's name and address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to your application (information you have furnished), you intend to terminate existing Medicare supplement policy and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. ~~Terminate your present policy only~~ If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT BROKER OR OTHER REPRESENTATIVE:

I have reviewed your current medical or health insurance coverage. ~~The replacement of insurance involved in this transaction does not duplicate coverage.~~ To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement coverage because you intend to terminate your existing Medicare supplement coverage. The replacement policy is being purchased for the following reason(s) (check one):

- Additional benefits
- No change in benefits, but lower premiums
- Fewer benefits and lower premiums
- Other (please specify) _____

1. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain

that all information has been properly recorded. If the policy or certificate is guaranteed issue, this paragraph need not appear.

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

(Signature of Agent, Broker or Other Representative*)

[Typed Name and Address of Issuer Agent or Broker]

(Applicant's Signature)

(Date)

*Signature not required for direct response sales.

Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation. ~~(7-1-93)~~(4-1-96)T

Appendix C

FORM FOR REPORTING MEDICARE SUPPLEMENT POLICIES

Company Name:

Address:

Phone Number:

Due: March 1, Annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #

Date of Issuance

Signature

Name and Title (Please type)

Date

Appendix D

DISCLOSURE STATEMENTS

**Instructions for Use of the Disclosure Statements for
Health Insurance Policies Sold to Medicare Beneficiaries
that Duplicate Medicare**

1. Federal law, P.L. 103-432, prohibits the sale of a health insurance policy (the term policy or policies includes certificates) that duplicate Medicare benefits unless it will pay benefits without regard to other health coverage and it includes the prescribed disclosure statement on or together with the application.
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).
3. State and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement.
4. Property/casualty and life insurance policies are not considered health insurance.
5. Disability income policies are not considered to provide benefits that duplicate Medicare.
6. The federal law does not pre-exempt state laws that are more stringent than the federal requirements.
7. The federal law does not pre-exempt existing state form filing requirements.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.56 - REBATES AND ILLEGAL INDUCEMENTS
TO OBTAINING TITLE INSURANCE BUSINESS

DOCKET NO. 18-0156-9601

NOTICE OF CORRECTION TO RULES

ACTION: The action, under Docket No. 18-0156-9601, involves the correction to the rules of the Department of Insurance, IDAPA 18, Title 01, Chapter 56, Rebates and Illegal Inducements to Obtaining Title Insurance Business.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a rule. The action is authorized pursuant to Section(s) 67-5228, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the correction:

Due to a publication error, Exhibit I of was not printed in its entirety in the last publication of the Idaho Administrative Code. Exhibit I is being reprinted in its entirety following this notice.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at the Office of the Administrative Coordinator at (208) 334-3577.

DATED this 30th day of April, 1996.

D. Korey Lowder
Administrative Rules Coordinator
700 W. State Street, 4th Floor
Boise, Idaho 83720
(208) 334-3577

TEXT OF EXHIBIT I

EXHIBIT 1

A title entity shall not provide things of value except as provided in sections 012, 013, 014, and 015 of this rule. The following is a partial, but not all inclusive, list of acts and practices which are considered illegal inducements prohibited by the Idaho Insurance Code:

1. A title entity shall not sponsor any activity off its premises unless the producer of title business bears the entire cost of the activity. A title entity shall not cosponsor, subsidize, contribute fees, prizes, gifts, or otherwise provide things of value for a promotional function off the title entity's premises regardless whether the function is self-promotional or not. Off premises functions/activities include, but are not limited to, meetings, luncheons, dinners, conventions, installation ceremonies, celebrations, outings,

or related activities of local, regional or state boards of realty, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, motor vehicle rallies, sporting events of all kinds, gambling trips, hunting trips or outings, golf tournaments, artistic performances, and outings in recreation areas or entertainment areas. It shall be the burden of the title entity to be prepared to present documentation to the Department of Insurance that no things of value were provided.

2. A title entity shall not sponsor, subsidize, supply prizes or labor, or otherwise provide things of value for promotional activities of producers of title business. This does not prevent a title entity from attending activities of producers of title business if there is no cost to the title entity other than the title entity's own entry fees, registration fees, meals, etc., and provided that these fees are no greater than those charged to producers of title business.

3. A title entity shall not provide or offer to provide, either directly or indirectly, a compensating balance or deposit in a lending institution either for the express or implied purpose of influencing the extension of credit by such lending institution to any such person, or for the express or implied purpose of influencing the placement or channeling of title insurance business by such lending institution.

4. A title entity shall not pay or offer to pay, either directly or indirectly, with respect to any producer of title business for:

a. the services of an outside professional whose services are required by any producer of title business to complete or structure a particular transaction;

b. the salary of an employee of such producer of title business;

c. the salary or any part of the salary of a relative of any producer of title business employed by a title entity, if the payment is in excess of the reasonable value of the work actually performed;

d. a fee for making an inspection or appraisal of property, whether or not the fee bears a reasonable relationship to the services performed;

e. services required to be performed by any producer of title business in his or her professional capacity (e. g. the drafting of documents that are required to be filed by such producer of title business with the title entity for the initiation of closing and settlement services);

f. any evidence of title or a copy of the contents thereof which is not produced or issued by the title entity, if the evidence or the title relates to a current transaction;

g. the rent for all or any part of the space occupied by any producer of title business;

h. money, prizes, or other things of value in any kind of a contest or promotional endeavor;

i. any advertising effort made in the name of, for, or on behalf of any producer of title business;

j. any business form of any such producer of title business other than a form regularly used in the conduct of the title entity's business, which form is furnished solely for the convenience of the title entity and does not constitute a benefit to the producer of title business; or

k. any salary, commission, or any other consideration to any employee who is at the same time actively engaged as a real estate licensee in the real property or mortgage brokerage business or is actively engaged in any other business of a producer of title business; or

l. the cancellation fee, the fee for the preliminary title report or other fee on behalf of any producer of title business before or after inducing such producer of title business to cancel an order with another title entity.

5. A title entity shall not furnish, or offer to furnish, all or any part of the time or productive effort of any employee of the title entity (example: office manager, escrow officer, secretary, clerk, messenger, etc.) to any producer of title business. This provision is not intended to effect the title entity's day to day business with producers of title business. It is directed at title entity employees being utilized by, or "loaned" out to a producer of title business for the self-promotional interests of the producer of title business.

6. A title entity shall not furnish, or offer to furnish, pay for, or offer to pay for, furniture, office supplies including file folders, telephones, equipment, or automobiles to any producer of title business, or pay for, or offer to pay for, any portion of the cost of renting, leasing, operating, or maintaining any of the aforementioned items.

7. A title entity shall not provide, or offer to provide, non title services (example: computerized bookkeeping, forms management, computer programming, trust accounting) or any similar benefit to a producer of title business, without charging for and receiving a fee commensurate for services provided (e. g. a fee for trust accounting shall be a like fee charged by state or federally chartered banks or savings and loan associations in the local area). This provision also does not prevent title entities from contracting with trade associations to provide non-title services for a profit (i.e. MLS services).

8. A title entity shall not provide gifts or other things of value in connection with congratulations to a producer of title business. A letter or card in these instances will not be interpreted as providing a thing of value.

9. A title entity shall not waive a cancellation fee, fail to charge for a cancellation fee, or otherwise fail to make efforts to collect a cancellation fee from the recipient of services provided by the title entity.

10. A title entity shall not furnish any part of its facility (e. g. conference rooms, meeting rooms, etc.) to a producer of title business or trade association without receiving a fair rental charge commensurate with the average rental for similar facilities in the area.

11. A title entity shall not furnish reports containing publicly recorded information, appraisals, estimates, or income production potential, information kits or similar packages containing information about one or more parcels of real property (other than as permitted in section 012) helpful to any producer of title business, consumer, or member of the general public without making a charge that is commensurate with the actual cost of the work performed and the material furnished (e. g. "farm packages", lot book reports, tax information, title commitments).

12. Delivery service between a title entity and a producer of title business shall be conducted by the title entity's regular messenger service and shall only involve the delivery of items from a title entity to a producer of title business or from a producer of title business to a title entity.

IDAPA 23 - BOARD OF NURSING
23.01.01 - RULES OF THE BOARD OF NURSING
DOCKET NO. 23-0101-9501
NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective July 1, 1996 .

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is a authorized pursuant to Sections 54-1404 and 54-1412, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rules and a statement of any change between the text of the proposed rules and text of the final rule with an explanation of the reasons for any changes.

The final adopted rules revise disciplinary and nursing practice rules.

The change in text between proposed and final rules is due to Senate Concurrent Resolution 147, which was passed following legislative review. Only those sections amended by SCR 147 are being reprinted in this Bulletin. The original text of the proposed rule was published in the October 4, 1995 Administrative Bulletin, Vol. 95-10, pages 208 through 242, and the amended text of the pending rule was published in the December 6, 1995 Administrative Bulletin, Vol. 95-12, pages 142 through 166.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning these final rules, contact Leola Daniels, Executive Director, at (208) 334-3110.

DATED this 8th day of April, 1996.
Leola Daniels
POB 83720
Boise, Idaho 83720
(208) 334-3110

IDAPA 23
TITLE 01
Chapter 01

Rules Governing The Board of Nursing

There are substantive changes from the proposed rule text

Only those sections that have changed from the original proposed text are printed in this Bulletin following this notice

The complete original text was published in the Idaho Administrative Bulletin, Volume 95-10, October 4, 1995, Pages 208 through 242, and Volume 95-12, December 6, 1996, Pages 142 through 166

This rule has been adopted as Final by the Agency and the Idaho State Legislature by Senate Concurrent Resolution 147

TEXT OF DOCKET NO. 23-0101-9501

~~401 460.~~ LICENSED PROFESSIONAL NURSE.

A licensed professional nurse may perform independent, dependent, and interdependent functions as defined in these rules. The licensed professional nurse is expected to demonstrate competency in judgment, decision making, implementation of nursing interventions, delegation of functions or responsibilities to others, and administration of medications and treatments prescribed by legally authorized persons. The interpretation of functions as set forth in the legal definition of licensed professional nurse, Section 54-1402(b)(1), Idaho Code, (Nursing Practice Act) and Sections ~~401 through 451~~, is as follows: ~~(7-1-93)(7-1-96)~~

01. Assessing the Health Status. The licensed professional nurse is accountable and responsible for assessing and evaluating the health status of individuals and groups by: (11-28-84)

a. Collecting objective and subjective data from observations, examinations, interviews, and written records in an accurate and timely manner. The data includes, but is not limited to: (7-1-93)

i. Biophysical and emotional status; (11-28-84)

ii. Growth and development, ~~including early periodic screening;~~ ~~(11-28-84)(7-1-96)L~~

iii. Cultural, religious and socio-economic background; (11-28-84)

- iv. Family health history; (11-28-84)
- v. Information collected by other health team members; (11-28-84)
- vi. ~~Patient/client's~~ Knowledge and perception about health status and potential, or maintaining health status gathered from client, family and others; ~~(11-28-84)~~(7-1-96)
- vii. Ability to perform activities of daily living; (11-28-84)
- viii. Patterns of coping and interacting; (11-28-84)
- ix. Consideration of ~~patient/client's~~ health goals and discharge needs; ~~(11-28-84)~~(7-1-96)
- and
- x. Environmental factors (e.g., physical, social, emotional and ecological); (11-28-84)
- xi. Available and accessible human and material resources. (11-28-84)
- b. Interpreting the data, determining the interrelationships and the significance of the data to the ~~patient's~~ client's health status and treatment regimen. ~~(7-1-91)~~(7-1-96)
- c. Recording and reporting the data. (7-1-91)
- d. Validating, refining and modifying the data by ~~utilizing~~ using available resources including interactions with the ~~patient/client,~~ family, health team members, and ~~significant~~ others, and. ~~(7-1-91)~~(7-1-96)
- e. Conducting screening to identify deviations from normal and referring deviations from normal for further evaluation and follow-up. ~~(7-1-96)~~L
02. Identifying Health Care Problems that Are Amenable to Nursing Intervention. The licensed professional nurse is accountable and responsible for utilizing data obtained by assessment to identify and document nursing diagnoses which serve as a basis for the strategy of nursing care. (7-1-91)
03. Establishing Goals and Client Outcomes. The licensed professional nurse is accountable and responsible for collaborating with the ~~patient/client,~~ family, and health team members, and significant others in: ~~(11-28-84)~~(7-1-96)
- a. Identifying present and predicted needs of the ~~patient/client.~~ ~~(11-28-84)~~(7-1-96)
- b. Establishing realistic and measurable short and long term goals or outcomes to meet identified health care needs. ~~(11-28-84)~~(7-1-96)
- e- ~~Setting realistic and measurable goals for the patient/client.~~ (11-28-84)

04. Planning a Strategy of Care and Prescribing Nursing Interventions. The licensed professional nurse is accountable and responsible for: (11-28-84)

a. Prescribing nursing care by ~~Developing and documenting a plan for nursing intervention based on assessment, analysis of data, and identified nursing diagnoses and client outcomes.~~ This includes: (7-1-91)(7-1-96)

i. Recognizing, understanding, respecting and incorporating into the plan of care, the ~~patient/client's~~ cultural and ethnic backgrounds, spiritual needs, values and beliefs, religious beliefs and the patient's/client's right to determine treatment of choice. (7-1-91)(7-1-96)

ii. Identifying measures to maintain hygiene and comfort, to support human functions and responses, and to maintain an environment conducive to safety and health. (11-28-84)

iii. Determining ~~patient/client's~~ educational and counseling needs to promote, maintain and restore health. (11-28-84)(7-1-96)

iv. Identifying community resources as appropriate for referral and continued care. (7-1-91)

v. Determining priority needs in collaboration with the ~~patient/client.~~ (7-1-91)(7-1-96)

b. Reviewing and revising the plan of nursing care as necessary. (7-1-91)

05. Implementing the Strategy of Care. The licensed professional nurse is accountable and responsible for the implementation of the plan of nursing care by: (7-1-93)

a. Initiating care, giving direct care, assisting with care, coordinating care, or delegating care to qualified persons who may include family members and others. (11-28-84)(7-1-96)

b. Exercising judgment when executing nursing and medical regimen to assure that the medical orders and nursing orders are accurate, that there are no documented contraindications to carrying out the orders and that the medical orders are properly authorized. Medication and treatment orders received from physicians in bordering states are legally authorized orders may be administered. (7-1-91)(7-1-96)L

c. Administering prescribed medications, treatments and intravenous therapy through a variety of routes (oral, topical, rectal, parenteral) as prescribed by those health care providers authorized to prescribe medications, based on knowledge, rationale, purpose and their effects. (See Rule 400.01.a-f.) (7-1-91)(7-1-96)L

i. Administration of medication may include but is not limited to: intravenous diagnostic agents, intravenous chemotherapy, epidural/intrathecal analgesia, continuous subcutaneous narcotics; medication through chest tubes, ventricular shunts, tumor catheters, intercostal catheters; topical cervical gels, injection of wounds with local

anesthetics for cleansing, and programming pumps. (7-1-96)

ii. Provision of medication includes but is not limited to: providing medications according to Board-approved protocols. (7-1-96)

iii. Medication orders must be obtained from legally authorized prescribers; labels on prescription containers do NOT constitute authorized orders. (7-1-96)

d. Administering ~~prescribed~~ treatments and performing procedures as prescribed by those health care providers authorized to prescribe those treatments based on documented knowledge, rationale, purpose and their effects: (See Rule 400.01.a-f.)
(7-1-96)L

i. Insertion of various lines and tubes including but not limited to: enteral feeding tubes, weighted gastric tubes, infant/pediatric intraosseous lines, peripherally inserted central or midline catheters, umbilical catheters, fetal monitoring electrodes with amniotomy, radial arterial catheters, and reinsertion of preexisting catheters and tubes with established tracts. (7-1-96)L

ii. Removal of various lines and tubes including but not limited to: epidural catheters, fetal scalp electrodes, and arterial sheath. (7-1-96)

iii. Ordering tests based on protocols including but not limited to: ~~radiographic confirmation of placement of nasogastric tubes, and laboratory tests based on protocols~~ and radiographic confirmation of placement of nasogastric tubes. (7-1-96)L

iv. ~~Obtaining PAP smears and cervical cultures, applying casts, performing flexible sigmoidoscopy for colon cancer screening, performing instrument debridement of non-viable tissue; performing bi-manual pelvic examinations and male rectal examinations for screening, obtaining amniotic fluid volume index measurements and providing specialized foot care.~~ (7-1-96)L

de. Providing education and counseling to ~~patients~~/clients and their significant others to facilitate accomplishment of immediate and long-term goals and outcomes:. (7-1-91)(7-1-96)L

i. Assess ability of the client to comprehend instruction. (7-1-96)

ii. Provide instruction to include return demonstration and action to take in an emergency. (7-1-96)

f. Monitoring health status parameters including hemodynamic, cardiac and electroencephalogram, and progression toward established outcomes to include on-going responses to treatments, medication, and intravenous therapy. (7-1-96)

g. Determining necessary care through triage and ~~m~~Making other clinical judgments and decisions regarding ~~patient~~/client's status and for the purpose of modifying care as indicated. (7-1-91)(7-1-96)

eh. Documenting nursing interventions, ~~and~~ responses to care, modification

of care, education and counseling. ~~(7-1-91)~~(7-1-96)

fi. Communicating nursing interventions and responses to care to other members of the health team. (7-1-91)

06. Authorizing Nursing Interventions. The licensed professional nurse is accountable and responsible for: (11-28-84)

a. ~~Assisting personnel to implement~~ Assuring implementation of planned and prescribed care. ~~(11-28-84)~~(7-1-96)

b. Assigning specific duties to licensed practical nurses, ~~surgical technicians, and auxiliary workers~~ unlicensed assistive personnel as set forth in accordance with these Board rules. The licensed professional nurse may perform all functions of the licensed practical nurse, ~~auxiliary worker~~ unlicensed assistive personnel and ~~surgical~~ technicians. ~~(11-28-84)~~(7-1-96)

e. ~~Considering the following factors when delegating care:~~ (11-28-84)

i. ~~Complexity of the care needed.~~ (11-28-84)

ii. ~~The educational preparation and documented competency of the staff.~~ (11-28-84)

iii. ~~The established policies in the health care setting.~~ (11-28-84)

07. Maintaining Safe and Effective Nursing Care. The licensed professional nurse is accountable and responsible for: (11-28-84)

a. Maintaining a safe environment. (7-1-91)

b. Evaluating a ~~patient/client's~~ status and instituting appropriate therapy or procedures which might be required in emergency situations to stabilize a ~~patient's client's~~ condition or prevent serious complications in accordance with standard procedures established by the policy-making body in the health care setting-, including but not limited to administration of intravenous drugs and starting intravenous therapy if medical orders cannot be obtained based on protocols if the client has been assessed and determined to be in peril. ~~(11-28-84)~~(7-1-96)L

c. Acting as a ~~patient/client~~ advocate. ~~(11-28-84)~~(7-1-96)

d. Applying principles of asepsis and infection control and universal precautions ~~as necessary~~ when providing nursing care. ~~(6-11-93)~~(7-1-96)

e. ~~Only a nurse practitioner, certified as a nurse midwife, may perform uncomplicated deliveries of babies, with physician direction.~~ (11-28-84)

e.f. Functioning as the circulating nurse in the operating room. (7-1-91)

f. Accepting orders for medications and treatments initiated by an

authorized prescriber. (7-1-96)

g. Providing advice to clients via telecommunication in accordance with agency policies and utilizing agency approved documents for first aid or self-care and recognized community resources. (7-1-96)

08. Functions That May NOT Be Performed. The licensed professional nurse may NOT: (7-1-96)

a. Perform deliveries of babies if not certified as a nurse midwife. (7-1-96)

b. Perform anesthesia care services if not registered as a nurse anesthetist. (7-1-96)

c. Function routinely with organized pre-hospital emergency services if not certified as an emergency medical technician. (7-1-96)

d. Perform any acts of surgery except as set forth in Section 490. of these rules. (7-1-96)L

~~09.08.~~ Evaluating Responses to Interventions. Utilizing identified goals and outcomes, the licensed professional nurse is accountable and responsible for: (11-28-84)(7-1-96)

a. Determining the data to be collected to evaluate progress toward achievement of outcomes of care. (11-28-84)(7-1-96)

b. Documenting and communicating evaluation data appropriately. (11-28-84)

c. Evaluating the responses of individuals or groups to nursing interventions and involving the patient/client, significant others, and appropriate health team members and others in the evaluation process. (11-28-84)(7-1-96)

d. Using evaluation data as a basis for reassessing patient/ client's health status, modifying identified problems, prescribing changes in nursing interventions and ~~Revising care~~ the plan of care and prescribing changes in interventions. (11-28-84)(7-1-96)

~~10.09.~~ Teaching the Theory and Practice of Nursing. The licensed professional nurse is accountable and responsible for: (11-28-84)(7-1-96)

a. Teaching nursing theory and its application in organized educational programs when qualified to do so by education and experience. (11-28-84)(7-1-96)

b. Assisting personnel and students under his supervision to develop and maintain competence in providing nursing care. (7-1-93)

b. Facilitating, mentoring and guiding the practice of nursing formally and

informally in practice settings. (7-1-96)

~~e. Teaching and exemplifying nursing practice based upon knowledge and skills obtained through education and appropriate experience. (11-28-84)~~

~~11.10. Managing the Practice of Nursing. The licensed professional nurse is accountable and responsible for: (11-28-84) (7-1-96)~~

~~a. The quality and quantity of nursing care given to patients/clients by nursing personnel under his supervision. (7-1-93)~~

~~b. Giving direct, individualized nursing care to a patient/client or assigning functions in accordance with the education and demonstrated competence of available staff. (11-28-84)~~

~~e. Supervising others to whom nursing functions are delegated. (11-28-84)~~

~~d. Providing leadership in formulation, interpretation, implementation and evaluation of the objectives and policies of nursing service. (11-28-84)~~

~~e. A licensed professional nurse shall be responsible for: (11-28-84)~~

~~i. Directing and evaluating the quality of nursing services. (11-28-84)~~

~~ii. Identifying and evaluating the abilities of nursing personnel to perform nursing functions. (11-28-84)~~

~~a. A licensed professional nurse functioning as chief administrative nurse is accountable and responsible for: (7-1-96)~~

~~i. Prescribing, directing and evaluating the quality of nursing services including but not limited to staff development and quality improvement; and (7-1-96)~~

~~ii. Assuring that organizational policies and procedures, job descriptions and standards of nursing practice conform to the Nursing Practice Act and Nursing Practice Rules; and (7-1-96)~~

~~iii. Assuring that the knowledge, skills and abilities of nursing care staff are assessed and that nursing care activities do not exceed the legally defined boundaries of practice; and (7-1-96)~~

~~iv. Assuring that documentation of all aspects of the nursing organization is maintained. (7-1-96)~~

~~b. A licensed professional nurse functioning in a management role shall be accountable and responsible for: (7-1-96)~~

~~i. The quality and quantity of nursing care provided by nursing personnel under his supervision. (7-1-96)~~

ii. Managing and coordinating nursing care in accordance with established guidelines for delegation. (7-1-96)

iii. Providing leadership in formulating, interpreting, implementing, and evaluating the objectives and policies of nursing practice. (7-1-96)

~~11-12.~~ Collaborating with Other Health Professionals. The licensed professional nurse is accountable and responsible for: (11-28-84)

a. Communicating significant changes in a ~~patient~~/client's status or responses to therapy and nursing intervention to appropriate health team professionals. (~~11-28-84~~)(7-1-96)

b. Coordinating the plan of care as appropriate with other health team professionals in order to provide optimum ~~patient~~/client care. (~~7-1-91~~)(7-1-96)

c. Consulting with nurses and other health team members as necessary to meet the ~~patient~~/client's identified health care needs. (~~11-28-84~~)(7-1-96)

461. -- 489. (RESERVED).

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD
25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD
DOCKET NO. 25-0101-9601
NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective July 1, 1996.

ACTION: This action, under Docket No. 25-0101-9601, concerns the adoption of final rules of IDAPA 25, TITLE 01, Chapter 01, Rules of the Outfitters and Guides Licensing Board.

AUTHORITY: In compliance with section 67-5226, Idaho Code, notice is hereby given that this agency has adopted final rules. The action is authorized pursuant to section 36-2107(b) and (d), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance final rule:

The 1996 Session of the Idaho Legislature amended the rules of the Outfitters and Guides Licensing Board in HCR 30 by deleting subsection 002.49 of Rule 002 (IDAPA 25.01.01.002.49).

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Dean Sangrey, Executive Director, Outfitters and Guides Licensing Board, at (208) 327-7380.

Dated this 24th day of April, 1996.

Dean Sangrey, Executive Director
P.O. Box 83720
Boise, ID 83720-0064
Phone: (208) 327-7380
Fax: (208) 327-7382

TEXT OF DOCKET NO. 25-0101-9501 - HCR 30

002. DEFINITIONS.

The Act defines certain terminology applicable to its interpretation and administration (Idaho Code 36-2102). Further definitions, for the purposes of these Rules are: (4-1-92)

01. Act. Shall mean Idaho Code, Title 36, Chapter 21, commonly known as the Outfitters and Guides Act, as amended. (4-1-92)

02. Authorized Person. An investigator or enforcement agent in the employ of the Board, a conservation officer of the Idaho Department of Fish and Game, or any

local, state, or federal law enforcement officer. (4-1-92)

03. Board. The Idaho Outfitters and Guides Licensing Board. (4-1-92)

04. Board Meeting. The set schedule of meeting dates established for conduct of regular Board business on a calendar year basis. Additional meetings may be scheduled as necessary (See Section 071). (4-1-92)

05. Booking Agent. Any individual, firm, business, partnership, or corporation that makes arrangements for the use of the services of a licensed outfitter and receives compensation therefore. A booking agent does not supply personnel or facilities and services to outfitter clientele. (4-1-92)

06. Compensation. The receipt or taking of goods, services, or cash in exchange for outfitted or guided activities. A bona fide charging of out-of-pocket travel expenses by members of a recreational party shall not be deemed compensation. However, such out-of-pocket expenses may not include depreciation, amortization, wages, or other recompense. (4-1-92)

07. Completed Application. An application submitted for Board consideration which contains all of the material required to be submitted by the Board for that license category. (4-1-92)

08. Consideration. The receipt or taking of goods, services, or cash in exchange for the provision of facilities and services in the conduct of outfitted or guided activities. (4-1-92)

09. Desert. A region of scarce rainfall and vegetation in areas often having great differences between day, night and seasonal temperatures. A desert is a land surface ranging from level, plateau land, or undulating to sharply breaking hill-lands and sand dunes that, in addition, may be broken by poor to well-defined, deeply entrenched drainage systems, rims, cliffs, and escarpments. (4-1-92)

10. Designated Agent. An individual who meets all qualifications for an outfitter's license who is employed as an agent by any person, firm, partnership, corporation, or other organization or combination thereof that is licensed by the Board to operate as an outfitter and who shall, together with the licensed outfitter, be responsible and accountable for the conduct of the licensed outfitter's operations. The name of each designated agent employed by an outfitter shall appear on the outfitter's bond. A designated agent may act as a guide if he possesses the qualifications of a guide as determined by the Board. (Previously referred to as Managing Agent). (4-1-92)

11. Drift Boats. Shall be substituted for and have the same meaning as "float boats" defined below. (4-1-92)

12. Enforcement Agent. An individual employed by the Board having the power of peace officers to enforce the provisions of the Idaho Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and the Rules promulgated thereunder. (4-1-92)

13. Facilities and Services. The provision of personnel, lodging (tent, home,

lodge, or hotel/motel), transportation (other than by commercial carrier), guiding, preparation and serving of food and equipment, or any other accommodation for the benefit of clientele in the conduct of outdoor recreational activities as designed in Idaho Code 36-2102(b). (4-1-92)

14. First Aid Card. A valid card issued by the American Red Cross to denote the individual whose name and signature appear thereon has successfully completed an applicable Red Cross course and is qualified to render appropriate, minimal first aid as prescribed by the American Red Cross, or other valid evidence showing successful completion of an equivalent course conducted by an organization acceptable to the Board. (4-1-92)

15. Fishing. Fishing activities, on those waters and for those species described in the Idaho Department of Fish & Game "General Fishing Seasons Rules" and any anadromous fishing rules; for purposes of the "Act", fishing is defined as follows: (4-1-92)

a. Anadromous fishing means fishing for salmon or steelhead trout. (4-1-92)

b. Float boat fishing means the use of floatboats without motors for the conduct of fishing as a major activity on those waters open to commercial activities as set forth in Section 059. (4-1-92)

c. Fly fishing means a licensed activity restricted to the use of fly fishing equipment and procedures, as defined by Idaho Department of Fish and Game rules. (4-1-92)

d. Incidental fishing means fishing conducted as a minor activity. (4-1-92)

e. Power boat fishing means the use of power boats in conduct of fishing as a major activity on those Idaho waters open to commercial outfitting activities as set forth in Section 059. (4-1-92)

f. Walk and wade fishing means fishing conducted along or in a river, stream, lake or reservoir, and may include the use of personalized floatation equipment, but does not include the use of watercraft. (4-1-92)

16. Float Boats. Watercraft (inflatable watercraft, dories, drift boats, canoes, catarafts, kayaks, sport yaks, or other small watercraft) propelled by, and moving with the stream flow, maneuvered by oars, paddles, sweeps, pike poles or by motors for downstream steerage only. Downstream steerage does not include holding or upstream travel of a watercraft with a motor. Excluded as float boats are personal floatation devices, innertubes, air mattresses, or similar devices. (4-1-92)

17. Guide. An individual who meets the criteria as set forth in Idaho Code 36-2102(c), and has further met the required qualifications as prescribed in the Rules to provide professional guided services to clientele in the pursuit and conduct of licensed activities. (4-1-92)

18. Guide License. A license issued by the Board to an individual who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor recreational activities as defined in Idaho Code 36-2102(c). (4-1-92)

19. Hazardous Excursions. Outfitted or guided activities conducted outside municipal limits in a desert or mountainous environment which may constitute a potential danger to the health, safety, or welfare of participants involved. These activities shall include, but are not limited to: day or overnight trailrides, backpacking, technical mountaineering/rock climbing, cross-country skiing, backcountry alpine skiing, llama packing, snowmobiling, survival courses, and motored and non-motored cycling. (5-1-95)

20. He/his/him. Shall mean either the male or female gender. (4-1-92)

21. Hunting. The pursuit of any game animal or bird and all related activities including packing of camp equipment, supplies, game meat and clients to and from a hunting camp. (12-30-93)

22. Incidental Activity. Shall be and is the same as a minor activity. (4-1-92)

23. Incidental Amendment. All outfitter license amendment requests that can be processed by the Board without requiring outside research or recommendation of a land managing agency or other agency before the Board takes final action on said amendment request. (4-1-92)

24. Investigator. An individual employed by the Board to monitor compliance with the provisions of the Outfitters and Guides Act (Idaho Code, Title 36, Chapter 21) and Rules promulgated thereunder and issue warning tickets for violations thereof. An investigator shall not have arrest powers nor any other power of a peace officer. (4-1-92)

25. Major Activity. A licensed activity, the nature of which requires a significant commitment of time and effort by an outfitter in its execution and is intended to provide a significant amount of income to an outfitter. (4-1-92)

26. Major Amendment. All outfitter license amendment requests requiring Board research or recommendation of a land management agency or other agency before the Board takes final action on the amendment request. (4-1-92)

27. Minor Activity. A licensed activity the nature of which may be carried out in conjunction with a major activity, but is not intended to provide a significant amount of income to an outfitter. (4-1-92)

28. Mountainous. A region receiving limited to abundant annual precipitation with an associated vegetative cover of grass, weeds, shrubs, or trees. Cool summer temperatures and cold winter temperatures prevail. A mountainous area is a land surface ranging from level to gently rolling low hills to elevated lands that are often broken with poor to well-developed, deeply entrenched drainage systems, rims, cliffs, and escarpments to steep-sided land masses of impressive size and height. (4-1-92)

29. New Opportunity. A proposed commercial outfitted activity to be

conducted in an area where no similar commercial outfitted activity has been conducted in the past. (4-1-92)

30. Nonresident. An individual, corporation, firm, or partnership who is not a resident of the state of Idaho. (See "Resident"). (4-1-92)

31. Nonuse. An outfitter's making zero use of major licensed activities for any two (2) of the three (3) preceding years. See Definitions, "Zero use", and Subsection 024.01. (4-1-92)

32. Operating Area. The area assigned by the Board to an outfitter for the conduct of outfitting activities. (4-1-92)

33. Operating Plan. A detailed schedule or plan of operation which an outfitter proposes to follow in the utilization of licensed privileges, areas, or activities. (See Subsection 018.03). (4-1-92)

34. Outfitter. An individual, corporation, firm, partnership, or other organization or combination thereof that meets the criteria as set forth in Idaho Code 36-2102(b), and has further met the required qualifications as prescribed in the Rules to conduct an outfitting business in Idaho. (4-1-92)

35. Outfitter License. A license issued by the Board to an individual, partnership, corporation, or other duly constituted organization to conduct activities as defined in Idaho Code 36-2102(b). NOTE: The conduct of an outfitted operation on any private land(s) within an operating area approved by the Board is not authorized unless signed permission/lease is obtained from the private land owner(s), or their agent(s), and filed with the Board. (4-1-92)

36. Out-of-Pocket Costs. The direct costs attributable to a recreational activity. Such direct costs shall not include: (1) compensation for either sponsors or participants, (2) amortization or depreciation of debt or equipment, or (3) costs of non-expendable supplies. (4-1-92)

37. Power Boats. All motorized watercraft used on Idaho waters open to commercial outfitting activities as set forth in Subsections 059.01 and 02. Excluded as power boats are hovercraft, jetskis or similar devices, and float boats using motors for downstream steerage. (4-1-92)

38. Relinquishment of License Privileges. The failure to re-apply at the expiration of a license; the loss through nonuse, revocation, or voluntary surrender of a license; or other loss of license. (See Subsection 030.03). (4-1-92)

39. Resident. An individual, corporation, firm, or partnership who has resided in the state of Idaho for a period of six (6) months next preceding the time of application for license. (4-1-92)

40. Rules. The Rules of the Board. (4-1-92)

41. Stay of Board Action. An order, pursuant to Idaho Code 67-5215(c),

stopping or delaying the enforcement of a Board decision, order or action. (4-1-92)

42. Third Party Agreement. The allowing of the conduct of an outfitted or guided activity by the outfitter licensed to conduct those activities by any persons not directly employed by said outfitter. (See Section 023). (4-1-92)

43. Trainee. A person not less than sixteen (16) years of age who does not possess the necessary experience or skill qualifications required to obtain a guide license, but who is working toward obtaining the necessary experience or skill qualifications. This required training shall be recorded on a form provided by the Board. A trainee may not provide any direct guiding services for clients, but may assist while under direct supervision. (5-1-95)

44. Under Supervision. The trainee must be in a boat operated by a licensed boatman, or one in which the operation is closely monitored by a licensed boatman. The licensed boatman need not be in the same boat during training as long as the trainee's activity is closely monitored. (4-1-92)

45. Unethical/Unprofessional Conduct. Any activity(ies) by an outfitter or guide which is inappropriate to the conduct of the outfitting or guiding profession. These activities include, but are not limited to: an outfitter employing an unlicensed guide; providing false, fraudulent or misleading information to the Board; failure to provide services as advertised or contracted; harassment of the public in their use of Idaho's outdoor recreational opportunities; violation of state or federal fish and game laws; engaging in unlicensed activities or conducting outfitter/guide services outside the operating area for which the licensee is licensed; or disregard for the conservation, maintenance or enhancement of fish, game, land and water resources. (4-1-92)

46. Validated Training Form. An approved form bearing the "Great Seal of the State of Idaho" AND the official stamp of the Board affixed thereon. (4-1-92)

47. Watercraft. A boat or vessel propelled mechanically or manually, capable of operating on inland water surfaces. Excluded as watercraft are hovercraft, jetskis, personal floatation devices (PFD's), or similar devices. (4-1-92)

48. Zero Use. No or negligible use by an outfitter of his licensed activity unless the lack of use is due to an act of nature or season or hunting or fishing restrictions by a state or federal agency that limit the ability of the outfitter to seek and accommodate clientele. (4-1-92)

49. ~~Employ, Employed, or Employment of a Guide. To utilize the service of another to perform the functions of a guide as provided in Subsection 002.17, whether as a direct employee, an independent contractor, or in any other manner. It is not necessary that the persons performing such function receive compensation, directly or indirectly, for the services rendered to be considered employed for the purposes of this act.~~ (5-1-95)

IDAPA 28 - IDAHO PERSONNEL COMMISSION
28.01.01 - RULES OF THE IDAHO PERSONNEL COMMISSION
DOCKET NO. 28-0101-9601
NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule is effective July 1, 1996.

AUTHORITY: In compliance with Section 67-5291, Idaho Code, notice is hereby given that this agency has adopted a final rule. This action is authorized pursuant to Section 67-5291, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rule and a statement of any change between the text of the proposed rule and text of the final rule with an explanation of the reasons for any changes.

The final rule defines the work "family" for purposes of sick leave usage by state employees. The new language in IDAPA 28.01.01.240.03 defines "family" to include a spouse, child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage. This rule was adopted by the 1996 Idaho State Legislature through House Concurrent Resolution No. 33. No changes have been made.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Thorpe P. Orton, Deputy Attorney General for the Idaho Personnel Commission, at (208) 334-3596.

DATED this 23rd day of April, 1996.

Idaho Personnel Commission
700 West State Street
P.O. Box 83720
Boise, ID 83720-0066
Phone: (208) 334-2263
Fax: (208) 334-3182

TEXT OF DOCKET NO. 28-0101-9601

240. SICK LEAVE.

01. Eligibility. All classified employees regardless of status or whether full-time or part-time shall earn sick leave and be eligible to take sick leave in accordance with Section 67-5333, Idaho Code. Sick leave shall only be taken in pay periods subsequent to being earned. (7-1-87)

02. Interdepartmental Transfer. An employee who is transferred from one (1) state department to another shall be credited by the receiving department with the amount of sick leave accrued at the time of transfer. The amount of such accrued leave

shall be shown on the transaction documents separating the employee from one (1) department and appointing him or her in the other. (4-5-85)

03. Reasons for Use. Sick leave shall only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. For purposes of this rule, family means a spouse, child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage. ~~(4-5-85)~~(7-1-96)L

04. Medical, Dental or Optical Appointments. An employee shall be allowed up to two (2) hours for each occasional appointment without charge to sick leave for personal or family-member medical, dental or optical examination or treatment. An appointing authority may limit the frequency that this rule may be used by an employee. (4-5-85)

05. Notification. It is the responsibility of the employee to notify his or her supervisor as soon as possible in the event of sickness or injury which prevents the employee from reporting for duty. (4-5-85)

IDAPA 33 - IDAHO REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective July 1, 1996.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Sections 54-2027, 54-2074 and 54-2029, Idaho Code.

PUBLIC HEARING: A public hearing concerning this rule-making will be held as follows:

Friday, June 14, 1996, at 2 p.m., MDT, at the offices of the Idaho Real Estate Commission, 633 North 4th St., Boise, Idaho.

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency at the address and phone numbers below.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary rule-making and a statement in nontechnical language of the substance of the temporary and proposed rules:

Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code, and are necessary to protect the public health, safety or welfare and/or to comply with deadlines in amendments to governing law.

The proposed rules and rules amendments will clarify the ability of a designated broker to act for more than one licensed entity and under what circumstances; will make technical changes in terminology; and will make some changes in office trust account and record keeping procedures to address problem areas.

The proposed rules and amendments will increase license examination fees from fifty dollars (\$50) to sixty-five dollars (\$65) for preregistered candidates, and from sixty dollars (\$60) to seventy-five dollars (\$75) for exam candidates who are not preregistered.

The proposed rules and amendments will implement the Idaho Real Estate Brokerage Representation Act, which was passed by the 1996 legislature, and which will define and structure legal relationships between real estate licensees and consumers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rules, contact Jeri Pyeatt, Executive Director of the Idaho Real Estate Commission at (208) 334-3285.

Anyone may submit written comments regarding these rules. All written comments and data concerning the rules must be directed to the undersigned and must be postmarked or delivered on or before June 26, 1996.

DATED this 19th day of April, 1996.

Jeri Pyeatt
Executive Director
Idaho Real Estate Commission
633 North 4th St.
Boise, ID 83702
(208) 334-3285
TRS 1 800 377-3529
Fax (208) 334-2050

TEXT OF DOCKET NO. 33-0101-9601

010. DEFINITIONS.

As used herein, the following words or phrases are defined as follows: (7-1-93)

01. Active License Experience. Practicing the business of real estate, which requires a license, on a full-time basis. The productiveness from such licensed work activity must have been generally commensurate with that of the other licensees working in a similar brokerage capacity. Listings, sales, options, or other activities may be used as some of the criteria to determine proper license experience in conjunction with application for the broker's license. (7-1-93)

02. Active Licensee. A person who holds a current license in good standing. (7-1-93)

03. Approved or Approval. As used in reference to real estate education, a determination by the Commission that the appropriate standards and requirements have been met. (7-1-93)

~~04. Bona Fide Resident of Idaho. A person who domiciles permanently within Idaho and who does not claim residency elsewhere for any purpose during the term of an active Idaho License. (7-1-93)~~

054. Branch Office. An office operated by a licensed real estate broker or corporation, partnership, or limited liability company separate and apart from the "Main Office". (7-1-96)

05. Brokerage Agreement. An express written contract or agreement between a buyer or seller or both and a real estate brokerage for agency representation in a regulated real estate transaction. (7-1-96)T

06. Business Name. The name which appears on the real estate broker's

license issued by the Idaho Real Estate Commission. (7-1-93)

07. Challenge Examination. As used in reference to real estate education, the written test by which the Commission determines whether a participant has successfully completed a course offering according to standards previously approved by the Commission. (7-1-93)

08. Closed Transaction. A transaction which has been finalized including proper disbursement of all trust funds and documents. (7-1-93)

09. Closing Broker. The broker responsible for properly closing the transaction. (7-1-93)

10. Consideration. Any cash or other form of payment having a monetary value in lieu of cash. (7-1-93)

11. Cooperative Sale. A transaction involving two (2) or more brokers. (7-1-93)

12. Designated Broker. A qualified individual named to be designated responsible broker. (7-1-96)

13. Executive. As used in reference to the Idaho Real Estate Education Council, the full-time staff person who is responsible for organizing and administering the activities of the Council. (7-1-93)

14. Expired License. A license which was not renewed for the current license period. (7-1-93)

15. Fee or Commission. A payment, either actual or promised, to a licensee as compensation for participating in a real estate transaction which requires a license. (7-1-93)

16. Fee Splitting. A payment, either actual or promised, to be paid to a person for finding or inducing another person to participate in a real estate transaction. (7-1-93)

17. Inactive Licensee. A person who has paid all applicable fees, who is not affiliated with a designated broker, and who holds a current unsuspended or unrevoked license which is held on inactive status by the Commission. ~~(7-1-93)~~(7-1-96)T

18. Limited Broker. A broker personally qualified to do business in Idaho, but who may not have sales associates licensed with that broker. (7-1-96)T

189. Main Office. The principal location where a real estate broker is licensed to transact business. (7-1-93)

1920. Primary License. A license not obtained by reciprocity. (7-1-96)

201. Proprietary School. As used in reference to real estate education, a

school that is privately owned and managed. (7-1-93)

~~242.~~ Revoked License. A license which has been revoked in Idaho or any other State or Province. A person may not apply for an Idaho real estate license until two (2) years have passed from the effective date of such revocation. ~~(7-1-93)~~(7-1-96)T

~~223.~~ Sales Associate. All active licensees associated with a designated broker. (7-1-93)

~~234.~~ Sales Meetings. As used in reference to real estate education, a meeting of persons, including but not limited to associates in the same office, of which the primary purpose is for consultation, discussion and study by participants on matters of mutual interest and concern other than continuing education for license renewal. (7-1-93)

~~245.~~ Successfully Completed. As used in reference to a course offering, passing an approved final examination. (7-1-93)

~~256.~~ Terminated License. A license which was not renewed within one (1) year after last renewal date, as required. (7-1-93)

~~267.~~ A Transaction. Any type of written agreement in which the broker receives consideration and handles the transaction through a trust account and/or brokerage. (7-1-93)

011. -- 099. (RESERVED).

**RULES 100 through 199 -- APPLICATION,
LICENSURE AND TERMINATION OF LICENSES**

100. APPLICATION FOR EXAMINATION.

Any person desiring to become a licensed Idaho broker or sales associate shall comply with the following examination requirements. (Previously Rule 2,1,0). (7-1-93)

01. Application Form. The applicant shall submit a properly completed examination application form as approved by the Commission. (Previously Rule 2,1,1). (7-1-93)

02. Fee. The applicant shall submit a nonrefundable ~~fifty sixty-five~~ dollar (\$~~5065~~) preregistration examination fee or a ~~sixty seventy-five~~ dollar (\$~~6075~~) walk-in examination fee. (Previously Rule 2,1,2). ~~(7-1-93)~~(7-1-96)T

03. Preregistration. The completed application form for exam preregistration must be submitted and postmarked ~~not less than thirty (30) days prior to the date of the scheduled examination~~ in the manner and time specified by the Commission. (Previously Rule 2,1,3). ~~(7-1-93)~~(7-1-96)T

04. Walk-in Registration. An applicant may appear at a testing center without being ~~previously~~ registered for the examination. Admission to the examination is not guaranteed due to seating limitations. The walk-in examination fee of ~~sixtyseventy-~~

five dollars (~~\$60~~75) must be paid at the time of taking the examination. The applicant must bring a completed exam application form to the center. (Previously Rule 2,1,3a).

~~(7-1-93)~~(7-1-96)T

05. Notice of Date, Time and Place. Notice of the date, time, and place of the respective examination will be sent to each preregistered applicant. (Previously Rule 2,1,4).

(7-1-93)

06. Cancellation. Failure to appear for any reason for the examination shall cancel the application. A new application and fee will be required. (Previously Rule 2,1,5).

(7-1-93)

07. Failure. An applicant who fails the examination may reapply for another examination. The applicant must ~~not~~ complete a new retake application, ~~but must submit the failure notice and~~ submit the appropriate fee. (Previously Rule 2,1,6).

~~(7-1-93)~~(7-1-96)T

08. Examination Waiver. Any applicant for a salesman's or a broker's license, who is actively licensed in another state at the time of application, may request a partial or full waiver of the examination required for the license. Such certificate of waiver must be obtained from the Idaho Real Estate Commission and submitted with the application for examination. Waiver of the Idaho portion of the examination or the full exam will only be granted to reciprocal license applicants when the formal reciprocal agreement provides for such waiver. Any reciprocal license applicant approved for a waiver of the Idaho portion of the examination or the full exam shall sign an affidavit acknowledging an understanding of the Idaho Real Estate License Law and ~~its~~ Rules. (Previously Rule 2,1,7)

~~(7-1-93)~~(7-1-96)T

101. APPLICATION FOR SALESMAN LICENSURE.

An initial salesman's license shall be issued to an applicant upon meeting all of the requirements. (Previously Rule 2,2,0).

(7-1-93)

01. Application Deadline. The applicant shall have a period of three (3) months after the date of taking and passing the examination in which to initiate the license by making proper application, meeting the education requirements, and all other license requirements and paying the license fee. Failure to apply for the initial license within this three (3) month period will require the applicant to submit another examination application and fee and pass the examination again. (Previously Rule 2,2,1).

~~(7-1-93)~~(7-1-96)T

02. High School Graduation or Equivalency Certificate. Proof of graduation from an accredited high school or a High School Equivalency Certificate must be submitted with the license application. (Previously Rule 2,2,2).

(7-1-93)

03. Prelicense Education. The salesman license applicant shall successfully complete Commission approved courses in "Essentials of Real Estate," plus "Real Estate Practices" prior to applying for a license. Such courses need not be completed prior to taking the written license examination. Proof of successful completion of the required education shall be submitted with the license application. Commission approved courses, commonly known as "Essentials of Real Estate" and "Practices of Real Estate," must have

been successfully completed within a five (5) year period immediately preceding the receipt date of the application. Each course must consist of at least forty-five (45) classroom hours, for a total of ninety (90) classroom hours, in subjects outlined in Section 54-2029, Idaho Code. The Commission may in its discretion waive such five (5) year period. Courses consisting of the same number of classroom hours as Idaho courses in "Essentials" and "Practices" which are completed out of state, may be approved for salesman applicants providing the subjects outlined in Section 54-2029, Idaho Code, are included. Study of the provisions of the law and rules pertaining to the state in which the course is taken may be accepted in lieu of a study of the provisions of this act and rules. (Previously Rule 2,2,3). (7-1-93)

04. Fee. The fee for an initial salesman license shall be one hundred eighty dollars (\$180) which includes the twenty dollars (\$20) prescribed in Section 54-2035A, Idaho Code. (Previously Rule 2,2,4). (7-1-93)

05. Limited to One Broker. A sales associate may be licensed under and associated with only one broker at a time. (Previously Rule 2,2,5). (7-1-93)

06. Supervision, Effective Date, Incomplete Application. A broker shall not allow any person to act as a sales associate representing said broker unless that person and the designated broker have first received final approval of the sales associate's application for licensure from the Commission. A broker is required to make application to the Commission on the proper form when licensing a sales associate. The effective date of the newly issued license shall be the date the properly completed forms and fees are received at and approved by the Commission. The newly issued license will be mailed to the broker's office. Any incomplete forms or lack of proper fees shall result in the documents being returned to the applicant for correction and no license will be issued until properly submitted. All licenses, original, changed and renewed must be signed by the licensee to be valid. ~~(12-31-93)~~(7-1-96)T

07. Fingerprints. Effective August 1, 1992, every applicant for a real estate salesperson license shall be fingerprinted by a duly authorized law enforcement agency and said fingerprints shall be filed with the Idaho Real Estate Commission for the purpose of determining whether the qualifications as set forth in Idaho Code are fulfilled. These fingerprints may be forwarded to the Federal Bureau of Investigation, Identification Division, and/or the Department of Law Enforcement of the State of Idaho for processing. The fee charged for these services must be paid by the applicant. (Previously Rule 2,2,7). ~~(7-1-93)~~(7-1-96)T

08. Errors and Omissions Insurance. Effective December 31, 1993, every applicant for a real estate salesman's license shall, as a condition of licensure, carry errors and omissions insurance in accordance with Section 54-2029A, Idaho Code, and with these rules. (12-31-93)

102. APPLICATION FOR BROKER LICENSURE.

An initial broker's license shall be issued to an applicant upon meeting all of the following requirements. (Previously Rule 2,3,0). (7-1-93)

01. Application Deadline. The applicant shall have a period of three (3) months after the date of taking and passing the examination in which to initiate the license

by making proper application, meeting the education requirements, and paying the license fee. Failure to apply for the initial license within this three (3) month period will require the applicant to submit another examination application and fee and pass the examination again. (Previously Rule 2,3,1). (7-1-93)

02. High School Graduation or Equivalency Certificate. Proof of graduation from an accredited high school or a High School Equivalency Certificate must be submitted with the license application. (Previously Rule 2,3,2). (7-1-93)

03. Prelicense Education. Proof that the required education in real estate courses has been successfully completed by the applicant must be submitted with the license application. Broker applicants shall provide proof of successful completion of a minimum of four (4) courses consisting of a total of at least ninety (90) classroom hours of approved real estate courses in addition to the "Essentials" and "Practices" courses required for a salesman's license. Note: A broker applicant who has maintained a salesman's license, originally issued prior to January 1, 1989, is exempt from the salesman's prelicense "Practices" course. All courses must have been completed within a five (5) year period immediately preceding the receipt date of the application. The Commission may in its discretion waive such five (5) year period. Approved courses must be comprised of twenty (20) or more classroom hours each. A list of certified courses will be available from the Commission office. (Previously Rule 2,3,3). (7-1-93)

04. Experience and Experience Waivers. The broker license applicant must have active license experience as a salesman for at least two (2) years within five (5) years prior to the application date, except, the Commission may waive all or part of the two (2) year requirement based on education and/or experience in a related industry, as prescribed in subsection B(2) of Section 54-2029, Idaho Code. (Previously Rule 2,3,4). (7-1-93)

05. Report of Listings and Sales. The broker license applicant may be required to furnish a report of listings and sales accomplished by the applicant during ~~the last at least~~ two (2) within the last five (5) years of licensure immediately prior to the application date. This list is to be certified correct by the broker or brokers with whom the applicant has been associated. (Previously Rule 2,3,5). ~~(7-1-93)~~(7-1-96)T

06. Fee. The fee for an initial broker's or associate broker's license (effective January 1, 1993) is one hundred eighty dollars (\$180), which includes the twenty dollars (\$20) prescribed in Section 54-2035A, Idaho Code. (Previously Rule 2,3,6). (7-1-93)

07. Business Name. A broker shall not conduct business under any name other than the one in which the license is issued. Current licenses of the broker and all associates licensed with the broker shall be prominently displayed in the office designated as the place of business on the application or change of address form, whichever is latest. No other location may be used as an office until proper notice is acknowledged by the Commission. An individual may not be licensed as designated broker for more than one (1) corporation unless all corporations conduct business from the same main office location. (Previously Rule 2,3,7). ~~(7-1-93)~~(7-1-96)T

08. Same Address as Other Broker. More than one individually licensed broker may operate an office at the same address. Each broker shall operate under a business name which clearly identifies the broker as an individual within the group of

brokers. (Previously Rule 2,3,8)

(7-1-93)

09. Fingerprints. Effective August 1, 1992, every applicant for a real estate broker license shall be fingerprinted by a duly authorized law enforcement agency, ~~unless his/her fingerprints are already on file with the Commission,~~ and said fingerprints shall be filed with the Commission for the purpose of determining whether the qualifications as set forth in Idaho Code are fulfilled. These fingerprints may be forwarded to the Federal Bureau of Investigation, Identification Division, and/or the Department of Law Enforcement of the state of Idaho for processing. The fee charged for these services must be paid by the applicant. (Previously Rule 2,3,9). ~~(7-1-93)~~(7-1-96)T

10. Errors and Omissions Insurance. Effective December 31, 1993, every applicant for a real estate broker's license shall, as a condition of licensure, carry errors and omissions insurance in accordance with Section 54-2029A, Idaho Code, and with these rules. (12-31-93)

103. APPLICATION FOR RECIPROCAL LICENSURE.

An applicant for a reciprocal Idaho license shall meet the requirements of each state's reciprocal agreement. The following are exceptions or additional requirements. (Previously Rule 2,4,0). (7-1-93)

01. Irrevocable Consent Form. A properly executed "Irrevocable Consent" form accompanied by the established fee is required. The form will be filed with the Secretary of State of Idaho or the Idaho Real Estate Commission if authorized by Idaho Code. (Previously Rule 2,4,1). (7-1-93)

02. Primary License versus Reciprocal License. A person may not be licensed in Idaho as both an active primary licensee and as an active reciprocal licensee at the same time. (Previously Rule 2,4,2). ~~(7-1-93)~~(7-1-96)T

03. Errors and Omissions Insurance. Effective December 31, 1993, every applicant for a reciprocal Idaho license shall, as a condition of licensure, carry errors and omissions insurance in accordance with Section 54-2029A, Idaho Code, to cover acts in the state of Idaho. (12-31-93)

(BREAK IN CONTINUITY OF SECTIONS)

109. CORPORATIONS, LIMITED LIABILITY COMPANIES AND PARTNERSHIPS.

The Idaho Real Estate Commission may investigate any partnership, limited liability company or corporation conducting a real estate business and shall be furnished with a certified copy or photostatic copy of the partnership agreement, the foreign or domestic filed Articles of Organization for a limited liability company, or the Idaho Certificate of Incorporation or Certificate of Authority for foreign corporations, minutes, resolutions and/or other similar documents in order to enable the Commission to determine that a partnership, limited liability company or corporate authority actually exists at the time the license application is submitted, the nature of the entity and extent of its authority to conduct business under license law. If the change to a partnership, limited liability

company or corporation occurs at the time of renewal of the broker's license, then the proper documents must accompany the license renewal form. (Previously Rule 2,10,0).
(7-1-96)

01. Designated Responsible Broker. The minutes of the corporation or a corporate resolution shall show that the corporation has appointed a qualified individual as the designated responsible broker who shall be an officer of the corporation, and any other officers who may apply to be a broker in the corporation. The Commission may require similar or equivalent documents from a partnership or limited liability company appointing a qualified individual as the designated responsible broker, and listing any other members who may apply to be a broker in the entity. (Previously Rule 2,10,1).
(7-1-96)

02. Similar Names. The Commission may refuse to issue a license to a partnership, limited liability company, corporation or individual proprietorship if said name is the same as that of any person or entity whose license has been suspended or revoked or is so similar as to be easily confused with another licensee's name by members of the general public. This restriction shall not apply where licensee is using his legal name. (Previously Rule 2,10,2).
~~(7-1-96)~~(7-1-96)T

03. Effectiveness Depends Upon Designated Broker's License. A license issued to a corporation, limited liability company or a partnership is effective only as long as the designated broker's license is in effect. (Previously Rule 2,10,3).
(7-1-96)

(BREAK IN CONTINUITY OF SECTIONS)

111. CHANGE OF BROKER'S BUSINESS NAME.

Notice in writing shall be given immediately by a real estate broker to the Idaho Real Estate Commission of any change of business name. New licenses shall be issued upon the Commission's receipt of the broker's and sales associates' wall licenses and payment of a fee of ten dollars (\$10) for each licensee requiring the change of business name. A license must be signed by the respective licensee in order to be valid. (Previously Rule 2,12,0).
~~(7-1-93)~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

113. TERMINATING BUSINESS RELATIONSHIPS.

Sales associates terminating their association with a broker, and immediately licensing with another broker, shall turn in their wall license along with the properly completed form and fee to the Commission. If the sales associate's wall license cannot be obtained from the broker, a copy of the written notice of the termination which was sent by Certified Mail, Return Receipt Requested, to the broker by the sales associate, will be delivered to the Commission. Upon receiving such notification from the sales associate, the broker shall immediately send the sales associate's wall license to the Commission. (Previously Rule 2,14,0).
(7-1-93)

01. Broker Terminating Sales Associate. A broker terminating the

association of a sales associate shall turn in the sales associate's wall license with the properly completed termination form to the Commission. (Previously Rule 2,14,1).

(7-1-93)

02. Closing a Branch Office. A written notice shall be sent to the Commission office along with the branch office license and the wall licenses of all licensees licensed in the branch office immediately upon closing of a branch office. Thereafter transfers to another office may be accomplished as per Subsection 101.06. (Previously Rule 2,14,2).

(7-1-93)

03. Property of the Broker. Upon termination of the business relationship as a sales associate licensed under a broker, the sales associate shall immediately turn over to the broker all listing information, keys, contracts, buyer brokerage information and contracts, and other property belonging to the broker. A sales associate shall not engage in any practice or conduct, directly or indirectly, which encourages, entices, or induces clients of the broker to terminate any legal business relationship with said broker. (Previously Rule 2,14,3).

~~(7-1-93)~~(7-1-96)T

04. Location of Trust Accounts and File Records. When an actively licensed broker changes his or her license to another status other than a designated or individual broker, the broker shall notify the Commission in writing informing the Commission of the location of all trust accounts and transaction file records which the broker was responsible for during the term of licensure as a broker. These records shall be available in Idaho to the Commission for three (3) years following the year in which each transaction was closed. (Previously Rule 2,14,4).

~~(7-1-93)~~(7-1-96)T

05. Terminating Relationships between a Broker and a Corporation, Limited Liability Company or Partnership. When a designated broker for a corporation, limited liability company or partnership resigns, or is removed as such by the corporation, limited liability company or partnership, all records and trust account funds shall remain with the corporation, limited liability company or partnership if another officer of the corporation, member or manager (if any) of the limited liability company or partner of the partnership is immediately issued a broker's license as the designated broker of the corporation, limited liability company or partnership. In such case, the duty of the terminating broker regarding the retention or disbursement of such records and trust account funds shall not apply. If a new broker is not licensed within twenty-four (24) hours following the termination of the original designated broker, or if the corporation, limited liability company or partnership is dissolved, it shall be the duty of the terminating broker to maintain all records and disburse all trust account funds. If a new broker is subsequently appointed by the corporation, limited liability company or partnership, the terminating broker shall deliver, upon request made in writing by the new broker, all records and trust account funds to the new broker who shall thereafter have responsibility for preservation and disbursement of such records and funds in accordance with the applicable rules. (Previously Rule 2,15,1).

~~(7-1-96)~~(7-1-96)T

06. Terminating Relationships between a Broker and a Sole Proprietorship Owned by a Person other than the Broker. When a broker for a sole proprietorship, owned by a person other than the broker, terminates an association with the owner, all records and trust account funds shall become the property of and be maintained and disbursed by the terminating broker in accordance with the applicable rules. The terminating broker shall

deliver, upon request made in writing by the clients and the new broker of that sole proprietorship, such records and trust account funds pertaining to that client, to the new broker who shall thereafter have the responsibility for preservation and disbursement, in accordance with the applicable rules. (Previously Rule 2,15,2). (7-1-93)

114. PERSONAL REPRESENTATIVE OF A DECEASED OR INCAPACITATED BROKER.

The Commission may issue authorization for a person to close out the pending transactions of a deceased or incapacitated broker. An executor, administrator, or personal representative of an estate or some other person or agency, as designated by the Commission or its authorized employee, who is given temporary approval to close out the affairs of a deceased or incapacitated sole proprietor broker is limited to closing or terminating all transactions which are in various stages of completion or termination. Note: Further referenced in Section 4157. through Subsection 4157.04. (Previously Rule 2,16,0). (~~7-1-93~~)(7-1-96)T

115. BRANCH OFFICE LICENSURE AND FEE.

A real estate broker may apply to the Idaho Real Estate Commission for authority to establish one (1) or more branch offices for the transaction of business upon the payment of twenty dollars (\$20) for the licensing of each branch office. A branch office license shall be required for an office so established and shall be properly signed by the designated broker. All licenses issued to ~~such~~ licensees conducting business from the branch office shall be prominently displayed in the branch office at all times. (Previously Rule 2,18,0). (~~7-1-93~~)(7-1-96)T

01. Supervision. A branch office, whether being licensed for the first time or changing its designated manager, shall have a licensed broker, associate broker, or salesman with two (2) years active experience as a real estate salesman regularly occupying the branch office and in charge of same: such experience as a salesman shall have been acquired within three (3) years immediately prior to the licensee being named as the branch manager, regularly occupying it and in charge of it. The broker, associate broker, or salesman in charge shall be so designated at the time of application for the branch office license. Advance notice of change of the designated manager is required. (Previously Rule 2,18,1). (7-1-93)

02. Name. A broker's branch office must operate under the same name as the main office. (Previously Rule 2,18,2). (7-1-93)

03. Manager Limited to One Branch. A branch office manager may not be licensed to manage more than one branch office at any one time. (Previously Rule 2,18,3). (7-1-93)

04. Expiration Date. As prescribed in Section 54-2029E, Idaho Code, the branch office license shall expire on the same birthmonth date as the expiration date shown on the license of the broker establishing the branch office. (Previously Rule 2,18,4). (7-1-93)

05. Relicensure. Upon renewal of a broker's license, a broker may apply to the Commission for authority to relicense a branch office by submitting the proper form and fee of twenty dollars (\$20). (Previously Rule 2,18,4a.). (7-1-93)

06. License Validity Dependent Upon Broker's License. A license issued to a branch office is valid only as long as the establishing broker's license is valid. (Previously Rule 2,18,4b.). (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

117. CERTIFICATION OF MANDATORY ERRORS AND OMISSIONS INSURANCE.

Commencing December 31, 1993, every licensee, upon obtaining or renewing an active real estate license in the state of Idaho, including nonresident and reciprocal licensees, shall have in effect and maintain a policy of errors and omissions insurance when required by Section 54-2029A, Idaho Code, to cover all activities contemplated under Chapter 20, Title 54, Idaho Code and shall certify such coverage to the Commission in the form and manner prescribed by statute and in these rules. (12-31-93)

01. Certification of Licensees Under Group Insurance Plan. Licensees covered under the Group Insurance Plan provided for in Section 118. shall be deemed to have satisfied the certification requirement of Section 117. upon the Commission receiving payment of the appropriate premium and ten dollar (\$10) administrative fee from the licensee. The effective date of coverage, however, shall be the day of final license approval. (12-31-93)

02. Certification of Licensees Obtaining Independent Coverage. Licensees obtaining independent coverage as defined in Section 119 shall provide to the Commission a Certificate of Coverage, signed by an authorized agent or employee of the insurance carrier, which certificate shall be in the following form: (12-31-93)

IDAHO REAL ESTATE COMMISSION
CERTIFICATION OF COVERAGE
in accordance with Section 54-2029A, Idaho Code and IDAPA 33.01.01

I hereby certify that the insurance company listed below has at least a B+ VI rating from the A.M. Best Company Insurance Rating Service. I further certify that:

INSURED NAME: _____

LICENSE NUMBER: _____

LICENSE EXPIRATION DATE: _____

NAME OF REAL ESTATE FIRM LICENSED
WITH: _____

BUSINESS ADDRESS: _____

POLICY NUMBER: _____

POLICY DATES: Effective _____
Expiration _____

INSURANCE AGENT: _____

ADDRESS: _____

INSURANCE COMPANY: _____

ADDRESS: _____

SPECIFY WHETHER FIRM OR INDIVIDUAL
POLICY: _____

is insured against claims resulting from errors and omissions as a real estate licensee and that the above-referenced policy includes, at a minimum, the coverage required by IDAPA 33.01.01.1189 and meets the standards set forth in Chapter 20, Title 54, Idaho Code and IDAPA 33.01.01.000, et seq., rules of the Idaho Real Estate Commission.

It is further understood and agreed that coverage for the person(s) insured by this policy is not independently obtained unless the Insurance Company agrees hereby that the policy may not be modified, terminated, cancelled, lapsed or nonrenewed, regardless of cause or reason, without the Insurance Company having provided the Idaho Real Estate Commission and the licensee with thirty (30) days' prior written notice.

SIGNATURE: _____
Insurance Representative

TITLE: _____

DATE: _____

Falsification is punishable under Section 41-1321, Idaho Code.

All certifications under this rule shall be executed on behalf of each licensee by separate certification form. Group or scheduled listing of multiple licensees is not acceptable.

(12-31-93)(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

200. ADVERTISING.

~~An actively licensed broker or sales associate, dealing with property owned wholly or in part by the licensee and which is not listed with a broker, shall disclose clearly in all advertising the fact that the person responsible for the advertising is a real estate licensee. (Previously Rule 3,1,1). Only licensees who are actively licensed in Idaho may be named~~

by an Idaho broker in any advertising of Idaho real property. Only licensees who are actively licensed in Idaho may advertise Idaho property in Idaho or have a sign placed on Idaho property. A real estate licensee from another state may cooperate with an Idaho broker on the sale of Idaho property, but may not perform any activities requiring an Idaho license. (7-1-93)(7-1-96)T

01. Broker's Business Name and Telephone Number. All advertising of listed property shall accurately show the name of the listing broker's business and office phone number. No other business name may be used until a proper notice of the change in the business name has been received at the Commission office. (Previously Rule 3,1,2). (7-1-93)

032. Branch Office Advertising. All advertising of branch offices shall clearly show the same business name as the main office of the broker and the branch office phone number. (Previously Rule 3,1,4). (7-1-93)(7-1-96)T

023. Misleading Information. No advertising shall provide any information to the public or to prospective clients which is misleading in nature. Information is misleading when, taken as a whole, there is distinct probability that it will deceive the persons whom it is intended to influence. (Previously Rule 3,1,3). (7-1-93)

~~04. Advertising Requires Idaho License. Only licensees who are actively licensed in Idaho may be named by an Idaho broker in any advertising of Idaho real property. (Previously Rule 3,1,5). (7-1-93)~~

201. LISTINGSBROKERAGE REPRESENTATION AGREEMENTS.

A broker or sales associate who obtains a ~~listing~~written brokerage agreement (listing or buyer-broker) shall, at the time of securing such ~~listing~~agreement, give the person or persons signing such ~~listing~~agreement, a legible, signed, true and correct copy thereof. Every ~~listing~~brokerage representation agreement, exclusive and nonexclusive, shall state a conspicuous and definite expiration date. A brokerage listing shall contain a legally enforceable description of the property, price and terms, fee or commission and proper signature. A buyer brokerage agreement shall state a conspicuous and definite expiration date, all obligations of the buyer and the manner in which any fee or commission will be paid. ~~No listing or buyer brokerage agreement shall contain a provision requiring the party signing the listing agreement to notify the broker of the intention to cancel the listing agreement after such definite expiration date.~~ (Previously Rule 3,2,1). (7-1-93)(7-1-96)T

01. Retention of ~~Listing~~Brokerage Agreements. The original or true copy of all ~~listing~~brokerage agreements and extensions shall be maintained in the ~~listing~~contracting broker's files for a period of three (3) calendar years after the ~~last~~expiration of the listing or extension date of that ~~listing~~brokerage agreement. (Previously Rule 3,2,1a.). (7-1-93)(7-1-96)T

02. Unilateral Cancellation of ~~Listing~~Brokerage Agreements. The remedy, if any, for unilateral cancellation of the ~~listing~~brokerage contract is a matter of contract law to be decided by agreement or by a court of competent jurisdiction. (Previously Rule 3,2,2). (7-1-93)(7-1-96)T

202. OFFERS TO PURCHASE.

A broker or sales associate must give a copy of the offer to purchase to the buyer as a receipt promptly upon receiving a deposit and signature of the buyer. A broker or sales associate shall promptly tender to the seller every written offer to purchase obtained on the property involved and upon obtaining a proper acceptance of the offer to purchase shall promptly deliver true, executed, and legible copies of the same, signed and dated by the buyer and seller, to both buyer and seller. All brokers and sales associates shall make certain that all of the terms and conditions of the real estate transaction are included in all offers to purchase. ~~An earnest money purchase and sale agreement, when signed by the prospective buyer, shall be deemed in all respects, an offer to purchase.~~ (Previously Rule 3,3,1). ~~(7-1-93)~~(7-1-96)T

01. Consideration. The actual consideration received as earnest money in any real estate transaction, whether it be cash, check, promissory note, or other consideration, shall be specifically stated in the purchase and sale agreement, and all considerations received must be entered on the appropriate ledger sheets according to the provisions of Subsection 205.01. (Previously Rule 3,3,2). (7-1-93)

02. Retention of Offers Accepted, Countered or Rejected. The original or true copy of all offers accepted, countered or rejected, shall be marked appropriately and retained in the selling and/or closing broker's files for a period of three (3) years after the year in which the transaction was closed and/or all funds have been disbursed. (Previously Rule 3,3,3). ~~(7-1-93)~~(7-1-96)T

03. Rejected Offers. All written offers presented to the ownerseller and not accepted by the ownerseller shall be clearly marked and dated as rejected. (Previously Rule 3,3,4). ~~(7-1-93)~~(7-1-96)T

203. EARNEST MONEY DEPOSITS AND TRUST ACCOUNTS.

All funds received by a real estate broker in connection with a real estate transaction, including but not limited to earnest money, shall be deposited into a real estate trust account maintained by the broker at an approved depository within this state as defined in Commission Subsection 203.07., except that in the case of a cooperative sale, the selling broker may deliver the earnest money or other funds to the listing broker for deposit, and obtain that broker's receipt for the funds or other consideration as required by Subsection 205.05., when specifically directed to do so by the purchase and sale agreement or other documents signed by the buyer and seller. (See also Subsection 205.03) Each such trust account shall be established and maintained under the business name of the broker and shall be under the full control of said broker. Each broker trust account must be separately identifiable and must have its own set of records, not pooled. (Previously Rule 3,4,0). ~~(7-1-93)~~(7-1-96)T

01. Subject to Withdrawal on Demand. Entrusted funds deposited in a real estate trust account must be subject to withdrawal on demand at the order or direction of the broker. (Previously Rule 3,4,0a.). (7-1-93)

02. Responsible Broker. The purchase and sale agreement for a cooperative sale shall state which broker is responsible for the deposit of the funds. (Previously Rule 3,4,0b.). (7-1-93)

03. Establishing a Trust Account. A broker may establish as many trust accounts as desired and each account must be identified by the term "Real Estate Trust Account." A Commission form "Notice of Opening a Trust Account and Authorization for Commission to Inspect" shall be given to the bank or other depository by the broker and is to be completed and signed by the broker and an officer of the bank or depository and sent to the Commission. (Previously Rule 3,4,1). (7-1-93)

04. Time of Deposit. All moneys received by a broker ~~as agent for a principal for another~~ in a real estate transaction are to be deposited on or before the banking day ~~next~~ immediately following the receipt day of such funds, unless written instructions signed by the party or parties having an interest in said funds direct the broker to do otherwise. (Previously Rule 3,4,2). ~~(7-1-93)~~(7-1-96)T

05. Transaction Number and Ledger Sheet. The broker shall account for the funds or other consideration by assigning a transaction number and maintaining an individual ledger sheet as required by Subsection 205.01. regardless of when the funds are to be deposited. (Previously Rule 3,4,2, paragraph 2). (7-1-93)

06. Deposited in Separate Real Estate Trust Account. Said funds shall be deposited in a separate real estate trust account in an Idaho bank or in an approved escrow depository in this state until such time as the broker makes a full accounting to his or her principal. The broker will be held responsible for such deposits at all times. (Previously Rule 3,4,3). (7-1-93)

07. Approved Escrow Depositories. Approved escrow depositories are state or federally chartered banks and/or trust companies; state or federally chartered savings and loan associations; properly licensed title insurance companies; actively licensed attorneys at law; or other entities specifically approved by the Commission. All approved depositories must be located within the state of Idaho. (Previously Rule 3,4,3a.). (7-1-93)

08. Obtaining Approval of an Escrow Depository. Any other entity, not covered in Subsection 203.07., to be considered as an approved escrow depository, must disclose details of the financial structure; amount and terms of errors and omissions insurance and any bonding; copy of last audit and financial statement; copy of license(s) or certificate(s) issued to entity; and any other information which will help the Commission make its determination. (Previously Rule 3,4,3b.). (7-1-93)

09. Disbursement of Entrusted Funds. A broker may authorize one or more other persons either licensed or unlicensed to sign trust account checks or direct the disbursement of entrusted funds, but the broker shall remain fully responsible and accountable for all entrusted funds until a full accounting has been given to the parties involved. (Previously Rule 3,4,3c.). (7-1-93)

10. Transferring Trust Funds to the Named Closing Agency. Funds received as earnest money deposits or other payments, when it is set forth in the purchase and sale agreement that such funds are to be paid to the person or company named as the escrow closing agent or agency, are to be paid to the person, company, agent, or agency on or before the day of closing and a receipt for such funds shall be retained in the broker's transaction file. The broker will remain accountable and responsible for such funds until a full accounting has been made to the parties involved. (Previously Rule 3,4,4). (7-1-93)

11. Interest-Bearing Trust Accounts. The broker may deposit funds in an interest-bearing trust account of an insured Idaho depository pending the closing of a transaction if directed to do so in writing by the parties to the transaction. In such cases, the deposit to an interest-bearing trust account shall be accomplished as follows: (Previously Rule 3,4,5). (7-1-93)

a. The deposit must be made in an approved bank or savings depository in the name of the broker as described in Section 203., and Subsections 203.06. through 08. (Previously Rule 3,4,5a.) (7-1-93)

b. A Commission form "Notice of Opening a Trust Account and Authorization for Commission to Inspect" shall be given to the ~~savings institution~~ approved bank or savings depository by the broker and is to be completed and signed by the broker and an officer of the ~~savings institution~~ approved bank or savings depository and sent to the Commission. (Previously Rule 3,4,5b.) ~~(7-1-93)~~(7-1-96)T

c. An interest-bearing trust account, used for this purpose, must allow for the withdrawal of the funds upon demand, unless all parties direct the broker in writing to do otherwise. (Previously Rule 3,4,5c.) (7-1-93)

d. There is to be a written agreement signed by buyer and seller stating who is to receive the interest accrued from the deposit. This agreement is to be retained by the broker in the transaction file with a copy given to the buyer and seller. (Previously Rule 3,4,5d.) ~~(7-1-93)~~(7-1-96)T

12. Checks Held in Uncashed Form. Checks may be held by the broker who receives them in an uncashed form if the broker is instructed to do so according to the terms of the purchase and sale agreement. The buyer may in writing require that the broker withhold the deposit of the funds until the seller has properly accepted the offer. (Previously Rule 3,4,6). (7-1-93)

13. Consideration Received by Sales Associate. All consideration received by a sales associate in connection with a real estate transaction shall immediately be delivered to the designated broker or office. (Previously Rule 3,4,7). (7-1-93)

14. Commingling Prohibited Except for Maintenance Charges. No deposits to the trust account shall be made of funds that belong to the broker or real estate firm; except, that the broker may deposit broker or firm funds for the purpose of opening and maintaining the account and for the payment of anticipated bank service charges for the trust account. In no event shall the balance of broker or firm funds in the account exceed one hundred dollars(\$100). Funds belonging to the broker or firm shall be accounted for in the following manner: (Previously Rule 3,4,8). (7-1-93)

a. A separate ledger sheet identified as "trust account maintenance fund" shall be initiated when the broker or firm funds are initially deposited in the trust account. This ledger sheet shall be filed with the broker's current "open" ledger sheets. (Previously Rule 3,4,8a.). (7-1-93)

b. Additions or deductions to trust account maintenance funds shall be

posted to the ledger sheet as soon as the broker is given notice of the deposit or deduction. The balance on this ledger sheet shall be brought current at least monthly. (Previously Rule 3,4,8b.). (7-1-93)

c. In no case shall maintenance funds be disbursed for any purpose other than to cover bank charges directly charged to the trust account by the bank. (Previously Rule 3,4,8c.). (7-1-93)

204. TRUST ACCOUNT DISBURSEMENTS.

All cash and/or like payments in lieu of cash received by a broker while acting ~~as an agent in a regulated real estate transaction~~ are to be disbursed only in accordance with the terms of the purchase and sale agreement or other written authorization signed by the parties having an interest in such payments or by court order. (Previously Rule 3,5,1). (7-1-93)(7-1-96)T

01. Disbursements in Advance of the Closing. No disbursements from the real estate trust account shall be made in advance of the closing of a real estate transaction or before the happening of a condition set forth in the purchase and sale agreement to the seller, escrow agent, or to any other person for any reason without a written authorization signed by both the ~~purchase~~ buyer and seller. (Previously Rule 3,5,2). (7-1-93)(7-1-96)T

02. Withdrawal of Broker's Commission. The withdrawal of any portion of the broker's commission shall not take place without written authorization from the seller and buyer or until the closing statements have been delivered to the buyer(s) and seller(s) and the seller or buyer has been paid the amount due as determined by the closing statement. (Previously Rule 3,5,3). (7-1-93)

03. Provision of Forfeited Earnest Money. The purchase and sale agreement shall include a provision for division of moneys taken as earnest money when the transaction is not closed and such moneys are retained as forfeited payment. (Previously Rule 3,5,4). (7-1-93)

04. Disputed Money. Any time more than one party to a transaction is making demands on any funds for which the broker is responsible, such as, but not limited to, earnest money deposits, the broker shall first attempt to get the parties to agree in writing as to how the money shall be disbursed. For the purpose of the Commission's enforcement of the rules, the broker may rely on the terms of the purchase and sale agreement or other written instruments signed by the parties involved to determine how the disputed money should be disbursed. It is the broker's responsibility to keep all documentation and records as to why disputed money was disbursed. If the broker does not believe it is reasonably possible to disburse such disputed funds as set forth above, then the broker may hold the disputed money until the broker is ordered by a court of proper jurisdiction to disburse same. The broker shall keep all parties to the transaction informed of these actions. (Previously Rule 3,5,5). (7-1-93)

205. TRUST ACCOUNT RECORDS.

A broker shall maintain in the office for three (3) years after the year in which the transaction was closed, a complete record of all considerations received and/or disbursed or escrowed on real estate transactions in the following manner: (Previously Rule 3,6,0). (7-1-93)

01. Establishment and Retention. An individual trust ledger sheet shall be initiated upon the broker's receipt of ~~any~~ a purchase and sale agreement and/or consideration and assigned the next chronological transaction number for each transaction, be it sale, escrow, or other, showing names of parties, location of property, date of each deposit and/or disbursement, name of payee or payor, transaction information, amount and check number of disbursement, amount of deposit and current balance remaining. Each ledger sheet after the transaction is closed shall show the final disposition whether or not the consideration is deposited in the broker's trust account. The ledger sheet is to be retained in the broker's files for a minimum period of three (3) years following the year in which the transaction was closed. The ledger sheet posting is to be kept up-to-date at all times. Electronic or computer record keeping systems must have a generally accepted backup system in place at all times. (Previously Rule 3,6,1).

~~(7-1-93)~~(7-1-96)T

02. Chronological or Alphabetical Order. All ledger sheets are to be maintained in a file or binder. One set shall be established for transactions not closed and another for transactions closed. The ledger sheets shall be kept in chronological or alphabetical order. (Previously Rule 3,6,2).

(7-1-93)

03. Returned Consideration. When consideration received by a broker or sales associate on an offer is to be returned before it has been deposited to a trust account or in accordance with Subsection 203.04., the broker or sales associate shall indicate such return by a dated notation on the purchase and sale agreement and ledger sheet. No consideration is to be returned without the knowledge and consent of the broker. (Previously Rule 3,6,3).

(7-1-93)

04. Duplicate Bank Deposit ~~Book~~Record. A broker shall maintain a duplicate bank deposit ~~book~~record denoting the broker's business name, and imprinted with "Real Estate Trust Account." Each deposit ~~slip~~record shall show the name of the person or firm placing the money with the broker's office, the date of deposit, and the transaction number. The duplicate deposit ~~slip~~record shall be retained in the bank deposit ~~book~~records in proper chronological sequence and shall be date stamped by the bank or the bank deposit receipt shall be attached to the duplicate deposit ~~slip~~record in the deposit ~~book~~records. (Previously Rule 3,6,4).

~~(7-1-93)~~(7-1-96)T

05. Transferring Earnest Money. When a broker deposits funds with another broker, other approved depository, or escrow closing agency, a receipt for such deposit shall be obtained and retained in the broker's transaction file. The receipt is to show the transaction number and the payee's name. (Previously Rule 3,6,5).

(7-1-93)

06. Real Estate Trust Account Checks. A set of checks denoting the broker's business name, address, imprinted with "Real Estate Trust Account" and checks numbered consecutively shall be maintained by the broker. Checks drawn on this account are to be identified by transaction number on the face of the check. Voided trust account checks are to be marked "VOID" and retained in a numerical sequence with other checks for that banking month. (Previously Rule 3,6,6).

(7-1-93)

07. Check Register Journal. A check register journal or check stubs which itemize deposits and disbursements in consecutive order showing date, payee or payor,

purpose for deposits or disbursements, check number, transaction number, amount of deposit or disbursements, and the current cash balance remaining in that trust account shall be maintained up-to-date at all times. (Previously Rule 3,6,7a.). (7-1-93)

08. Reconciliation. Each trust account is to be reconciled with ledger cards, check register and the bank statement at least monthly and such reconciliation information is to be retained in the broker's files for at least four (4) years. (Previously Rule 3,6,7b.). ~~(7-1-93)~~(7-1-96)T

09. Timeliness. All books, records and accounts concerning trust funds shall be posted up-to-date at all times. (Previously Rule 3,6,7c.). (7-1-93)

10. Alternative Methods. Any other system which properly accounts for the trust funds and is approved by the Commission or its duly authorized representative in lieu of the foregoing may be used. (Previously Rule 3,6,7d.). (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

207. CLOSING STATEMENTS.

The broker who lists and sells any real property shall be deemed the broker responsible for the closing. The responsible broker shall be responsible for the correctness and delivery of detailed closing statements covering all receipts and disbursements for their respective accounts to the buyer and seller at the conclusion of the transaction. (Previously Rule 3,8,1). (7-1-93)

01. Signatures and Proof of Delivery. The broker responsible for the closing shall show proof of delivery of the closing statement to the buyer and seller by their signatures on copies of such closing statements retained in the broker's file. When signatures of the parties cannot be obtained, a copy of the closing statement transmittal letter, as sent by certified mail, return receipt requested, or a written certification of delivery signed by an officer of the escrow closing agency, shall be retained in the broker's transaction file. (Previously Rule 3,8,2). (7-1-93)

02. Retention. The broker responsible for the closing shall retain true copies of the closing statements, together with all other documents relating to the transaction, in the broker's files for a minimum period of three (3) years after the year in which the transaction was closed. (Previously Rule 3,8,3). (7-1-93)

03. Cooperative Sale. In the event of a cooperative sale, the purchase and sale agreement shall state which broker is responsible for the closing of the transaction. (Previously Rule 3,8,4). (7-1-93)

04. Responsible Broker -- Closing. The broker responsible for the closing is responsible for correctness and delivery of the closing statements to the buyer and seller even though the closing is completed by a real estate escrow closing agent or other authorized third party. (Previously Rule 3,8,5). (7-1-93)

05. Responsible Broker -- Deposits and Disbursements. The broker

responsible for the closing is responsible to see that all funds involved in the closing are deposited to and disbursed from a the responsible broker's real estate trust account or other approved depository. (Previously Rule 3,8,6). ~~(7-1-93)~~(7-1-96)T

06. Agency Representation and Responsible Broker. The duties outlined in these rules which pertain to the broker "responsible for closing" apply to the appropriate broker regardless of the respective statutory agency relationships of the brokerages and the buyers or sellers. ~~(7-1-93)~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

301. PERIODIC INSPECTIONS AND AUDITS.

The Idaho Real Estate Commission or its duly authorized representative is herewith vested with the authority to make periodic inspections and audits of all Idaho licensed resident and nonresident broker's real estate trust accounts and records of transactions. It is the responsibility of the broker to make all records available to the Commission at the broker's cost. (Previously Rule 3,9,2). ~~(7-1-93)~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

303. ROUTINE OFFICE SURVEYS AND INSPECTIONS.

The Commission shall from time to time conduct routine office surveys and inspections to determine if licensees are complying with the Idaho Real Estate License Law and ~~its~~ Rules. Surveys and inspections may be conducted with the use of a form or forms designed by the Commission. An authorized representative of the Commission may require the broker, office manager, or other person present and in charge of the office to sign a copy of such form or forms acknowledging receipt of a copy of such forms showing the results of the survey and/or inspection. (Previously Rule 3,9,4). ~~(7-1-93)~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

402. DOUBLE CONTRACTS.

Any licensed broker or sales associate who uses, proposes the use of, agrees to the use of, or knowingly permits the use of two (2) or more contracts of sale, purchase and sale agreements, or loan applications, one of which is not made known to the prospective lender or the loan guarantor, to enable the ~~purchaser~~buyer to obtain a larger loan than the true sales price would allow, or to enable the ~~purchaser~~buyer to qualify for a loan which he or she otherwise could not obtain shall be deemed to have engaged in a flagrant course of misconduct and such conduct shall be considered as constituting dishonorable or dishonest dealing. Any licensee found by the Commission to have engaged in conduct defined above shall be subject to disciplinary action by the Commission, which action may include, but not be limited to, suspension or revocation of the license. (Previously Rule 4,3,0). ~~(7-1-93)~~(7-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

406. PERSONAL INTEREST AND DISCLOSURE OF LICENSE STATUS.

An actively licensed real estate broker or sales associate shall disclose in writing to any buyer or ~~owner~~ seller, that he or she is licensed, if the licensee directly, or indirectly through a third party, sells or purchases for personal use or any other purpose or acquires or intends to acquire any interest in real property, or on any option to purchase real property. (Previously Rule 4,4,4). ~~(7-1-93)~~(7-1-96)T

~~407. AGENCY DISCLOSURE.~~

~~All licensees shall make prompt disclosures of their agency relationships to all prospective buyers and sellers. (Previously Rule 4,4,5). (7-1-93)~~

~~01. Initial Disclosure. Initial disclosure shall be made by presenting a Commission approved agency disclosure brochure to each buyer and seller in any real estate transaction. Such disclosure shall be made prior to the establishment of an agency relationship and shall clarify who the licensee represents. (Previously Rule 4,4,5a). (7-1-93)~~

~~02. Written Confirmation of Agency Disclosure. Agency disclosure shall be confirmed in a separate provision incorporated in or attached to any purchase and sale agreement or other document drafted in connection with a real estate transaction and shall be maintained in the transaction file. (Previously Rule 4,4,5b). (7-1-93)~~

~~03. Language Required. The written disclosure required by Subsection 407.02., shall include the following language: (7-1-93)~~

~~Agency Disclosure: At the time of signing this agreement the agent working with the buyer represented _____ and the agent working with the seller represented _____. Each party signing this document confirms that prior written disclosure of agency was provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received. (Previously Rule 4,4,5e.). (7-1-93)~~

4087. LICENSEE'S PROPERTY AND MAINTENANCE OF RECORDS.

An actively licensed broker or sales associate dealing in real property owned wholly or in part by the licensee shall maintain or cause to be maintained the same records which would be required if the property involved was not owned by the licensee. (Previously Rule 4,4,6). (7-1-93)

408. DISCLOSURE REQUIREMENTS.

Licensed real estate brokers and sales associates must comply with all disclosure requirements required by the Idaho Real Estate Brokerage Representation Act. (7-1-96)T

01. Commission-approved Brochure. Licensees shall give a Commission-approved agency relationship brochure to prospective buyers and sellers at the first substantial business contact. "Substantial business contact" occurs when the contacts and communications between the licensee and the potential buyer or seller, taken as a whole, would create a distinct probability that the person dealing with the licensee could

reasonably believe that they were dealing with the licensee on a business level. The designated broker in each office is responsible for making these brochures available for use by the broker's licensed associates. (7-1-96)T

02. Selection of Representation. The agreed business relationship between the licensee and the buyer or seller must be determined no later than at the time of preparation of a purchase and sale agreement, and any and all necessary agreements and/or written consents to dual representation must be executed by this time. (7-1-96)T

03. Confirming Representation. The level of representation between the broker and the customer or client must be correctly stated, confirmed and signed by all parties to the real estate transaction. The written confirmation, in the form contained in the statute, must be attached to or be included on any real estate purchase and sale agreement. (7-1-96)T

04. Disclosure of Representation to Others in a Transaction. A licensee representing a buyer/client or working with a buyer/customer shall disclose to the seller or seller's agent in what capacity the selling licensee will be acting for or with the prospective buyer (customer or client) prior to presenting a purchase and sale agreement. Disclosure to the seller's agent, if any, is sufficient under this rule. (7-1-96)T

05. Limited Disclosed Dual Agency. Each designated broker acting as a limited dual agent under Section 54-2066, Idaho Code, must obtain the prior written consent of all parties to the transaction in statutory format. The required consent and disclosure form must be signed by each buyer and seller in the transaction or their attorney in fact. Facsimile transmissions containing the signatures and multiple originals comply with the requirements of this rule. (7-1-96)T

409. WRITTEN AGENCY POLICY REQUIRED.

Each designated broker must adopt and maintain a written policy on agency, nonagency and limited dual agency, as those terms are defined by the Idaho Real Estate Brokerage Representation Act (Section 54-2060 et seq., Idaho Code). The written agency policy should identify the types and levels of representation to be offered by that broker and affiliated licensees. Nothing in this rule limits or requires expansion of the types of agency representation offered by any broker. At least one (1) copy of the written agency policy must be maintained in the broker's main office and any licensed branch office. (7-1-96)T

410. DUTIES OF CONFIDENTIALITY TO CLIENTS.

A real estate licensee and brokerage who have gained "confidential client information" in the course of acting as an agent or limited dual agent have the following duties: (7-1-96)T

01. Duty to Maintain Confidentiality. Information must be kept confidential under this statute as long as the information held by a licensee or brokerage about a client or former client: (7-1-96)T

a. Is not a matter of public record; and, (7-1-96)T

b. Is information the client or former client has not disclosed or authorized to be disclosed to third parties; and, (7-1-96)T

c. If disclosed, would be substantially detrimental to the bargaining position of the client or former client in the same or related real estate transaction; and, (7-1-96)T

d. Is otherwise within the statutory definition of "confidential client information" in Section 54-2061, Idaho Code. (7-1-96)T

e. This duty to a client continues beyond termination of representation only if the information continues to meet the definition of "confidential client information" or if the information does not become generally known in the marketing community from a source other than the former brokerage or its affiliated licensees. (7-1-96)T

02. Change of Office and Duty to Maintain Confidentiality. A licensee who has personally gained "confidential client information" about a buyer or seller while associated with one (1) broker and who later affiliates with a different broker is still obligated to maintain the client confidentiality as defined in this rule. (7-1-96)T

03. Clients and Former Clients with Conflicting Interests. If a brokerage represents a buyer or seller whose interests conflict with those of a former client, the brokerage must inform the second client of the broker's prior representation of the first client and that "confidential client information" obtained during that first representation cannot be given to the second client with a conflicting bargaining position as long as it fits the definitions in Subsection 410.01. Nothing in this rule prevents the brokerage from asking the former client for permission to release any such information. (7-1-96)T

04. Not a Privileged Communication. Nothing in this rule or statute is intended to create a "privileged communication" between any client and any brokerage or licensee for purposes of civil, criminal or administrative legal actions. The issue of confidentiality in this rule is intended to address information which, if disclosed before or during a real estate transaction, would be seriously detrimental to the bargaining position of a represented buyer or seller who has reasonable expectations that such information would remain commercially confidential. (7-1-96)T

40911. WRITTEN NOTICE OF LITIGATION/LEGAL ACTION.

A licensee is hereby required to give written notice of ~~litigation~~ legal action to the Idaho Real Estate Commission within twenty (20) days after being served with copies of Summons and Complaint or similar formal notice in any litigation concerning a real estate transaction legal action (civil, criminal or administrative) in which the licensee is named as a defendant and which might reasonably affect that person's real estate license. Copies of the Summons and Complaint or other formal notice of the legal action shall be forwarded to the Commission with such notification. (Previously Rule 4,4,7). (7-1-93)(7-1-96)T

4102. DISPUTES CONCERNING COMMISSIONS AND FEES.

The Idaho Real Estate Commission shall not be involved in the resolution of disputes between licensees or between licensees and buyers and sellers concerning matters of commissions or fees.(Previously Rule 4,4,8). (7-1-93)

4113. PRICE FIXING.

The Idaho Real Estate Commission neither recommends nor recognizes any agreement to

fix or impose uniform rates of commission on any real estate transaction by licensed real estate brokers. (Previously Rule 4,4,9). (7-1-93)

4124. TITLE OPINIONS.

No real estate broker or sales associate shall pass judgment upon or give an opinion with respect to the merchantability of the title to property in any transaction. (Previously Rule 4,7,1). (7-1-93)

4135. LEGAL OPINIONS.

A broker or sales associate shall not discourage any party to a real estate transaction from seeking the advice of an attorney. (Previously Rule 4,7,2). (7-1-93)

4146. OFFICE OPERATIONS AND BROKER SUPERVISION.

A designated broker is required to adequately supervise the activities of licensees and unlicensed personnel for whom he/she is responsible. (Previously Part of Rule 4,11,0). (7-1-93)

01. Factors. The following factors will be among those used to determine adequacy of supervision; however, the Commission is not limited to making a determination on these factors alone, but will examine all pertinent evidence. (Previously Part of Rule 4,11,0). (7-1-93)

a. Was the designated broker physically available to supervise? (Previously Rule 4,11,0a.). (7-1-93)

b. What was the experience level of the licensed associate? (Previously Rule 4,11,0b.). (7-1-93)

c. Has the designated broker contracted to avoid supervisory responsibility? (Previously Rule 4,11,0c.). (7-1-93)

d. What types of activity were licensed sales associates or unlicensed personnel engaged in? (Previously Rule 4,11,0d.). (7-1-93)

e. Had the designated broker established written or oral policies and procedures? (Previously Rule 4,11,0e.). (7-1-93)

f. Does the designated broker hold regular staff meetings and follow-up meetings to determine that policies and procedures are being properly implemented? (Previously Rule 4,11,0f.). (7-1-93)

g. What corrective or remedial action does the designated broker take if a misdeed of a sales associate or unlicensed personnel is discovered? (Previously Rule 4,11,0g.). (7-1-93)

h. Does the designated broker maintain a written office policy on agency relationships and reasonably implement that policy? (7-1-96)T

02. Real Estate Agreements. The designated broker shall be responsible for the review and approval of all real estate agreements including, but not limited to, those

related to listing, selling, or purchasing property. (Previously Rule 4,11,1). (7-1-93)

03. Shared Office Space between Brokers. When more than one individually licensed broker operates an office at the same address, each broker shall maintain his or her records and trust accounts separate from all other brokers. Each broker shall operate under a business name which clearly identifies the broker as an individual within the group of brokers. All advertisements of the brokerage or of individual properties shall clearly indicate which broker is responsible for that advertisement. If the names of sales associates are shown, the broker with whom they are associated shall be clearly indicated. (Previously Rule 4,11,2 and 4,11,2a.). (7-1-93)

04. Must be Available to Supervise and Manage. Any broker licensed as an individual proprietorship or as a designated broker for a corporation, limited liability company or partnership, or any manager, must be reasonably available to manage and supervise each such office during regular business hours. (Previously Rule 4,11,3). (7-1-96)

a. When a broker is a regular full-time employee or is engaged in a full-time activity at a location other than where he or she is licensed to do business, a presumption will be made that he or she is unable to so manage an office and no sales associate will be licensed under the broker until such presumption is overcome by satisfactory evidence to the contrary, acceptable to the Commission. (Previously Rule 4,11,3a.). (7-1-93)

b. When a branch manager is a regular full-time employee or is engaged in a full-time activity at a location other than where he or she is licensed to do business, a presumption will be made that he or she is unable to so manage a branch office until such presumption is overcome by satisfactory evidence to the contrary, acceptable to the Commission. (Previously Rule 4,11,3b.). (7-1-93)

c. However, a broker who is otherwise qualified to do business in Idaho, but is not able to manage and supervise according to these rules, may be licensed as a "limited broker" in Idaho. A limited broker shall not have any sales associates licensed under that broker. (7-1-96)T

05. Rent-a-Broker Prohibited. A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone licensed or unlicensed to, in fact, establish or carry on a business for which a real estate broker's license is required, wherein the broker does not actively manage and have full control of the office. In like manner, a salesperson shall not use another person's broker's license, whether for compensation or not, to establish or carry on a business for which a broker's license is required, nor to manage and control the office except in the manner allowed by Section 54-2033A, Idaho Code. The broker shall have overall supervisory control and responsibility for the main office and all branch offices established under his or her license. The broker must be in attendance at the office on a regular basis and available to supervise the day-to-day operation of the office. (Previously Rule 4,11,4). ~~(7-1-93)~~(7-1-96)T

06. Lending a License Prohibited. No arrangement shall be entered into by any licensee whereby an individual lends his or her license for the benefit of another person, partnership, limited liability company or corporation whereby the provisions of

the Commission's Rules relating to licensing are circumvented. (Previously Rule 4,11,5).
(7-1-96)

07. Broker Absent for More than Fourteen (14) Days. A designated broker who will be absent from his/her main office for more than fourteen (14) calendar days, shall appoint a designated broker of another office or an associate broker who is licensed and associated with the absent broker to manage, supervise and oversee the regular office operations. The appointee shall conduct all supervisory activities normally required of the designated broker. Except in the event of an emergency, the designated broker shall notify the Commission in writing of the name of the appointee prior to the broker leaving the office for an extended period of more than fourteen (14) days. (Previously Rule 4,11,6).
(7-1-93)

08. Broker Absent for More than Forty-Five (45) Days. Whenever a designated broker will be absent from his/her main office for a period of more than forty-five (45) calendar days, either: (Previously Rule 4,11,7). ~~(7-1-93)~~(7-1-96)T

a. A new broker shall be designated; or, (Previously Rule 4,11,7).
~~(7-1-93)~~(7-1-96)T

b. All associated licenses shall be placed on an inactive status, and the office shall be closed, and the broker's license shall be placed on an inactive status, and all listings shall be terminated. (Previously Part of Rule 4,11,7). ~~(7-1-93)~~(7-1-96)T

09. Inadequate Supervision and Fines. A broker who has been fined by the Idaho Real Estate Commission for inadequate supervision under these rules shall not, directly or indirectly, pass liability or responsibility for payment of such fine to any sales associate licensed with said broker. (Previously Rule 4,11,8).
(7-1-93)

10. Penalty for Unlicensed Real Estate Sales Practice. A broker who allows an unlicensed person to represent that broker as a sales associate is guilty of inadequate supervision and is in violation of Section 54-2040A(h), Idaho Code. (12-31-93)

4157. DEATH OF A SOLE PROPRIETOR BROKER.

At the time of death of a sole proprietor broker, the following will take place and are to include, but are not to be limited to the following: (Previously Rule 4,12,0). (7-1-93)

01. Termination of Listings and Buyer Brokerage Agreements. Termination of all listings and buyer brokerage agreements in which there are not outstanding offers or earnest money receipts. (Previously Rule 4,12,1). ~~(7-1-93)~~(7-1-96)T

02. Completion of Negotiations. Completion of all negotiations between buyers and sellers on transactions in which an offer to purchase has been written or received. (Previously Rule 4,12,2). ~~(7-1-93)~~(7-1-96)T

03. Accounting for Moneys. Depositing and withdrawing moneys from the real estate trust account in connection with completion of all transactions still pending at the time of death of a sole proprietor broker. (Previously Rule 4,12,3).
(7-1-93)

04. Commissions. Prompt payment of all real estate commissions owing

after closing of all transactions, both to the decedent broker's duly appointed personal representative and to sales associates of the deceased broker or participating brokers entitled to commissions resulting from said transactions. (Previously Rule 4,12,4).
(7-1-93)

418. INACTIVE LICENSEES.

During the period of time that a license is inactive, the licensee shall not engage in, or carry on, or advertise, or hold the licensee out as engaging in real estate activity, including splitting fees with active licensees for referrals.
(7-1-96)T

4169. -- 499. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

551. DUTIES OF THE EXECUTIVE DIRECTOR.

Duties of the executive director shall include the following: (Previously Part of Rule 5,3,0).
(7-1-93)

01. Office. To maintain and operate a suitable office for the Idaho Real Estate Commission in Boise, Idaho and/or in other specific locations in the state as necessary. (Previously Rule 5,3,1).
(7-1-93)

02. Records. To keep books, records, and account of all activities of the Commission. (Previously Rule 5,3,2).
(7-1-93)

03. Issue Licenses. To issue real estate broker and/or sales associate's licenses. (Previously Rule 5,3,3).
(7-1-93)

04. Staff. With the approval of the Idaho Real Estate Commission, to employ and discharge other staff members as deemed necessary and to outline their duties. (Previously Rule 5,3,4).
(7-1-93)

05. Investigations. To make investigations of complaints and possible violations of the Idaho Real Estate License Law and its Rules. (Previously Rule 5,3,5).
~~(7-1-93)~~(7-1-96)T

06. Disciplinary Actions. To take the necessary action for correction of violations of the Idaho Real Estate License Law and the Rules of the Commission by filing the necessary complaints, notices, and/or setting hearings. (Previously Rule 5,3,6).
(7-1-93)

07. License Examinations. To prepare and submit to the Commission examinations to be given applicants for real estate broker and salesman licenses and to conduct such examinations at the direction of the Commission. (Previously Rule 5,3,7).
(7-1-93)

08. News Bulletin. To have charge of the preparation of material to be published in the news bulletin to be issued from time to time and mailed to all licensees.

(Previously Rule 5,3,8).

(7-1-93)

09. Educational Clinics. To conduct or promote the conduct of educational clinics or meetings necessary to comply with the education requirements set forth in Section 54-2029, Idaho Code, and such other educational clinics or meetings deemed advisable, with the aim of promoting higher standards of practice in the real estate industry. (Previously Rule 5,3,9). (7-1-93)

10. Professional Trade Associations. To cooperate insofar as practical with the Idaho Association of Realtors-~~(†)~~ in conducting specialized educational clinics and meetings throughout the state of Idaho. (Previously Rule 5,3,10) ~~(7-1-93)~~(7-1-96)T

11. Real Estate Education Council. To serve as a voting member of the Real Estate Education Council. (Previously Rule 5,3,11). (7-1-93)

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - RULE GOVERNING AD VALOREM PROPERTY TAXATION
DOCKET NO. 35-0103-9601
NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective March 4, 1996

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule in conformity with the amendment to this agency's rules by House Concurrent Resolution 27 of the 1996 Session of the Idaho Legislature. The rule is authorized pursuant to Section 63-513, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rules and a statement of any changes between the text of the final rules and text of the final rule with an explanation of the reasons for any changes.

Rule 377 is amended both by agency action and by legislative action pursuant to House Concurrent Resolution 27. Differences between the text proposed by the agency and the final rule conform the rule to the text adopted in HCR 27. The substance of the rule excludes the use of the direct capitalization method of valuation of operating property when such property is valued by the income approach to value. The final rule also corrects cross references to other rules.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Alan Dornfest, Tax Policy Specialist, at (208) 334-7530.

Alan Dornfest, Tax Policy Specialist
State Tax Commission
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(208) 334-7530
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TEXT OF DOCKET NO. 35-0103-9601

377. MANNER OF ASSESSMENT--VALUATION.

01. Appraisal Techniques. Appraisal techniques used by the Commission in estimating market value for assessment purposes will be the same as recognized by court decisions, supported by text books and technical publications common to the industry. These techniques include the cost approach, income approach, and stock and debt or market approach. By correlation of these approaches, market value is estimated.

~~(7-1-93)~~(3-4-96)L

02. Unitary Method of Valuation. The unitary method of valuation is used by the department in most cases on centrally assessed properties. This method values the

entire units of property as one (1) thing or going concern valuation. For example, the estimated market value of a line of interstate railroad or utility is something more than an aggregation of the value of separate parts of it, operated separately. It is the aggregate of these values plus that arising from the unitary operation of the whole which constitutes the full value of property. Then each state has an equal right to a just proportion of that value.

~~(7-1-93)~~(3-4-96)L

03. Material Relating to Valuation. The material relating to valuation, value approaches, reproduction and replacement cost approaches to value, historical and original cost approaches to value, the income approach and stock and debt approach to value shall also apply to the assessment of private railroad car companies except as provided otherwise in Idaho Property Tax Administrative Rule 55-Section 204 of these rules.

~~(7-1-93)~~(3-4-96)L

04. Value Approaches. The level of market value sought shall be consistent with the market value concept defined in Section 204 of these rules. The appraiser shall consider one (1) or more of the following, as may be appropriate for the property being appraised.

~~(7-1-93)~~(3-4-96)L

a. The price or prices at which the property and comparable properties have recently sold, the comparative sales approach. (7-1-93)

b. The prices at which fractional interests in the property or comparable property have recently sold, and the extent to which prices would have been increased had there been no prior claims on the assets, stock and debt approach. (7-1-93)

c. The cost of replacing reproducible property with new property of similar utility, or of reproducing the property at its present site and at present price levels, less the extent to which the value has been reduced by depreciation, including both physical deterioration and obsolescence, the replacement or reproduction cost approach. (7-1-93)

d. The amount invested in the property or the amount invested less depreciation computed by the method employed by the regulatory agency if the income from the property is regulated by law and the regulatory agencies use historical cost or historical cost less depreciation as a rate base, the historical cost approach. (7-1-93)

e. The amount that investors would be willing to pay for the right to receive the income that the property would be expected to yield, with the risk attendant upon its receipt, the income approach. (7-1-93)

05. Reproduction and Replacement Cost Approaches to Value. (7-1-93)

a. The reproduction or replacement cost approach to value is used in conjunction with other value approaches and is preferred when neither reliable sales data, including sales or fractional interests, nor reliable income data are available and when the income from the property is not so regulated as to make such costs irrelevant. It is particularly appropriate for construction work in progress. (7-1-93)

b. The reproduction cost of a property may be extended either by 1)

adjusting the property's original cost for price level changes and abnormalities, if any, or 2) applying current prices to the property's labor, material, components, with appropriate additions for managerial services, interest on borrowed or owner-supplied funds, or other costs typically incurred in bringing the property to a finished state, or to a lesser state as unfinished on the lien date. Estimates may be made by using square feet, cubic feet, or other unit costs; a summarization of the in place costs of all components; a quantity survey of all material, labor and other cost elements; or combination of these methods. (7-1-93)

c. The original costs of reproducible property shall be adjusted, in the aggregate or by groups, for price level changes since original construction by multiplying the cost incurred in a given year by an appropriate price index factor. When detailed investment records are unavailable for earlier years or when only a small percent of the total investment is involved, the investments in such years may be lumped and factored to present price levels by means of an index number that represents the appraiser's best judgement of the weighted average price change. If the property was not new when acquired by its present owner and its original cost is unknown, its acquisition cost may be substituted for original cost in the foregoing calculations. (7-1-93)

d. The replacement cost of property may be estimated as indicated by applying current prices to the labor and material components of a substitute property capable of yielding the same services and amenities, with appropriate additions as specified in Subsection 377.05.b. (7-1-93)

e. Reproduction or replacement cost shall be reduced by the amount that such cost is estimated to exceed the current value of the reproducible property by reason of physical deterioration, misplacement, over-or-under improvement, and other forms of depreciation or obsolescence. The percent that the remainder represents, of the reproduction or replacement cost, is the property's percent good. (7-1-93)

06. Historical and Original Cost Approaches to Value. (7-1-93)

a. Historical Cost is the first cost of a property item regardless of the present owner or interim sales transactions. It usually refers, in utility properties, to the cost of a property item when first devoted to public service. (7-1-93)

b. Original Cost is the cost of a property item to the present owner. At times, it is used as equivalent to historical cost. The majority of utility companies have had their major growth under control of state and federal regulatory bodies. Original cost has been defined by the regulatory agencies as the cost of property when first devoted to utility service. This amount is nearly always the amount shown on the books of the company as investment in operative plant. If one operating company were to purchase another operating company, and consolidate the books, the amount the surviving company would be permitted, and required, to show in its investment in plant accounts is the amount the dead company had invested, regardless of whether the purchase price was more or less than the book amount, with the difference being carried in a balance sheet account, the amount to be written off during a period of time through surplus. This depreciated original cost is the basis used by the regulatory bodies to develop a rate base upon which the utility may earn. (7-1-93)

07. The Income Approach to Value. (7-1-93)

a. The income approach to value should be used in conjunction with other recognized approaches when the property under appraisal is typically purchased in anticipation of a money income. It is the preferred approach for the appraisal of land when reliable sales data for comparable properties are not available. It is the preferred approach for the appraisal of improved real properties and personal properties when reliable sales data are not available and the cost approaches are unreliable because the reproducible property has suffered physical depreciation, functional or economic obsolescence, is a substantial over-or-under improvement, is misplaced, or is subject to legal restriction on income that is unrelated to cost. (7-1-93)

b. Using the income approach, an appraiser values an income property by computing the present worth of future income. This present worth depends upon the size, shape, duration of the estimated income stream and upon the capitalization rate at which future income is discounted to its present worth. (7-1-93)

c. The income to be capitalized is the amount which an informed owner and informed buyer may anticipate on the lien date that the taxable property existing on that date will yield under prudent management and subject to such legal enforceable restrictions as such persons may foresee as of that date. This income is the amount of operating income or revenue left after paying operating expenses and certain other recognized obligations but before payment of any interest on debt or dividends on stock. These terms mean the net income available to all interests in the property, i.e., the debt holders and the stockholders. (7-1-93)

d. The income approach shall be used according to nationally accepted appraisal techniques. The direct capitalization techniques or derivatives thereof shall not be used in estimating the value for the income approach. (3-4-96)L

08. Stock and Debt Approach to Value. (7-1-93)

a. Application. It is important to use the stock and debt approach to value in conjunction with other approaches to the unit value of property 1) when the value of the stock and debt can be adequately measured by reference to market transactions and 2) when the value of the property approaches the value of all the property of the enterprise or can be extracted from the value of all the property of the enterprise by means of reasonable allocation devices. The approach is based on the accounting concept that the value of the assets, property, of an enterprise equals the sum of the values of the enterprise's capital stock and its liabilities. (7-1-93)

b. Valuation of Stocks. The stocks to be valued are the outstanding shares of preferred and common stock other than those held by an affiliate included in the unit to be valued, plus any publicly held shares of such affiliates. The value of the shares of preferred or common stock is indicated by their market prices per share on the lien date, or the average prices per share over a recent relatively short period, multiplied by the number of shares outstanding on the lien date or at the end of the period. For shares traded over the counter, either the average of their bid-and-ask prices or their actual sales prices may be used as market prices. If neither market prices nor bid-and-ask prices are available for a stock that is a comparatively unimportant part of the capitalization, such stock may be valued by reference to preferred stock yields or common stock yields and price/earnings

ratios for issues of comparable quality. (7-1-93)

c. Valuation of Current Liabilities. The current liabilities to be valued are those current and deferred liabilities that are actual legal obligations. The market value of these debts is indicated by their face or book value in the absence of evidence to the contrary. Contingent liabilities should be excluded unless there is evidence that they represent actual legal obligations. The objective is to include any obligation that purchasers of the total equity interest would assume, at the amount the purchaser would reduce the price he pays for the equity interest by reason of the obligation assumed. (7-1-93)

d. Exclusions. The market value of the stock plus the market value of the debts equals the value of the enterprise. When the enterprise owns nontaxable property, such as cash, receivables, and securities, or property assessable by other agencies, the enterprise value must be reduced by the amount these items are estimated to contribute to the stock and debt value in order to arrive at the market value of the assessable property. If the objective of the appraiser is to arrive at an indicator of the value of the taxable unitary property, the enterprise value must also be reduced by the value of any non-unitary property within the assessor's jurisdiction. (7-1-93)

e. Additions. The stock and debt value includes only the so-called bonus value of leased property, which may be positive or negative. Consequently, if leased properties are included in the unit that is being appraised, the capitalized net rental payments must be added to the stock and debt value to derive the unit value indicator. (7-1-93)

09. Method of Apportionment - Situs Property. (7-1-93)

a. Property which is of such nature that it cannot be reasonably apportioned on the basis of rail, wire, or pipeline mileage shall be referred to as situs property. The word SITUS shall be interpreted as meaning the place where something exists. Undepreciated cost is considered by the Commission to be of prime importance and the basis of apportionment for such situs property to the county and district in which this property is situated. Property having this status is generally considered as being microwave stations and radio relay towers which are not physically connected with wires; fish facilities of an electrical power company where in such facilities are located in a district in which no wire miles exist; furniture and fixtures located in a district having no track, wire or pipeline miles. (7-1-93)

b. Leased machinery and equipment, leased land, buildings and improvements located thereon which are considered as being used as a stage of utility or materiality to the operating company's business are sited to insure proper identification of property assessment and billing of taxes to the lessee as well as the lessor. (7-1-93)

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - RULES GOVERNING AD VALOREM PROPERTY TAXATION
DOCKET NO. 35-0103-9604
NOTICE OF PROPOSED RULES

ACTION: The action, under Docket No 35-0103-9604, concerns the proposed adoption of rules governing the State Tax Commission, IDAPA 35, Title 01, Chapter 03, Rules Governing Ad Valorem Property Taxes.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Sections 63-513 and 63-3624, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing concerning this rule-making will be held as follows:

Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or any agency. The request must be made within fourteen (14) days of the date of publication of this notice in the Bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later.

The hearing site will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five (5) days' notice. For arrangements contact the undersigned.

DESCRIPTIVE SUMMARY:

RULE 125 - The proposed rewrite to Rule 125 deletes Subection 03 which provided the exemption that would not apply to basic sewage disposal systems. Amendments will clarify the calculation of partial exemption for property which is used for pollution control and produces a saleable by-product. Subection catchlines are changed to conform with current rule style requirements. The reporting procedure is clarified so that locally assessed properties are filed with the county assessor and centrally assessed properties are filed with the State Tax Commission according to the statute.

RULE 204 - Rule 204 needs to give more specific direction to assessors for appraisal of subsidized housing properties. Clearly specify that fee simple interest is to be valued and that market rent is always used to calculate value.

RULE 260 - The counties are changing procedures from manual to computer mapping. Therefore, the mapping specifications are needed to upgrade to present technology.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Alan Dornfest, at (208) 334-7530.

Anyone may submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked or delivered on or before June 27, 1996.

DATED this 23rd day of April, 1996.

Alan Dornfest, Tax Policy Specialist
State Tax Commission
800 Park, Plaza IV
P.O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

TEXT OF DOCKET NO. 35-0103-9604

125. PROPERTY EXEMPT FROM TAXATION--FACILITIES FOR WATER OR AIR POLLUTION CONTROL.

01. Exempt Property. Only those portions of installations, facilities, machinery, or equipment which are devoted exclusively to elimination, control, or prevention of water or air pollution are exempt. The owner of the property shall annually petition the assessor for exemption. (7-1-93)(____)

02. Calculation of Partial Exemption. ~~Exemption will only be allowed if net income from saleable by-products recovered from installations, facilities, machinery, or equipment will not adequately compensate the owner for the total value of the installation. The exemption shall not include the percentage of the value for any portion of the facility which is used for the production of marketable by-products. The exempted value shall be the percentage of total investment is the difference between the market value of the pollution control facilities and the present value of the net income from the sale of not having an economic return from the sale of recovered by-products.~~ Net income shall be determined by subtracting the expenses of sale, raw materials required to produce by-products, and transportation to F.O.B. point from gross sales of recovered by-product.

EXAMPLE:

(For purposes of this example, assume the industry capitalization rate is 10%)

Purchase Price of Scrubber \$1 million/20 year life
1st Year Calculation of Exemption

Gross sales of precipitate	\$11,000/yr
Transport to F.O.B. point	\$100/yr
Lime to precipitate products	\$900/yr
NET INCOME	\$10,000/yr

Industry Capitalization Rate is 10%

Present worth of 1 per period (20 years/10%)	8.513
Present value of net income	\$ 85,130
Therefore, exempt value is (\$1,000,000 - \$85,130)	\$914,870

or 91.5% exempt

Indirect costs associated with operating the scrubber such as power, maintenance, etc., are not proper deductions from gross sales to reach net income. (7-1-93)(____)

03. Basic sewage disposal systems as required by city, county, or state codes or by the State Department of Health for residential, commercial, and industrial properties are not exempt under Section 63-105T, Idaho Code, unless the primary purpose of the facilities is the elimination of industrial waste. A determination will be made case by case for the allowable exemption of facilities required by the State Department of Health for control of pollution from industrial wastes. (7-1-93)

0403. Ineligibility. Landfills, toxic waste dumps, ~~sewage treatment plants or other similar treatment plants,~~ or storage facilities deriving revenue from processing or storing pollution or pollution by-products generated by other persons or businesses are ineligible for this exemption. (7-1-93)(____)

0504. Filing Procedure. Petition for exemption shall be filed in the following manner: (7-1-93)(____)

a. Forms. ~~Declaration forms for the reporting of real or personal property qualifying for exemption~~

~~may be obtained from the county assessor or Commission. The property owner may obtain the declaration forms issued by the Tax Commission from the county assessor or the Tax Commission.~~ (7-1-93)(____)

b. ~~Declaration. The property owner completes~~ (The declaration to report ~~shall contain~~ an itemized listing of all installations, facilities, machines or equipment qualifying for exemption. Each component part of the system must be identified by a brief description (e.g., Dust Collector), the date of original acquisition, dollar amount of the original cost, and the percentage of the component devoted exclusively to pollution control. The petition must be signed by the owner or duly authorized agent. Lack of required information shall be grounds for denial. (7-1-93)(____))

c. ~~Timing.~~ The completed declaration must be filed with the county assessor for locally assessed property or the Tax Commission for centrally assessed property by March 15th of each year. (7-1-93)(____)

~~405.~~ Inspection. The county or Tax Commission representative may inspect the property or audit the owner's records to identify components petitioned for exemption. Those components listed on the declaration must be identifiable as capital assets of the property. (7-1-93)(____)

06. Exemption Reported on Abstracts. ~~The assessment notice shall show the assessed value of property subject to taxation and property qualifying for exemption. For locally assessed property, e~~Exempt value shall be reported on the real and personal property abstracts. (7-1-93)(____)

07. Water Corporation Property. A portion ~~Percentage of W~~water ~~C~~corporation ~~P~~property ~~E~~exempt from ~~T~~axation. (7-1-93)(____)

a. ~~Public Hearing. The Idaho Public Utilities Commission is requested to notify the Tax Commission on or before June 1 of each current year of~~ On or before April 30, each year, the Tax Commission shall receive a notice from the Idaho Public Utilities Commission listing the value of the investment percentage of the total plant of the each water company that is devoted exclusively to the elimination, control, or prevention of water pollution or air pollution. (7-1-93)(____)

b. In estimating the market value of the company for assessment purposes, the Tax Commission will take into consideration the investment percentage as certified by the Public Utilities Commission that such equipment bears to the total invested plant of the company. (7-1-93)(____)

c. The Tax Commission will notify the water company of the estimated market value, gross assessed value, and the amount of exemption allowed under Section 63-105T, Idaho Code, on or before July 15 of each current year. (7-1-93)

d. Any person or party wishing to contest the percentage of exemption reported to the Tax Commission by the Public Utilities Commission may submit a written request for public hearing to the Tax Commission ~~stating the grounds therefor~~, by August 1 of the current tax year. The request for hearing shall state the petitioner's grounds for contesting the percentage reported by the Public Utilities Commission. The Tax Commission shall notify the petitioner's hearing time and place on or before the second Monday of August. (7-1-93)(____)

e. ~~Any person or party requesting a public hearing shall be notified of the time and place of hearing within thirty (30) days.~~ (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

204. RULES ~~AND REGULATIONS~~ PERTAINING TO MARKET VALUE DUTY OF ASSESSORS.

01. Market Value Definition. Market value is ~~that the most probable~~ amount of United States dollars or equivalent for which, ~~in all probability~~, a property would exchange hands between a knowledgeable and willing seller, under no compulsion to sell, and an informed, capable buyer, under no compulsion to buy, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment. (7-1-93)(____)

a. ~~The assessor shall value property as having fee simple title except where statutory exemption exists.~~ the full market value of the entire fee simple interest of property for taxation. Statutory exemptions shall be subtracted. (7-1-93)(____)

b. Personal property shall be valued at retail level. (7-1-93)

02. Appraisal Approaches. Three (3) approaches to value will be considered on all property. The three (3) approaches to value are: ~~The~~ the market approach, which includes: ~~the comparative sales approach; and the stock and debt approach.~~ technique - (operating property); ~~the cost approach;~~ and the income approach. (7-1-93)(____)

03. Appraisal Procedures. Market value shall be determined through procedures, methods, and techniques recommended by nationally recognized appraisal and valuation associations, institutes, and societies and according to guidelines and publications approved by the Commission. This includes the use of market rent, not contract rent. (7-1-93)(____)

04. ~~If a conservation easement as defined by Title 55, Chapter 21, Idaho Code, has been granted, market value for assessment purposes shall be computed as if the easement did not exist.~~ (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

260. ASSESSOR'S PLAT BOOK.

01. Plat Maps. Plat maps for all privately owned land shall be prepared as follows: (7-1-93)(____)

a. Permanent Plats ~~plats~~ shall be drafted on thirty (30) inch by thirty-six (36) inch, 0.003 inch drafting film (minimum thickness). (See Section 50-1304, Idaho Code.) (7-1-93)(____)

b. Section, aliquot part, subdivision, and parcel boundaries shall be drafted with ink on drafting film and in accordance with the most current, Bureau of Land Management (BLM) "Manual of Instructions for the Survey of the Public Lands of the United States" published by the Government Printing Office. (See Section 50-1304, Idaho Code.) (7-1-93)(____)

c. Parcel numbers, and all other desired information, Plat titles, subdivision names, and parcel dimensions shall be drafted with ink. Annotative information shall be added as necessary and, if plotted by computer be of appropriate font style and size to be easily readable. The minimum letter height shall be 1.25 millimeters. (See Section 50-1304, Idaho Code.) (7-1-93)(____)

d. ~~Parcel numbers and other desired information shall be drafted with ink or with film lead.~~ Section outlines shall be platted according to: technical descriptions of Bureau of Land Management, formerly the General Land Office (GLO), surveys, (Section 31-2709, Idaho Code); descriptions on recorded surveys (Sections 55-1901 through 55-1911, Idaho Code); recorded corner perpetuation records (Sections 55-1601 through 55-1612, Idaho Code); recorded subdivision plats and assessor's plats (Sections 50-1301 through 50-1330, Idaho Code); deeds or contracts with metes and bounds descriptions (Section 31-2709, Idaho Code); highway, railroad, and other engineering quality route surveys; relevant court decisions; and unrecorded data from registered land surveyors (Sections 31-2709, and 55-1210 through 1220, Idaho Code). (7-1-93)(____)

e. Plats shall be drafted at the following scales: One (1) township at one (1) inch = one thousand two hundred (1,200) feet.; four (4) sections at one (1) inch = four hundred (400) feet.; one (1) section at one (1) inch = two hundred (200) feet.; one (1) quarter section at one (1) inch = one hundred (100) feet. Subdivision of sections shall be platted. (See Section 31-2709, Idaho Code.) (7-1-93)(____)

f. ~~The Commission may permit variation from the above format due to computer mapping, photo mapping, or other systems. Requests for such variation shall be submitted in writing.~~ (7-1-93)

~~g. Section outlines shall be platted according to: Technical descriptions on General Land Office or Bureau of Land Management surveys; field notes of General Land Office or Bureau of Land Management surveys; surveys recorded under Sections 55-1901 through 55-1911, Idaho Code; corner perpetuation records recorded under Sections 55-1601 through 55-1612, Idaho Code; subdivision plats and assessor's plats recorded under Sections 50-1301 through 50-1330, Idaho Code; deeds or contracts with metes and bounds descriptions; highway, railroad, and other engineering quality route surveys; relevant court decisions; and unrecorded data from registered land surveyors. (7-1-93)~~

~~h. Subdivision of sections shall be platted according to Section 31-2709, Idaho Code. (7-1-93)~~

~~i. Subdivision, townsite, and metes and bounds parcels shall be platted according to sources cited in Subsection 260.01.a., above, and also according to: Aerial photo information where necessary; and Bureau of Land Management or Idaho Department of Lands title records. (7-1-93)~~

~~02. To link parcel numbers and owners, a companion sheet shall accompany the plat map. It may take two forms: (7-1-93)~~

~~a. A listing of parcel numbers and associated current owners; or (7-1-93)~~

~~b. A listing of parcel numbers and associated past and present owners, as shown in Charts 1 and 2 found in the Idaho Administrative Bulletin, July 1, 1993, Volume 93-1, "Forms, Appendices, Charts, Graphs, Etc...", page 35-158. (7-1-93)~~

~~03. Records. Property ownership records shall include a listing of the record owner of the property, or note that the owner is unknown. Other persons with interests of record, and all other persons who appear, from inspection or other information, to have an interest in the property shall be listed. Record ownership can be ascertained from: (7-1-93)~~

~~a. Recorded deeds, contracts, or other muniments of title (7-1-93)~~

~~b. Recorded subdivision or assessor's plats, including those prepared under Section 50-1314, Idaho Code; (7-1-93)~~

~~c. Court decisions, recorded and unrecorded; (7-1-93)~~

~~d. Recorded affidavits of identity or ownership; and (7-1-93)~~

~~e. State and federal land ownership records. (7-1-93)~~

~~f. Unknown owner shall be listed only when diligent research discloses no ownership. (7-1-93)~~

~~04. Purchasers, agents, guardians, executors, administrators, heirs, and claimants may have their names inserted with the record owner's name, pursuant to Sections 63-309 through 63-313, Idaho Code. Contract purchasers must produce copies of relevant deeds, contracts, or muniments of title to effect this change. Such copies shall show, at a minimum: Seller and purchaser names; complete legal description of property; and signatures of parties to transaction. (7-1-93)~~

~~05. Detailed instructions for mapping, ownership determination, and parcel numbering are found in IDAHO ASSESSOR'S GUIDE TO PLAT MAPPING. (7-1-93)~~

~~06. The uniform parcel numbering system shall be used for all parcels for mapping and record keeping purposes. Each parcel's uniform number shall appear on the plat map. The following information shall be used in implementing the uniform parcel numbering system:~~

LAND NOT SUBDIVIDED		
		See Quarter Section Breakdown Key
TOWNSHIP and RANGE	SECTION	PARCEL NUMBER
10 N 05 E	04	0235

a. The above number denotes Township 10 North, Range 5 East, Section 4 with the parcel being in the SENE. (7-1-93)

LAND NOT SUBDIVIDED INSIDE CITY LIMITS			
			See Quarter Section Breakdown Key
CITY	ZERO'S IF NOT SUBD	SECTION NO	PARCEL NUMBER
A	0000	029	2163

- b. The above number tells you the parcel is land not subdivided inside the city limits. (7-1-93)
- e. This number indicates the parcel is in city A; it is a tax number denoted by all zeros (0); it is in section 29, and the four (4) digit parcel number 2163 locates it in the SENE. (7-1-93)
- d. When a metes and bounds parcel inside city limits is being numbered, digits 9, 10, 11, 12 locate the parcel to the nearest quarter quarter. (7-1-93)
- e. Should a government lot fall in place of or in addition to a quarter section, the designated numbers shall encompass the entire area, whether smaller or larger than forty (40) acres. (7-1-93)
- f. As a general rule, number all sections starting in the most northeasterly corner, then continue in a counter clockwise direction throughout each quarter section.

LAND SUBDIVIDED				
CITY	SUBDIVISION NO.	BLOCK NO.	LOT/PARCEL NO.	SPLIT/COMBO
A	0062	007	029	A

The first digit shall be zero if the subdivision lies outside the city.
 The last digit shall be zero if the lot has not been split or combined with another lot.

(7-1-93)

g. The city designator shall always be a letter which can be selected according to the county's preference. For instance, greatest population could be city A; next in population could be city B. Another choice, where counties do not have cities with names starting with the same letter, would be to use the first letter of the city name; as an example, Challis, Stanley, and Mackay in Custer County could be denoted by C, S, and M. (7-1-93)

h. ~~Digits 2, 3, 4, and 5 are for the subdivision number and shall not contain alpha characters. Each subdivision shall be assigned a four (4) digit number. An original townsite shall be treated as a subdivision and given a subdivision number.~~ (7-1-93)

i. ~~Digits 6, 7, and 8 shall be the block number.~~ (7-1-93)

j. ~~Digits 9, 10, and 11 shall be the lot number designated on the subdivision plat or an assigned number if characters on the subdivision plat are not acceptable.~~ (7-1-93)

k. ~~Digit 12 shall be a zero (0) if the parcel is acceptable as originally platted. If it has been split once or combined once, then this digit becomes an A. If split a second time, the digit becomes a B, etcetera. These splits or combinations may be accounted for on the companion sheet, depending on companion sheet format.~~ (7-1-93)

l. ~~When one whole lot and part of another adjoining lot are under common ownership, one parcel number shall be assigned. That parcel number shall be written using the whole lot's number. See Land Subdivided Example, Parcel Number A0062007029A.~~ (7-1-93)

m. ~~Personal Property. Personal property shall be numbered in a manner determined by the assessor and the Commission.~~ (7-1-93)

n. ~~Patented Mining Claims. Digits 1 and 2 shall contain nines. Digits 3 through 8 shall denote the township and range, as in the LAND NOT SUBDIVIDED format. Digits 9 through 12 shall be a county assigned sequential account number for individual mines.~~

PATENTED MINE		
Mine Designator	Township & Range	Sequential Account Number
99	03 N 04 W	0593

o. ~~Condominiums. The following example shall be used for condominium properties. The format is parallel to that used for Land Subdivided.~~

CITY A, CONDO #0062, BUILDING #7, UNIT #29				
City	Subdivision or Condominium	Blk. Bldg. or Common Area	Lot or Unit Number	Split/ Combo.
A	9062	007	029	0
CITY A, CONDO #0062, COMMON AREA #7				
City	Subdivision or Condominium	Blk. Bldg. or Common Area	Lot or Unit Number	Split/ Combo.
A	062	0070	00	0

~~To differentiate between condominiums and subdivisions reserve numbers 0001 through 8999 for subdivisions. Reserve numbers 9000 through 9999 for condominiums.~~ (7-1-93)

p. ~~Improvements on Private Leased Land. To number real property improvements on PRIVATE LEASED LAND IN RURAL AREAS, use the same format as LAND NOT SUBDIVIDED, assigning the next~~

number above the land designation number to the improvement.

IMPROVEMENTS ON RURAL LEASED LAND			
Township & Range	Section	(1/4 Sec. Key) Parcel Number	Remarks on Comparison Sheet
03 N 3 9 E	24	0560	E2NE Land Only
03 N 3 9 E	24	0561	Improvements only on Parcel 0560

q. ~~To number improvements on PRIVATE LEASED LAND in a subdivided area, use the LAND SUBDIVIDED format with the alpha designator L as the twelfth (12th) digit. Enter an appropriate explanation entry on the companion sheet.~~

IMPROVEMENTS ON SUBDIVIDED LEASED LAND					
Subdiv. or City	Blk. Bldg. or Condo.	Lot or Common Area	Unit Number	Split/ Combo	Rmks on Cmprsn Sht
A	0062	007	029	0	Lot 29, Blk 7 Ringo Sub Div. (Land Only)
A	0062	007	029	"L"	Improvements Only on Par 029

r. ~~With the uniform numbering system, the assigned parcel number may also be the tax number. Refer to Section 63-302, Idaho Code, and ISTC 36. (7-1-93)~~

s. ~~As long as the property boundary does not change, the new owner's name shall be assigned to the same parcel number on the companion sheet. A parcel number that exists at the time a property is divided or added to shall be canceled and a new number or numbers assigned. (7-1-93)~~

t. ~~When rivers, roads, etcetera, are described by metes and bounds and accepted by dedication, a separate parcel number shall be assigned. (7-1-93)~~

u. ~~Properties contiguous under common ownership but split by county line, section line, or tax code area boundary shall require separate parcel numbers. Before starting parcel numbering, a work map must be made showing taxing jurisdiction boundaries. (7-1-93)~~

07. ~~A tax code area program shall be established and maintained by the Operating Property Bureau of the Commission. (7-1-93)~~

02. Map Scales. Non-Computer and computer generated maps shall be scaled. ()

a. Non computer generated plats shall be: One (1) township at one (1) inch = fourteen thousand four hundred (14,400) inches (1,200 feet), 1:14,400; four (4) sections at one (1) inch = four thousand eight hundred (4,800) inches (400 feet), 1:4,800; one (1) section at one (1) inch = twenty four hundred (2400) inches (200 feet), 1:2,400; one (1) quarter section at one (1) inch = twelve hundred (1,200) inches (100 feet), 1:1,200. ()

b. Mapping done from aerial photographs will have the scale recalculated and shown on the map. ()

c. Subdivision, townsite, and metes and bounds parcels shall be platted to include the basis of bearing with monuments and their coordinates relative to the "Idaho Coordinate System". (See Section 31-2709, Idaho Code, Section 50-1301 through 1333, Idaho Code, and Sections 50-1303, 50-1304, and 50-1305, Idaho Code.) ()

d. Plat titles, subdivision names, and parcel dimensions shall be drafted with ink, or generated by computer at an appropriate scale. The minimum letter height shall be 1.25 millimeters. ()

03. Property Ownership Records. Ownership shall be shown on the property ownership records. ()

a. Ownership notations include the reputed owner of the property or note that the owner is unknown, or list other persons with interests of record. Ownership may be ascertained from numerous recorded sources. (See Sections 63-301, 63-307, and 63-310 Idaho Code.) ()

b. Purchasers, agents, guardians, executors, administrators, heirs, and claimants may have their names inserted with the recorded owner's name. (See Sections 63-309 through 63-313, Idaho Code.) ()

04. Uniform Parcel Numbering System. Each parcel shall be assigned a parcel number. ()

a. The uniform parcel numbering system shall be used for mapping and record keeping. Each parcel's uniform parcel number shall appear on the plat map and on a companion sheet. The assigned parcel number may also be the tax number. (See Section 63-301, Idaho Code, and Section 63-302, Idaho Code.) ()

b. As long as the property boundary does not change, the new owner's name shall be assigned to the same parcel number on the companion sheet. A parcel number that exists at the time a property is divided or added to shall be canceled and a new number(s) assigned. ()

c. Properties contiguous under common ownership but split by county line, section line, or tax code area boundary shall require separate parcel numbering. numbers. ()

d. Rural land not subdivided shall have the township descriptor minus the "T" in positions 1, 2, and 3 of the parcel number. ()

i. NENE. Positions 4, 5, and 6 shall be the range descriptor minus the "R". ()

ii. Positions 7 and 8 shall be the section number. If the section number is less than 10, the section number is in position "8", preceded by a zero in position "7". ()

iii. Positions 9, 10, 11, and 12 shall be the quarter section numbers. To assign the quarter section number, begin numbering in the northeast quarter (NE 1/4) of the northeast quarter (NE 1/4) and proceed counterclockwise. Starting in the NE 1/4 of a section the numbers used range from zero to two thousand three hundred ninety nine (0 to 2399). Continuing counterclockwise, beginning in the NE 1/4 of the northwest quarter (NW 1/4), the numbers continue from two thousand four hundred to four thousand seven hundred ninety nine (2400 to 4799), thence, starting in the NE 1/4 of the southwest quarter (SW 1/4), assign numbers from four thousand eight hundred to seven thousand one hundred ninety nine (4800 to 7199), and beginning in the NE 1/4 of the southeast quarter (SE 1/4), assign quarter section numbers from seven thousand two hundred to nine thousand nine hundred ninety nine (7200 to 9999). ()

iv. The following parcel number example denotes Township 10 North, Range 5 East, Section 4 with the parcel being in the NE 1/4, NE 1/4: 1 0 N 0 5 E 0 4 0 2 3 5. ()

e. Land not subdivided inside the city limits shall have a letter in position 1 of the parcel number. Each city letter designator shall be unique. ()

i. Positions 2, 3, 4, 5, and 6 shall be zeros. ()

- ii. Positions 7 and 8 shall be the section number. Number these positions as required in Subsection 4d of this rule. ()
- iii. Positions 9, 10, 11, and 12 shall be the quarter section number. Number these positions as required in Subsection 260.04.d of this rule. ()
- iv. When a metes and bounds parcel inside city limits is being numbered, positions 9, 10, 11, and 12 locate the parcel to the nearest quarter section. ()
- v. If a government lot is within a section, or an extended government lot is an extension of a section, the quarter section numbering shall be assigned as rural land not subdivided. For a government lot within a quarter section, the assigned number shall be a number within the sequence of numbers for the quarter section. For an extended section, the assigned number shall be within the sequence from the extended quarter section. ()
- vi. The following parcel number example denotes a parcel in the NE 1/4 of section 29 in the city identified by the letter "A": A 0 0 0 0 0 2 9 2 1 6 3 . ()
- f. Subdivided land within the county, but not in a city, shall have the number zero, in position 1 of the parcel number. ()
- i. Positions 2, 3, 4, and 5 shall be the subdivision number. The subdivision number shall not contain alphabetic characters. Each subdivision, whether the original townsite or new subdivision, shall be assigned a four (4) digit number. ()
- ii. Positions 6, 7, and 8 shall be the block number. ()
- iii. Positions 9, 10, and 11 shall be the lot number designated on the subdivision plat or an assigned number if characters on the subdivision plat are not acceptable as a parcel number. ()
- iv. Position 12 shall be a zero (0) if the lot is as originally platted. If a lot has been split once or combined once, then this becomes the letter, "A". If split a second time, the letter becomes a "B", etceteras. These splits or combinations shall be listed on the companion sheet. ()
- v. The following parcel number example denotes a subdivided parcel not in any city, identified by the number "0", subdivision number 62, block number 200, and lot number 29: 0 0 0 6 2 2 0 0 0 2 9 0. ()
- g. Subdivided land within the cities shall have the city letter in position 1 of the parcel number. Each city letter designator shall be unique. ()
- i. Positions 2, 3, 4, and 5 shall be the subdivision number. The subdivision number shall not contain alphabetic characters. Each subdivision, whether the original townsite or a new subdivision, shall be assigned a four (4) digit number. ()
- ii. Positions 6, 7, and 8 shall be the block number. ()
- iii. Positions 9, 10, and 11 shall be the lot number designated on the subdivision plat. An assigned subdivision plat number may be used if numbers comply with the parcel numbering system. ()
- iv. Position 12 shall be a zero (0) if the lot is as originally platted. If a lot has been split once or combined once, then this becomes the letter "A". If split a second time, the letter becomes a "B", etceteras. These splits or combinations shall be listed on the companion sheet. ()
- v. When one whole lot and part of another adjoining lot are under common ownership, one parcel number may be assigned. That parcel number shall be written using the whole lot's number and character 12 shall be a letter. ()

vi. The following parcel number example denotes a parcel in the city identified by the letter "A", in subdivision with number 0062, block number 200, lot number 029, and has been modified once: A 0 0 6 2 2 0 0 0 2 9 A. ()

h. Patented mines and patented mining claims shall have the number "9" in positions 1 and 2 of the parcel number. ()

i. Positions 3 through 8 shall denote the township and range, as in the land not subdivided format. ()

ii. Positions 9 through 12 shall be a county assigned sequential account number for individual mines. ()

iii. The following parcel number example denotes a parcel that is a patented mine in township 10 North, Range 36 East, with county assigned number 58: 9 9 1 0 N 3 6 E 0 0 5 8. ()

i. Condominiums shall have a letter in position 1 of the parcel number. The city designator shall be a unique letter. For condominiums not in any city, position 1 is a zero. ()

i. Positions 2, 3, 4, and 5 shall be the condominium number and shall be four numbers. To differentiate between condominiums and subdivisions, numbers 0001 through 8999 are to be used for subdivisions, and numbers 9000 through 9999 for condominiums. Fill positions preceding the number with zeros to occupy all four positions. ()

ii. Positions 6, 7, and 8 shall be the block or building number. Position 6 may be a "C" to differentiate between a typical block or building number and a condominium common area. ()

iii. Positions 9, 10, and 11 shall be the lot or unit number designated on the condominium plat or an assigned number. An assigned condominium plat number may be used if numbers comply with the parcel numbering system. ()

iv. Position 12 shall be a zero (0) if the parcel has not been modified since originally platted. If it has been split once or combined once, then this character becomes an "A". If split a second time, the character becomes a "B", etceteras. These splits or combinations shall be listed on the companion sheet. ()

v. The following parcel number example denotes a parcel that is in the city identified by the letter "A", with condominium number 9062, block or building number 007, lot or unit number 029, and has not been modified since originally platted: A 9 0 6 2 0 0 7 0 2 9 0. ()

vi. The following parcel number example denotes a parcel that is in a city identified by the letter "A", with condominium number 9062, block common area number C07, and is acceptable as originally platted: A 9 0 6 2 C 0 7 0 0 0 0. ()

vii. The following parcel number example denotes a parcel that is in the city identified by the letter "A", with condominium number 9062, block or building number 007, lot or unit number 029, and has been modified once: A 9 0 6 2 0 0 7 0 2 9 A. ()

j. To number improvements on private leased land, use the same format as land not subdivided. Assign the alpha designator "L" as the twelfth (12th) character. ()

i. To number improvements on private leased land in a subdivided area, use subdivided land format with the alpha designator "L" as the twelfth (12th). ()

ii. For improvements to leased land, enter an appropriate explanation on the companion sheet. ()

IDAPA 35 - STATE TAX COMMISSION
35.01.03 - RULES GOVERNING AD VALOREM PROPERTY TAXATION
DOCKET NO. 35-0103-9605
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective April 24, 1996.

ACTION: The action, under Docket No 35-0103-9605, concerns the proposed adoption of rules governing the State Tax Commission, IDAPA 35, Title 01, Chapter 03, Rules Governing Ad Valorem Property Taxes.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making. The action is authorized pursuant to Sections 63-513 and 63-3624, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing concerning this rule-making will be held as follows:

Pursuant to Section 67-5222(2), Idaho Code, public hearings will be held if requested in writing by twenty-five (25) persons, a political subdivision, or any agency. The request must be made within fourteen (14) days of the date of publication of this notice in the Bulletin, or within fourteen (14) days prior to the end of the comment period, whichever is later.

The hearing site will be accessible to the physically disabled. Interpreters for persons with hearing impairments and brailled or taped information for persons with visual impairments can be provided upon five (5) days' notice. For arrangements contact the undersigned.

DESCRIPTIVE SUMMARY:

RULE 250 & 525 - The proposed change requires the county and school district abstracts of value to indicate and subtract the amount of value exempt under Section 63-105EE, Idaho Code, as provided in House Bill 790.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Alan Dornfest, at (208) 334-7530.

Anyone may submit written comments regarding this rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked or delivered on or before June 27, 1996.

DATED this 23rd day of April, 1996.

Alan Dornfest, Tax Policy Specialist
State Tax Commission
800 Park, Plaza IV
P.O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

TEXT OF DOCKET NO. 35-0103-9605

250. RATIO STUDIES.

01. Use of "Ratio Study Manual." Procedures to be used in the ratio study and computation of adjusted market value shall be described in the Tax Commission's "Ratio Study Manual." (3-23-94)

02. Assessor to Identify School Districts. Beginning with the 1994 annual ratio study, each county assessor will provide to the Tax Commission the school district in which each sale submitted for the ratio study is located. (3-23-94)

03. Abstracts of Value by School District. Beginning in 1994, each county auditor shall provide to the Tax Commission abstracts of the taxable value of all property within the portion of each school district in each county. These abstracts shall be submitted in the same manner and at the same time as provided for county abstracts of value. (3-23-94)

04. Exemption To Be Subtracted. The taxable value of each category of property within each school district shall not include the value of any exemption pursuant to Sections 63-105EE, Idaho Code. (4-24-96)T

(BREAK IN CONTINUITY OF SECTIONS)

525. MEETING OF COMMISSIONERS AS BOARD OF EQUALIZATION.

01. Subsequent Roll Required. The assessor shall prepare a subsequent roll of all assessable property not included on the current year's rolls which were equalized between the fourth (4th) Monday of June and the second (2nd) Monday of July. (7-1-93)

02. Adjournment of County Board of Equalization. Boards of Equalization may RECESS and meet as business warrants but must meet and adjourn on the second Monday of July and on the first Monday of December. Early adjournment of the Board shall not preclude taxpayer appeals. (7-1-93)

03. Missed Property Roll. Real and personal property not previously assessed during the current year shall be assessed between the fourth (4th) Monday of November and December 31, and listed on the missed property roll which shall be equalized at the first regular meeting of the Board of Equalization in January. (7-1-93)

04. Additional Abstract Required. An abstract shall be prepared for the assessment roll that includes any property discovered and assessed, for the current year, and equalized by the county commissioners during their monthly meeting, as a Board of Equalization in January of the following year. This abstract shall be forwarded to the Tax Commission no later than the 4th Monday of January. (3-23-94)

05. Exemption To Be Listed And Subtracted. The taxable value of property

in each category as shown on the abstracts submitted pursuant to this rule shall equal the sum of the taxable value of property in each category as shown on the school district abstracts, required pursuant to Rule 250, for the portion of each school district located within each given county. In addition to the value of exemptions required pursuant to Section 63-412, Idaho Code, the value of any exemption provided under Section 63-105EE, Idaho Code, shall be indicated and subtracted from the taxable value shown for each category of property. (4-24-96)T

IDAPA 35 - STATE TAX COMMISSION
35.01.05 - RULES GOVERNING MOTOR FUELS TAXATION
DOCKET NO. 35-0105-9503
NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective March 14, 1996.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Idaho Legislature has adopted a final rule amending this agency's rules by House Concurrent Resolution 32 of the 1996 Session of the Idaho Legislature. The rule is authorized pursuant to Sections 63-513 and 63-2427, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rules and a statement of any changes between the text of the final rules and text of the final rule with an explanation of the reasons for any changes.

The amendments provide new alternate methods for accounting for taxable and non-taxable fuel stored in a single storage tank by persons other than persons licensed under IFTA or holding Idaho special fuel use permits.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Randy Nilson, Tax Policy Specialist, at (208) 334-7530.

Randy Nilson, Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

TEXT OF DOCKET NO. 35-0105-9503

IDAPA 35
TITLE 01
Chapter 05

Rules Governing Motor Fuels Taxation

There are substantive changes from the proposed rule text

**Only those sections that have changed from the original proposed text are
printed in this Bulletin following this notice**

**The complete original text was published in the Idaho Administrative Bulletin,
Volume 95-11, November 1, 1995 Pages 95 through 105**

**This rule has been adopted as Final by the Agency and the Legislature
pursuant to House Concurrent Resolution 032**

180. REFUND CLAIMS--DOCUMENTATION REQUIRED. (Rule 180.)

01. Refunds to Consumers. Any buyer of motor fuels, claiming a refund under Chapter 24, Title 63, Idaho Code, must retain in his records, an original seller's invoice showing the number of gallons purchased. All invoices, except those prepared by a computer or similar machine, shall be prepared in ink or double-faced carbon shall be used between the original and first duplicate. Only one (1) original invoice may be issued for each delivery. In addition to the requirements outlined above, each invoice must contain or show the following: (6-23-94)

- a. A pre-printed serial number; (6-23-94)
- b. Name and address of seller; (6-23-94)
- c. Name of purchaser; (6-23-94)
- d. Date of delivery; (6-23-94)
- e. Type of motor fuel; (6-23-94)
- f. Gallons invoiced; (6-23-94)
- g. Price per gallon; (6-23-94)

h. At least one of the following to establish that tax has been charged: The amount of Idaho state fuels tax; the rate of Idaho state fuels tax; or a statement that the Idaho state fuels tax is included in the price. (6-23-94)

02. Corrected Invoices. No altered or corrected invoice will be accepted for refund purposes. When errors occur, the original invoice must not be altered or corrected, but must be voided and a new original invoice issued. All altered or corrected invoices must be marked as voided and retained by the seller for at least three (3) years from the date issued. (6-23-94)

03. Invoice Retention. The original invoices required by subsection 01 of this rule shall be retained for the greater of either three (3) years or the time during which the taxpayer's Idaho income tax return is subject to adjustment by either the Commission or by voluntary action of the taxpayer. (6-23-94)

~~04. Refund Claims for Auxiliary Engines. Claims covering refund of tax with respect to fuel used in auxiliary engines mounted on licensed motor vehicles, such as ready-mix concrete trucks, refrigeration or air conditioning units, will be approved only when such auxiliary engines are supplied from a fuel tank that is separated from the tank supplying fuel for the propulsion or operation of the vehicle. (6-23-94)~~

054. ~~Quarterly~~ Monthly Refund Claims. Any taxpayer entitled to a refund of motor fuels tax may file a refund claim ~~quarterly~~ monthly. Any refund due will be first applied to any liability due under any law administered by the Commission, including liabilities under IFTA, which is due and unpaid at the time the claim is filed. In addition,

no refund will be paid if the claimant has failed to file any tax return required to be filed with the Commission. ~~(6-23-94)~~(3-4-96)

065. Refund Applied to Taxes Due. Refunds of motor fuels taxes shall be claimed on the Idaho Income Tax Return filed by the person who was the final purchaser and consumer of motor fuels upon which the tax has been paid and for which a refund may be claimed. If any taxes are due under the Idaho Income Tax Act, including any Permanent Building Fund Tax, the refund will be first applied to the taxes due. Any balance of refund exceeding any taxes due shall be paid as a refund to the entity filing the return. In the case of all partnerships and any corporations filing Idaho Form 41S, relating to S Corporations, any refund of motor fuels taxes paid by the partnership or S Corporation must be claimed by the partnership or corporation. The refund may not be applied to the individual returns filed by partners or shareholders. (6-23-94)

076. Refunds to Distributors. Refund claims filed under Section 63-2410(4), Idaho Code, by licensed distributors shall be filed in the manner provided in Rule 240 of these rules relating to refunds by special fuels dealers and such claims shall be subject to the provisions of that rule. (6-23-94)

087. Refund Documents. For refund claims under section 63-2410(5)(c), Idaho Code, an original invoice includes any duplicate of the original that is created with the same impression as the original, for example, with carbon paper or NCR paper, if the original is retained by the seller and only the duplicate provided to the customer. An original invoice does not include any document produced by a copy machine or similar device capable of producing a copy of an existing document. (6-23-94)

098. Records Required for Motor Fuels Tax Refunds. Each claimant shall maintain records that are sufficient to prove the accuracy of the claim. Such records shall reflect all motor fuels receipts, the gallons of fuel used in each type of equipment, both refundable and nonrefundable, and other uses. The records must show the date of receipt or disbursements and identify the equipment into which the fuel is dispensed. Failure of the claimant to maintain the required records and to provide them for examination, is a waiver of all rights to the refund. The following rules shall govern records maintained to support claims for refund. (6-23-94)

a. Use of Fuel from a Single Storage Tank. Fuel (other than fuel purchased by persons who are licensed under IFTA or permitted under Idaho Code § 63-2438) purchased and delivered into bulk storage and withdrawn for any use both non-taxable and taxable uses, must be fully accounted for using some either the proration provided by this paragraph or by records showing actual method to determine taxable and nontaxable usage. If the proration is used, sixty percent (60%) of all taxed diesel fuel or twenty-five percent (25%) of all taxed gasoline delivered into bulk storage shall be presumed to be for exempt uses unless another amount is requested by the taxpayer and authorized by the Commission. The request shall itemize anticipated uses by type of equipment based on previously experienced use. The Commission will refund taxes paid on the percentage of taxed fuel presumed to be exempt. If refunds are claimed based on records of actual use, the records must be made available upon request. In either case, invoices for showing the total fuel purchased on which tax was paid must be retained to support each refund claim. ~~(6-23-94)~~(3-14-96)L

b. Use of Fuel from Multiple Storage Tanks. When separate bulk storage tanks are maintained for both exempt and taxable uses, the seller must mark the invoices at the time of delivery identifying the storage tanks into which the fuel was delivered. Detailed withdrawal records will only be required if fuel is used by permitted motor vehicles that are subject to special fuels use tax reporting. Purchases must be reported and all invoices must be retained. Exempt fuel may not be used in motor vehicles licensed or required to be licensed. (6-23-94)

c. Use of Fuel for Other than Bulk Storage. Fuel dispensed into the supply tank, or small containers for use in, stationary engines, equipment, commercial motor boats, or vehicles, other than motor vehicles, must be identified on the purchase invoice. No other records will be required. (6-23-94)

d. Exempt Uses of Gasoline. The exempt uses are operating stationary engines, commercial motor boats, and propelling equipment or vehicles, other than motor vehicles. (6-23-94)

e. Exempt Uses of Special Fuels. In general, any use of special fuels is exempt, except propelling or operating a motor vehicle on a highway. (6-23-94)

IDAPA 35 - STATE TAX COMMISSION
35.01.05 - RULES GOVERNING MOTOR FUELS TAXATION
DOCKET NO. 35-0105-9601
NOTICE OF FINAL RULE

EFFECTIVE DATE: These rules are effective March 8, 1996.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Idaho Legislature has adopted a final rule amending this agency's rules by House Concurrent Resolution 32 of the 1996 Session of the Idaho Legislature. The rule is authorized pursuant to Sections 63-513 and 63-2427, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the final rules and a statement of any changes between the text of the final rules and text of the final rule with an explanation of the reasons for any changes.

Amendments to Rule 35.01.05.400.06 will reduce bookkeeping costs to on-road, off-road highway users by requiring the noninterstate truckers to only record on-road miles.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Randy Nilson, Tax Policy Specialist, at (208) 334-7530.

Randy Nilson, Tax Policy Specialist
State Tax Commission
P.O. Box 36
Boise, ID 83722
(208) 334-7530
FAX (208) 334-7844

TEXT OF DOCKET NO. 35-0105-9601

400. SPECIAL FUELS PERMITS FOR MOTOR VEHICLES OVER 26,000 POUNDS GROSS MAXIMUM WEIGHT. (Rule 400.)

The following rules relate to the special fuels tax permit system provided in Sections 63-2438 through 63-2440, Idaho Code, inclusive and, where expressly stated, supplements the requirements of IFTA. (6-23-94)

01. In General. After January 1, 1989, it is unlawful for any person to operate a motor vehicle over twenty-six thousand (26,000) pounds maximum registered gross weight that uses special fuels as defined in Section 63-2401(16), Idaho Code, on the highways of this state without having obtained either: (6-23-94)

- a. A special fuels permit from the Commission. (6-23-94)
- b. A ninety-six (96) hour trip permit from the Idaho Transportation Department. (6-23-94)

- c. An IFTA license. (6-23-94)
- d. In the case of vehicles powered by gaseous fuels, a gaseous fuel decal as provided by Section 63-2424, Idaho Code. (6-23-94)
- e. Motor vehicles owned or leased and operated by the federal government or the state of Idaho or their instrumentalities or political subdivisions are exempt from these requirements. (6-23-94)
02. Out-of-State Governmental Vehicles. Motor vehicles owned or operated by another state of the United States or any agency or subdivision thereof are exempt from permitting under this rule if the state in which it is owned grants a reciprocal privilege to Idaho and its agencies and subdivisions. (6-23-94)
03. Application for Special Fuels Permits. All persons operating or intending to operate motor vehicles over twenty-six thousand (26,000) pounds maximum registered gross weight that use special fuels on the highways of this state and are not base registered in another IFTA jurisdiction may apply to the Commission for a special fuels permit. The application must be made upon the form prescribed by the Commission for that purpose and must include all information requested on the application form. The application must include a fee as specified on the application form. (6-23-94)
04. Special Fuels Permits, Decals. With each special fuels permit issued by the Commission, a unique decal number will be assigned. Two (2) decals bearing that decal number must be requested for each motor vehicle over twenty-six thousand (26,000) pounds maximum registered gross weight to be operated in this state. The decal evidences issuance of a special fuels permit to the owner or operator to whom the number is assigned. The Commission will issue the number of decals requested by the applicant in the application. A decal shall be firmly affixed to each side of the cab or in the case of a tractor trailer, on the power unit of each motor vehicle over twenty-six thousand (26,000) pounds maximum registered gross weight to be operated in Idaho in such a manner as to be clearly visible by a person observing the motor vehicle from either side. In the case of buses, only one decal is required for each bus. It shall be affixed to the left side of the bus near the front in such a manner as to be clearly visible to a person observing the bus from the left side. The owner or operator shall be responsible for ensuring that each decal is clearly visible at all times when the motor vehicle is operating in Idaho. A decal that is damaged or obscured to the point that it is illegible is invalid. Duplicate decals may be obtained from the Commission upon payment of the fee set by the Commission. The decal shall not be affixed to any plate, plaque or part that may be readily removed from the motor vehicle except in the case of motor vehicle dealers transporting vehicles for sale. (6-23-94)
05. Permits and Decals Not Transferable. Neither the permit nor the decal is transferable. If a motor vehicle displays a special fuels permit decal, the person to whom the related special fuels permit has been issued is responsible for reporting all mileage of the permitted motor vehicle and paying all special fuels tax resulting from the operation of the permitted motor vehicle in Idaho. Upon sale, lease or other transfer of a motor vehicle, the permit holder to whom a decal was issued remains responsible for the tax on fuel used by the permitted motor vehicle until the decal is destroyed or obliterated. (6-23-94)

06. Special Fuels Tax Returns. Holders of special fuels permits will be required to file monthly, quarterly, semi annually or annual special fuels tax returns with the Commission. The return is due on the last day of the month following the end of the period to which the return relates. The return form will require that the taxpayer report:

(6-23-94)

a. Fleet Miles. The total miles traveled both within and without Idaho by permitted vehicles during the reporting period. As used in this rule, the term Idaho permitted vehicle means a motor vehicle which displays, or is required to display, a valid Idaho special fuels decal.

(6-23-94)

b. Fleet Fuel. The total number of gallons of fuel delivered into the supply tanks of all Idaho permitted vehicles during the reporting period.

(6-23-94)

c. The Fleet Miles per Gallon. The fleet miles per gallon shall be computed by dividing gallons reported according to subsection 06.b. of this rule into the number of miles reported according to subsection 06.a. of this rule. Round the fleet miles per gallon to the nearest hundredth (0.00). The computation of fleet miles per gallon should be carried to three (3) decimal places and rounded to two (2) decimal places. Example: $4.514 = 4.51$ and $4.515 = 4.52$. In the event that the permit holder fails to keep sufficiently detailed records showing the number of miles actually operated per gallon of special fuel consumed, it shall be presumed that not less than one (1) gallon of special fuel was consumed for every: Four (4) miles traveled by vehicles over forty thousand (40,000) pounds gross registered vehicle weight, or five and one-half (5 1/2) miles traveled by vehicles from twenty-six thousand one (26,001) to forty thousand (40,000) pounds gross registered vehicle weight.

(6-23-94)

d. The Total Miles Traveled in Idaho. Only miles traveled on Idaho highways by Idaho permitted vehicles must be reported pursuant to this subsection. Miles traveled on the roadways described in this subsection may be excluded from total highway miles traveled in Idaho if, and only if, the operator of the specific vehicle is required to bear the cost of constructing or maintaining the roadway for the use of the roadway pursuant to a contract or permit. To claim the exclusion permitted by this subsection, the special fuels permit holder must maintain records documenting roadway miles traveled that are qualified for exclusion under this provision. The roadways referred to in this subsection are those constructed and maintained by: The United States Forest Service; the United States Bureau of Land Management; the Idaho Department of Lands; or forest protective associations with which the state of Idaho has contracted or become a member pursuant to Chapter 1, Title 38, Idaho Code.

(6-23-94)

e. The Number of Gallons of Special Fuels Consumed in Idaho. The gallons consumed in Idaho shall be computed by dividing the fleet miles per gallon determined according to subsection 06.c. of this rule into the total Idaho miles reported according to subsection 06.d. of this rule.

(6-23-94)

f. Off-loading Allowance. When special fuel from the main supply tank of a motor vehicle subject to this rule is used for purposes other than to operate or propel the motor vehicle, such as fuel used to turn a vehicle mounted cement mixer or to off-load product, the number of gallons of fuel actually delivered into the fuel tank of the vehicle

can be reduced by the following allowances: (6-23-94)

- i. Gasoline/fuel oil: 1.5 gallons per 10,000 gallons pumped; (6-23-94)
- ii. Bulk cement: 4 gallons per 22.5 tons pumped; (6-23-94)
- iii. Lime: 3.14 gallons per hour; (6-23-94)
- iv. Calcium crystals: 4.13 gallons per hour; (6-23-94)
- v. Concrete: 1 gallon per 5 cubic yards; (6-23-94)
- vi. Refrigeration Unit (Reefer): .75 gallon per hour; (6-23-94)
- vii. Grain (dairy pellets): .13 gallon per ton; (6-23-94)
- viii. Grain meal (mash): .225 gallon per ton; (6-23-94)
- ix. Pulp: .53 gallon/cord; 1.89 cords/gallon; 4.73 gallons/hour; (6-23-94)
- x. Tree length pulp: .0503 gallon/ton; 19.88 tons/gallon; 3.46 gallons/hour. (6-23-94)

g. The amount of fuel reported shall be the net figure of gallons, as defined in subsection 06.b. of this rule, consumed after deduction of the gallons allowed for the off-loading allowance. (6-23-94)

h. Off-loading allowances listed above may be granted for IFTA accounts but must be applied for separately from the IFTA quarterly reports. Allowances must be claimed according to the procedure found in Rule 250 of these rules. (6-23-94)

i. An off-loading allowance, which is not listed in this rule shown above, must be submitted by the taxpayer to the Tax Commission for approval before being used. Taxpayers must request approval of the off-loading allowance in writing along with a copy of the calculations used to compute the allowance. Taxpayers must send requests for approval to:

FUELS TAX POLICY SPECIALIST
LEGAL SECTION
IDAHO TAX COMMISSION
P. O. BOX 36
BOISE, ID 83722
(208) 334-7530

(6-23-94)

j. The amount of tax due shall be computed by multiplying the gallons computed according to subsection 06.e. of this rule by the tax rate established by Section 63-2405, Idaho Code. (6-23-94)

k. Additional amounts of penalty and interest as may be required by law.

(6-23-94)

l. Special rule for trucks used both on and off public highways. Operators of trucks permitted under Idaho Code section 63-2438 (but not under IFTA) may, in making the computations provided in paragraph 06.c of this rule presume that when operating the following trucks on roads that are public highways, such trucks consume fuel at the following rate:

<u>Logging trucks</u>	<u>4.3MPG</u>
<u>Agriculture uses</u>	<u>4.5 MPG</u>
<u>Sand, gravel and rock hauling</u>	<u>4.0 MPG</u>
<u>Construction</u>	<u>4.4 MPG</u>

(3-8-96)L

m. If an operator has reason to believe the standard for on-road miles per gallon in paragraph 06.l is not an accurate reflection of his specific operation, the operator can calculate an actual MPG using the computations provided in paragraph 06.c of this rule.

(3-8-96)L

07. Records Required for Idaho Permitted Special Fuels Users. For verifying the accuracy of any special fuels tax returns filed with the Commission or for determining tax when no return was filed, the taxpayer shall retain originals of all invoices or other documents relating to purchases of special fuels and all records relating to mileage of motor vehicles displaying, or required to display, an Idaho special fuels permit, an IFTA license, or a ninety-six (96) hour trip permit. (6-23-94)

08. Fuel Records. In order for the special fuels user to obtain credit for tax paid purchases, a receipt or invoice, a credit card receipt, or microfilm/microfiche of the receipt or invoice must be retained by the special fuels user showing evidence of such purchases and tax having been paid. An acceptable receipt or invoice for tax paid purchases taken as credit must include, but not be limited to, the following: (6-23-94)

- a. The date of each receipt of fuel; (6-23-94)
- b. The name and address of the person from whom purchased or received; (6-23-94)
- c. The number of gallons received; (6-23-94)
- d. Both taxable and nontaxable usage of fuel; (6-23-94)
- e. The type of fuel; (6-23-94)
- f. The specific vehicle or equipment into which the fuel was placed; (6-23-94)

g. Detailed records of all withdrawals from bulk storage tanks, including the date of withdrawal, the number of gallons withdrawn, the fuel type, the unit number, the equipment type, and inventory records; (6-23-94)

h. Documents necessary to substantiate volume, time or weight for off-loading allowances described in subsection 06.e. (6-23-94)

09. Mileage Records. All special fuels users shall maintain detailed mileage records, such as trip logs or trip sheets, on an individual-vehicle basis. Such records shall contain, but not be limited to: (6-23-94)

a. Total trip miles, including vicinity miles; (6-23-94)

b. Miles traveled for taxable and nontaxable use; (6-23-94)

c. Mileage recaps for each vehicle for each state or jurisdiction in which the vehicle operated; (6-23-94)

d. Starting and ending dates of trips; (6-23-94)

e. Trip origin and destination; (6-23-94)

f. Hubometer or odometer readings from the beginning and ending of each trip and at the crossing of each state border. Local delivery services that do not cross state borders need only record daily hubometer or odometer readings; (6-23-94)

g. Complete routes of travel, including pick up and delivery locations; (6-23-94)

h. Vehicle license number or unit number; (6-23-94)

i. Driver's name. (6-23-94)

10. Additional Records Requirements. If necessary, other records may be required such as bills of lading or manifest documents; vehicle dispatch ledgers; accounts payable and receivable; lease agreements; quarterly mileage returns filed with the Idaho Transportation Department; driver pay records; driver logs; fuel use trip permits; and other worksheets used in preparing fuel tax reports. (6-23-94)

11. Trip Summaries. Individual trips shall be accumulated into monthly and quarterly summaries. These summaries shall be used as the basis for the miles submitted on the monthly or quarterly reports. (6-23-94)

12. Computer Printout Support. Summary computer printouts must be supported by trip sheets or logs verifying mileage traveled. (6-23-94)

13. Mileage Information. Information recorded on trip sheets must be legible and reflect actual miles traveled. Mile age records must include all movement of the vehicle including loaded, empty, and tractor only, "bobtail," miles. (6-23-94)

14. Records Retention. The records shall be retained for at least three (3) years for Idaho permit holders and four (4) years for IFTA license holders. (6-23-94)

15. U.S./Metric Conversion. The following conversion factors must be used, when necessary, to convert fuel and mileage records to U.S. or metric measurement:

One (1) Liter = .2642 gallons

One (1) Gallon = 3.785 liters

One (1) Mile = 1.6093 kilometers

One (1) Kilometer = .62137 miles (6-23-94)

16. Failure of the Taxpayer to Maintain or Disclose Complete and Adequate Records. Upon failure by the taxpayer, without reasonable cause, to comply substantially with the requirements of this rule, the Commission may revoke or suspend a special fuels permit or IFTA license according to Idaho Code Chapter 24, Title 63. (6-23-94)

17. Cross-Reference. Revocation or Suspension of Special Fuels Permits. See subsection 400.21, below. (6-23-94)

18. Mileage Disputes. Whenever a mileage dispute arises between the taxpayer and the Commission, the official mileage map distributed by the highway department in each state, will be used to resolve the point to point mileage differences. (6-23-94)

19. Trip Permits. Any motor vehicle over twenty-six thousand (26,000) pounds maximum registered gross weight operating on the highways of this state that does not display special fuels decals required by this rule or that is not IFTA licensed, shall secure a ninety-six (96) hour temporary trip permit from the Idaho Transportation Department in the manner provided and required by that department. (6-23-94)

20. Failure to Obtain a Special Fuels Permit, IFTA License, or Temporary Trip Permit. Operation of a motor vehicle over twenty-six thousand (26,000) pounds maximum registered gross weight on the highways of this state without a special fuels permit, IFTA license, or an Idaho ninety-six (96) hour trip permit is hereby deemed to be an act tending to prejudice the collection of the special fuels tax and an act that renders wholly or partially ineffective the procedures for collection of that tax. Accordingly, any deputy of the Commission, including those designated as deputies in Rule 300 of these rules, may issue a jeopardy assessment under the authority of Sections 63-2434 and 63-3065, Idaho Code. Such deputy is authorized to institute immediate collection procedures including issuance of a tax warrant and distraint of the motor vehicle required to display but failing to display either special fuels decals, IFTA license, or a ninety-six (96) hour trip permit. (6-23-94)

21. Revocation or Suspension of Special Fuels Permits. A Special Fuels Permit or IFTA license may be either revoked or suspended by the Commission when the permit holder neglects or refuses to comply with the provisions of Chapter 24, Title 63,

Idaho Code, or with these rules; or when, on investigation or after request for cancellation or suspension, the Commission finds the permit holder is no longer engaged in activities requiring a permit. Unless the cancellation or suspension is at the request of the permit holder, the Commission shall before revocation or suspension give the permit holder at least thirty (30) days notice of such intended action and afford the permit holder the opportunity to show cause, in writing, why the permit should not be revoked or suspended. If a special fuels permit becomes canceled, suspended, or revoked by the Commission, operations of vehicles leased to the canceled, suspended or revoked permit holder will be limited to those for which a temporary trip permit has been purchased from the Idaho Transportation Department or its agents. The owner of a leased vehicle displaying the canceled, suspended or revoked permit may apply for his own special fuels permit issued by the Commission and become responsible for the tax. (6-23-94)

22. Annual Tax Reports. Permit holders who travel more than 50% of their miles in Idaho and whose annual tax liability, not including tax paid at the time of purchase, totals less than two hundred fifty dollars (\$250) in a calendar year may make application to the Commission for permission to report annually. Application must be made on forms provided by the Commission and must include all requested information. To qualify for annual filing, an applicant must provide evidence that its total tax liability, not including tax paid at the time of purchase, for the four (4) preceding calendar quarters was not more than two hundred fifty dollars (\$250). If a permit holder who has been granted permission to report annually, subsequently accrues a total tax liability, not including tax paid at the time of purchase, of more than two hundred fifty dollars (\$250), its annual reporting privilege may be revoked by the Commission. (6-23-94)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.07 - RULES GOVERNING TITLING OF SALVAGE
SPECIALLY CONSTRUCTED AND RECONSTRUCTED VEHICLES

DOCKET NO. 39-0207-9601

NOTICE OF FINAL RULE

ACTION: The action, under Docket No. 39-0207-9601, concerns the final adoption of rules governing the classification and titling of motor vehicles described as reconstructed or repaired, salvage, and specially constructed, IDAPA 39, Title 02, Chapter 07, Rules Governing Titling or Salvage, Specially Constructed and Reconstructed Motor Vehicles.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a final rule. The action is authorized pursuant to Sections 49-201, 49-507 and 49-525, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for adopting the final rule and any amendments to the initial proposed test: The rule was reviewed by the 1996 Legislature for adoption. A technical change was requested to Section 010.02 regarding the definition of "Market Value", and the rule was amended by Senate Concurrent Resolution 135.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this final rule, contact Morris Detmar, at (208) 334-8660.

DATED this 24th day of April, 1995.

Mary F. Detmar
P.O. Box 7129
Boise, ID 83707
Phone: (208)334-8804 Fax: (208) 334-8195

TEXT OF DOCKET NO. 39-0207-9601

010. DEFINITIONS.

01. Major Component Parts. The six (6) major component parts which are commonly used to reconstruct a motor vehicle shall be defined solely for reconstruction purposes as follows. (11-1-94)

a. Front/Front End Assembly/Front Clip/Nose Section. An integrated section of body structural component parts located forward of the firewall, i.e. front fender apron, front side member, front suspension cross member, hood lock brace, front cross member, radiator side support (side baffle), radiator upper support, hood and other such parts that may be pertinent to this section and not including a frame section. (1-1-90)

b. Body/Center Passenger Area. The center structure, either of a unibody or frame-type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section. This major component shall not include the top/roof section of the passenger compartment. (11-1-94)

c. Top/Roof of Passenger Compartment. The top/roof section consisting of sheet metal severing the vehicle joining at the windshield, side and rear window posts, i.e. center pillar upper outer reinforcement, roof side inner rail, roof side outer rail, roof drip channel, roof side inner panel and other such component parts that may be pertinent to this section. (11-1-94)

d. Rear/Rear Clip. The complete rear sheet metal section and structural components formed by severing the vehicle across the floor behind the rear seat, or at the factory seam separating the center passenger section or through the centerline of the rear wheels, i.e. upper back panel, luggage compartment door hinge arm, quarter wheel house panel, quarter panel, lower back panel, rear valance panel, rear floor pan, rear seat cushion support brace, rear floor side panel, rear deck lid, rear floor no. 1 cross member, and other such component parts that may be pertinent to this section. (11-1-94)

e. Frame. The heavy metal structure that supports the auto body and other external component parts on body over-frame constructed vehicles only. For the purposes of this section, damage that is evident between the centerline of the front wheels and the centerline of the rear wheels will be considered major component damage to the frame. Damage to the ends of the frame, front and rear will be considered as minor damage, easily repaired and not considered as major component damage. The typical bolt-on stub frame used on a semi-unitized vehicle will not be considered a separate major component part. (1-1-90)

f. Cab. The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat. (11-1-94)

02. Market Value. The market value is the value of the vehicle, prior to the vehicle receiving damage from the incident that caused the vehicle to be declared salvage. This value will be determined by reference to an official used car guide ~~or in case of dispute, by written appraisal from an Idaho licensed vehicle dealer~~. For purpose of the rule, Known Market Value, Fair market Value, Retail Market Value, and Market Value are the same and will be referred to as "Market Value." (7-1-96)L

03. Primary Damage. Local damage that occurs at the point of impact on the vehicle. (7-1-90)

04. Secondary Damage. Damage that occurs due to misplaced energy that causes stresses in suspension and/or body dimensions at areas other than the primary impact zone. If the secondary damage area can be repaired or replaced within a six (6) hour period, as indicated in a recognized collision estimating guide, the damage will not be counted as a section or major component part while inspecting for branding

considerations.

(7-1-90)

05. Significant Parts. For the purpose of this rule, the significant parts are all replaced parts that will require a bill of sale or traceable invoice from the former owner identifying the part by vehicle identification number and identifying the seller by name and address. These parts are the front fenders, hood, doors, bumpers, quarter panels, decklid, tailgate or hatchback (whichever is present).

(7-1-90)

IDAPA 46 - IDAHO STATE BOARD OF VETERINARY MEDICINE

**46.01.01 - RULES GOVERNING THE STATE OF IDAHO
BOARD OF VETERINARY MEDICINE**

DOCKET NO. 46-0101-9501

NOTICE OF PENDING RULE

ACTION: The action, under Docket No. 46-0101-9501 concerns the final adoption of amendments to the rules governing the Board of Veterinary Medicine, IDAPA 46.01.01.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has pending a final rule. The action is authorized pursuant to Idaho Code Section 54-2105(5)(1). The pending rule amendments may be rejected, amended or modified by concurrent resolution of the legislature. IDAPA 46.01.01.014.07.c. and 08.c imposing a fee shall not become final and effective unless affirmatively approved by concurrent resolution of the legislature. The effective date of all rule amendments in IDAPA 46.01.01 is July 1, 1997.

DESCRIPTIVE SUMMARY: The text of the proposed rules are published in full in Volume 95-10 of the Administrative Bulletin. The following is a summary of the reasons for adopting the final rule and any amendments to the initial proposed text: IDAPA 46.01.01 is amended to provide general Board administration information; to clarify the examination and licensing process; to provide a code of professional conduct; to provide record keeping standards; and to define alternative therapies. All substantive changes between the text of the proposed rule and the text of the pending rule are published herein. The reasons for such changes are as follows: To incorporate the information offered during the public comment period and incorporate the hearing officer's recommendations from the December 14, 1995, public hearing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this final rule, contact Sheila Jensen at (208) 332-8589.

DATED this 17th day of April, 1996.

Leonard E. Eldridge, President
Idaho Board of Veterinary Medicine
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
(208)332-8589 / FAX (208) 334-4062

IDAPA 46
TITLE 01
Chapter 01

Rules Governing The Idaho State
Board of Veterinary Medicine

There are substantive changes
from the proposed rule text

Only those sections that have changed from the
original proposed text are printed in this
Bulletin following this notice

The complete original text was published in the
Idaho Administrative Bulletin, Volume 95-10, October 4, 1995
Pages 285 through 328

This rule has been adopted as Final by the Agency
and is now pending review by the
1997 Idaho State Legislature
for final adoption

TEXT OF DOCKET NO. 46-0101-9501

004. GENERAL PROVISIONS.

01. Office. ()
- a. The office of the board is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. ()
- b. The office mailing address is P.O. Box 7249, Boise, Idaho 83707. ()
- c. The office telephone number is (208) 332-8588. ()
- d. Office hours are 8:00 a.m. to 5:00 p.m., Mountain Time, Monday through Friday except holidays designated by the state of Idaho. ()
02. Communications. All written communications and documents concerning any matter covered by these rules should be addressed to the office of the board, and not to individual members of the board or the board's staff. All communications and documents are deemed to be officially received only when delivered to the board office during office hours. ()

(BREAK IN CONTINUITY OF SECTIONS)

010. LICENSE.

01. QUALIFICATIONS~~Qualifications~~. Applicants for license to practice veterinary medicine and surgery in Idaho ~~must~~shall be: ~~Of~~ good moral character and reputation and have:- (5-24-95)(____)

a. Graduated from an approved school of veterinary medicine or the veterinary department of a university, approval based on the list of approved schools by the Council of Education of the American Veterinary Medical Association (Idaho Code, Section 54-21073(24), or- (5-24-95)(____)

b. ~~With reference to and i~~In compliance with the Idaho Code, Section 54-21037(3), subsection no. 21, the ~~Idaho State Board of Veterinary Medicine~~ will accept as eligible for licensure, any graduate of a veterinary school, college or university outside of the United States and Canada that fulfills the requirements for foreign veterinary graduates as set forth by current American Veterinary Medical Association standards. The ~~Idaho Board of Veterinary Medicine~~ hereby incorporates by reference and adopts the current Educational Commission for Foreign Veterinary Graduates of the AVMA's "Information for Graduates of Colleges of Veterinary Medicine Outside the U.S. and Canada" as amended as the requirements for foreign veterinary graduates. (Copies of this publication are on file ~~with~~at the State Law Library and the ~~Idaho Board of Veterinary Medicine, 2270 Old Penitentiary Road, P.O. Box 7249, Boise, Idaho, 83707~~office.) A graduate enrolled with the AVMA foreign graduate program would be considered a student as defined by the Idaho Code, Section 54-2104, subsection 2(b). (5-24-95)(____)

(BREAK IN CONTINUITY OF SECTIONS)

012. LICENSE RENEWAL.

An "active" or "inactive" veterinary license may be renewed by submission of the completed and signed annual renewal form prescribed by the board, submission of a continuing education report as outlined in Subsection 015.03.d. for the appropriate hours of continuing education, payment of the annual renewal fee and any other applicable fees as established by the board. (____)

01. Reinstatement to "Active" License Status. A licensee may convert from "inactive" license status to "active" license status by: (____)

a. Making written application to the board on an application form prescribed by the board. (____)

b. Providing thirty (30) hours of continuing education credits earned in the three (3) fiscal years, (July 1 to June 30), prior to activation of an "inactive" license. (____)

c. Providing verification of active veterinary practice in another state for the past five (5) years or by providing verification of passing scores on the National Board Examination and Clinical Competency Examination taken within the past five (5) years. ()

d. Taking and passing the Idaho jurisprudence exam with a score of ninety percent (90%) or better. ()

e. Providing two (2) affidavits of moral character from veterinarians currently licensed in any state and issued during the past calendar year. ()

f. Providing verification of license in good standing from the licensing board in any state where a license is or has been held. ()

02. Reinstatement of Expired Licenses. Licenses expiring prior to July 1, 1995 may be reinstated anytime prior to five (5) years from their expiration date by: ()

a. Making application to the board to reinstate the expired license. ()

b. Paying the late fee and back renewal fees as prescribed by the board for up to five (5) years. ()

c. Providing thirty (30) hours of continuing education earned during the past three (3) fiscal years. (July 1 to June 30). ()

d. Providing verification of active veterinary practice in another state for the past five (5) years or by providing verification of a passing score on the Clinical Competency Examination taken within the past five (5) years. ()

e. Taking and passing the Idaho jurisprudence exam with a score of ninety percent (90%) or better. ()

f. Providing two (2) affidavits of moral character from veterinarians currently licensed in any state and issued during the past calendar year. ()

g. Providing verification of license in good standing from the licensing board in any state where a license is or has been held. ()

03. Late Renewal. Any license renewal received within thirty (30) days of the expiration date, may be reinstated by paying the established late fee and the active or inactive renewal fee. ()

(BREAK IN CONTINUITY OF SECTIONS)

0154. FEES.

Fees are established as authorized under Title 54, Chapter 21, Idaho Code by action of the Idaho Board of Veterinary Medicine as follows: (7-1-93)()

01. Application Fee and First Year License Fee (Section 54-2107) - One hundred fifty dollars (\$150). (7-1-93)()
02. Annual Renewal Fee (Section 54-2112) \$75.00 (7-1-93)()
- a. "Active" License - Seventy-five dollars (\$75). ()
- b. "Inactive" License - Thirty-five dollars (\$35). ()
03. Specialty License Fee. (7-1-93)
- a. First Year - One hundred fifty dollars (\$150). (7-1-93)()
- b. Annual Renewal Fee (Section 54-2110) - Seventy-five dollars (\$75). (7-1-93)()
04. Duplicate License and Certificate Fee - Twenty-five dollars (\$25). When a new license or certificate is issued for the purpose of changing the veterinarian's name, the current license or original certificate shall be returned to the board office. (7-1-93)()
05. Reinstatement/Conversion/Late Fee (Section 54-2112) - Twenty-five dollars (\$25). (7-1-93)()
06. Temporary Permit Fee (Section 54-2111) Seventy-five dollars (\$75). (7-1-93)()
07. Annual Inactive Fee (Section 54-2112) \$35.00 (7-1-93)
08. Certified Euthanasia Annual Agency License Fee (Section 54-2105(5)(j)). (7-1-93)()
- a. First Year - One hundred dollars (\$100). (7-1-93)()
- b. Annual Renewal Fee - One hundred dollars (\$100) ()
- c. Reinstatement Fee - Twenty-five dollars (\$25) ()
09. Certified Euthanasia Technician License Fee (Section 54-2105(5)(j)). (7-1-93)()
- a. First Year - Seventy-five dollars (\$75). (7-1-93)()
- b. Annual Recertification/Renewal Fee - (Section 54-2105(5)(j)) Twenty-five dollars (\$25). (7-1-93)()
- c. Reinstatement Fee - Twenty-five dollars (\$25). ()
09. Adjustment of Renewal Fees. The board may adjust renewal fees downward to a minimum of fifty dollars (\$50) for "active" license renewals and a

minimum of twenty-five (\$25) for "inactive" license renewals if by majority vote of the board members the board's free-fund balance is sufficiently high. ()

(BREAK IN CONTINUITY OF SECTIONS)

1500. RESPONSIBILITIES OF SUPERVISING VETERINARIANS.

01. Statement of Purpose. Veterinarians licensed under the provisions of Idaho Code, Title 54, Chapter 21, shall be responsible for temporary licensees, certified euthanasia technicians, veterinary technicians and veterinary assistants and shall be available to supervise and direct their activities as follows: (7-1-93)()

a. No veterinarian shall: (7-1-93)

i. Permit any veterinary technician to perform any animal health care services not authorized by Subsection 1500.02. (7-1-93)()

ii. Permit any assistant to perform any animal health care services not authorized by Subsection 1500.02. (7-1-93)()

b. For purposes of the rules applicable to health care tasks for veterinary technicians and assistants, the supervising veterinarian of a veterinary technician or assistant shall: (7-1-93)

i. Have legal responsibility for the health, safety and welfare of the animal patient which the veterinary technician or assistant serves. (7-1-93)

ii. Not delegate an animal health care task to a veterinary technician or assistant who is unqualified to perform the particular task. (7-1-93)

iii. Not use a level of supervision which is lower than that designated for a specific animal health task as set forth in Subsection 1500.02. (7-1-93)()

iv. Make all decisions relating to the diagnosis, treatment, management and future disposition of an animal patient. (7-1-93)

c. A supervising veterinarian shall have examined the animal patient prior to the delegation of any animal health care task to either a veterinary technician or assistant. The examination of the animal patient shall be conducted at such times as acceptable veterinary medicine practice dictates, consistent with the particular delegated animal health care task. (7-1-93)

d. Pursuant to Subsection 1500.03.c, a veterinary technician is authorized to provide supervision for an assistant performing a specified health care task. The veterinary technician shall be under the same degree of supervision by the veterinarian as if the veterinary technician were performing the task. (7-1-93)()

e. Unless specifically so provided by law or rule, a veterinarian shall not

authorize a veterinary technician or an assistant to perform the following functions:

(7-1-93)()

- i. Surgery; (7-1-93)
- ii. Diagnosis and prognosis of animal disease; (7-1-93)
- iii. Prescribing drugs, medicines and appliances. (7-1-93)
- 02. Animal Health Care Tasks - Veterinary Technicians. (7-1-93)

a. Definition. A veterinary technician means a person who has graduated from a veterinary technology program accredited by the American Veterinary Medical Association or a person who has received equivalent training as recognized by the Idaho Board of Veterinary Medicine. The board shall prescribe the application format for veterinary technician status and shall review each application for compliance with the certification requirements. ()

ab. Immediate supervision. The following tasks may be performed only under the immediate supervision of a veterinarian: (7-1-93)

- i. Assist veterinarian in surgery with tissue handling; (7-1-93)
- ii. Assist veterinarian in surgery with instrument handling. (7-1-93)

bc. Direct supervision. The following tasks may only be performed under the direct supervision of a veterinarian: (7-1-93)

- i. Endotracheal intubation; (7-1-93)
- ii. Blood administration; (7-1-93)
- iii. Fluid aspiration; (7-1-93)
- iv. Intraperitoneal injections; (7-1-93)
- v. Monitoring of vital signs of anesthetized patient; (7-1-93)
- vi. Application of splints; (7-1-93)

vii. Inducement of anesthesia by intravenous, intramuscular, or subcutaneous injection or by inhalation; (7-1-93)

viii. When the animal is anesthetized, those tasks listed under Subsection e100.02.d. of this section; (7-1-93)()

- ix. Administration of immunological agents. (7-1-93)

ed. Indirect supervision. The following tasks may only be performed under the indirect supervision of a veterinarian; provided, that if the animal is anesthetized, the

- following tasks require the direct supervision of a veterinarian: (7-1-93)
- i. Teeth cleaning; (7-1-93)
 - ii. Enema; (7-1-93)
 - iii. Electrocardiography; (7-1-93)
 - iv. Application of bandages; (7-1-93)
 - v. Catheterization of the unobstructed bladder; (7-1-93)
 - vi. Gavage; (7-1-93)
 - vii. Ear flush; (7-1-93)
 - viii. Radiology; (7-1-93)
 - (1) Patient positioning; (7-1-93)
 - (2) Operation of X ray machines; (7-1-93)
 - (3) Oral and rectal administration of radiopaque materials. (7-1-93)
 - ix. Injections of medications not otherwise prohibited; (7-1-93)
 - (1) Intramuscular; (7-1-93)
 - (2) Subcutaneous; (7-1-93)
 - (3) Intravenous, including catheterization. (7-1-93)
 - x. Oral medications; (7-1-93)
 - xi. Topical medications; (7-1-93)
 - xii. Specimen collection; (7-1-93)
 - (1) Collection of tissue during or after a veterinarian has performed necropsy; (7-1-93)
 - (2) Urine (except cystocentesis); (7-1-93)
 - (3) Hematology; (7-1-93)
 - (4) Parasitology; (7-1-93)
 - (5) Exfoliative cytology; (7-1-93)
 - (6) Microbiology. (7-1-93)

- xiii. Administer preanesthetic drugs; (7-1-93)
- xiv. Oxygen therapy; (7-1-93)
- xv. Removal of partially exposed ~~fox tails~~ foreign bodies from skin and feet; (7-1-93)()
- xvi. Removal of sutures. (7-1-93)
- xvii. Implanting of microchips in animals for identification purposes. ()
- 03. Animal Health Care Tasks - Assistants. (7-1-93)
 - a. Immediate Supervision. The following tasks may only be performed under the immediate supervision of a veterinarian: (7-1-93)
 - i. Assist veterinarian in surgery with tissue handling; (7-1-93)
 - ii. Assist veterinarian in surgery with instrument handling; (7-1-93)
 - iii. Endotracheal intubation; (7-1-93)
 - iv. Fluid aspiration; (7-1-93)
 - v. Intraperitoneal injections; (7-1-93)
 - vi. Blood administration; (7-1-93)
 - vii. Catheterization of unobstructed bladder; (7-1-93)
 - viii. Gavage; (7-1-93)
 - ix. Radiology; (7-1-93)
 - (1) Patient positioning; (7-1-93)
 - (2) Film exposure; (7-1-93)
 - (3) Rectal and oral administration of radiopaque materials. (7-1-93)
 - x. Intravenous injections of medications not otherwise prohibited; (7-1-93)
 - xi. Specimen collection; (7-1-93)
 - (1) Hematology; (7-1-93)
 - (2) Exfoliative cytology; (7-1-93)
 - (3) Microbiology; (7-1-93)

- vii. Oxygen therapy; (7-1-93)
- viii. Removal of partially exposed ~~fox tail~~ foreign bodies; (~~7-1-93~~)()
- ix. Establish open airways including intubation appliances but excluding surgery; (7-1-93)
- x. External cardiac resuscitation; (7-1-93)
- xi. Application of temporary splints or bandages to prevent further injury to bones or soft tissues; (7-1-93)
- xii. Application of appropriate wound dressings and external supportive treatment in severe burn cases; (7-1-93)
- xiii. External supportive treatment in heat prostration cases; (7-1-93)
- xiv. Implanting of microchips in animals for identification purposes. ()
- e. Under conditions of an emergency, an assistant may render the following life saving aid to an animal: (7-1-93)
 - i. Application of tourniquets and/or pressure bandages to control hemorrhage; (7-1-93)
 - ii. Resuscitative oxygen procedures; (7-1-93)
 - iii. Establish open airways including the usual intubation appliances but excluding surgery. (7-1-93)

101. -- 149. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

152. CODE OF PROFESSIONAL CONDUCT.

The board's code of professional conduct includes but is not limited to the following standards of conduct: ()

01. Veterinarian/client/patient Relationship. A veterinarian shall not dispense or prescribe controlled substances or legend drugs except in the course of his professional practice and when a bona fide veterinarian/client/patient relationship as defined by rule Section 150 has been established. ()

02. Health Certificate. A veterinarian shall not issue a certificate of health unless he shall have personal knowledge by means of actual examination and appropriate testing of the animal that the animal meets the requirements for issuance of such a certificate. ()

03. DEA Registration and Controlled Substance License. A veterinarian shall notify the board of the suspension, revocation, or voluntary surrender of his federal Drug Enforcement Administration (DEA) registration and his state controlled substance license. ()

04. Fraud. A veterinarian shall not engage in fraud, deceit, or misrepresentation in the practice of veterinary medicine. ()

05. Aiding or Abetting. A veterinarian shall not in any way aid or abet the unlawful practice of veterinary medicine. ()

06. Ability to Practice. A veterinarian shall not practice veterinary medicine as to endanger the health and welfare of his patients or the public. A veterinarian shall not practice veterinary medicine if his ability to practice with reasonable skill and safety is adversely affected by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or any other substance or as a result of any mental or physical disability. ()

07. Conflicting Interests. A veterinarian shall not represent conflicting interests except by the express consent of all the parties after full disclosure of all the facts. A conflict of interest shall include, but not be limited to, accepting a fee from a buyer to inspect an animal for soundness and accepting a fee from the seller. ()

08. Confidentiality. A veterinarian shall maintain a confidential relationship with his clients, except as otherwise provided by law or required by considerations related to public health and animal health. ()

09. Verbal and Physical Abuse-Client. A veterinarian shall not engage in verbal abuse or harassment of a client, nor shall a veterinarian physically threaten or assault a client or an employee. ()

10. Physical Abuse-Patient. A veterinarian shall not physically abuse a patient or fail to conform to the currently accepted standards of care in the veterinary profession for any animal under his care. ()

11. Preservation of Patient's Body. A veterinarian shall where possible preserve for twenty-four (24) hours the body of any patient which dies while in the veterinarian's care until the owner can be contacted, except as otherwise provided by law. ()

12. Anesthesia and Surgical Consent. A veterinarian shall where possible obtain written consent from the patient's owner or other caretaker before administering general anesthesia and performing any surgical procedure. ()

13. Consent for Transporting. A veterinarian shall obtain where possible written consent from a patient's owner or other caretaker before transporting a patient to another facility for veterinary medical care or any other reason, unless circumstances qualifying as an emergency do not permit obtaining such consent. ()

14. Patient Record. A veterinarian shall maintain a patient record for each

animal or herd which accurately reflects the veterinary problems and interventions and conforms to the standards set forth in Section 154. ()

15. Supervision. A veterinarian shall provide the proper form of supervision required for persons to whom veterinary functions are delegated or assigned. ()

16. Cooperation with Authorities. A veterinarian shall cooperate with authorities in the investigation of the incompetent, unethical or illegal practice of veterinary medicine by any individual including another veterinarian. ()

17. Refusal to Render Services. A veterinarian shall have the right to refuse to render veterinary medical services and shall have the right to refuse to admit as an in-patient to his hospital or clinic an animal that is not currently vaccinated. ()

153. STANDARDS OF PRACTICE.

Veterinarians shall adhere to the guidelines for professional behavior set forth in the Principles of Veterinary Medical Ethics, Opinions and Reports of the Judicial Council incorporated by reference, rule Section 152, Code of Professional Conduct, and the board's standards of practice as defined by rule. Standards of practice include but are not limited to: ()

01. Practice Procedures. ()

a. A licensed veterinarian shall exercise the degree of care, skill, and diligence in treating patients that is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in the community in which he practices. ()

b. When the primary objective is to protect the animal patient's health and a professionally acceptable immunization procedure is being sought, a "clinical examination" of the animal is required prior to immunization except in the practice of large animal medicine where mass immunizations of animal herds is involved or when immunization is performed by the animal patient's owner. For the purpose of this subsection the definition of "Owner" in addition to ownership as defined by the laws of the ownership of property, non-profit organizations dedicated to the care and treatment of animals shall be considered the owners of animals in their custody if such organizations are the primary care giver for the animal or if the true owner of such animal cannot be immediately determined. ()

c. A veterinarian shall establish a valid veterinarian/client/patient relationship as defined by rule Section 150, prior to the use, prescription, or sale of any controlled substance or legend drug, or the prescribing of an extra-label use of any drug. ()

02. Construction Standards. ()

a. All premises shall meet the minimum requirements of construction, sanitation and cleanliness of the county health department in which the premise is located. ()

b. All buildings and grounds shall conform to local building and zoning regulations. ()

c. Fire prevention measures shall conform to state and local codes. ()

d. All facilities shall provide for the effective separation of contagious and noncontagious cases. ()

e. Animals shall not be placed in cages or kennels with other breeds or species which are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. ()

03. Equipment Standards. ()

a. All facilities shall be equipped with or have access to adequate diagnostic and therapeutic equipment and supplies to enable the veterinarian to provide the services offered. Adequacy of equipment and supplies will be consistent with and determined by the standards of veterinary medicine practiced by average members of the veterinary medical profession in the community. ()

b. All facilities and equipment used shall meet the manufacturers' label requirements for the storage of biologicals and supplies requiring temperature control. ()

c. All facilities offering surgical services shall have properly sterilized surgical supplies and instruments. Autoclave equipment shall be properly utilized in those facilities where major surgery is conducted. ()

d. All facilities shall have an adequate power supply to operate all equipment necessary to perform the services offered. ()

04. Facility Sanitation Standards. ()

a. All facilities shall meet the requirements of the state department of health and local health departments pertaining to sewage, waste disposal, and the disposal of dead animals. ()

b. All areas of the building and grounds shall be kept free of refuse. ()

c. All facilities shall maintain a sanitary environment to avoid sources and transmission of infection including a means to isolate animals with a highly communicable disease. ()

d. Floors, counter-tops, table-tops, sinks, and similar equipment shall be maintained in a clean and sanitary condition. ()

e. Examination tables, surgery tables and all indoor animal compartments shall be constructed of sealed or non-porous material and cleaned and disinfected after each animal use. ()

f. All animal compartments shall be cleaned and disinfected at least once a day when in use, and be constructed in a manner to reasonably prevent injury to and/or loss of confinement for the animal. ()

g. Large animal compartments shall be cleaned at least once daily when in use. If communicable disease is present, the enclosure shall be disinfected after each use. ()

05. Surgical Standards. ()

a. Surgical areas for aseptic procedures shall be either a separate room or have the capacity to be separated during use. ()

b. Surgical areas shall be provided with emergency lighting. ()

c. In the surgical areas, temperature and ventilation shall be maintained at adequate levels to ensure the animal's comfort, safety and sanitation. ()

d. All surgical areas shall be equipped with adequate resuscitation equipment. ()

06. Anesthesia Standards. ()

a. All anesthetized animals shall be monitored and under supervision at all times and observed until at least the swallowing reflex has returned. ()

b. If gas anesthesia is used, all anesthesia areas shall be equipped with an adequate waste gases discharge system to ensure the safety of humans and animals. ()

c. Anesthesia areas shall be equipped with an adequate ventilation system to ensure the safety of humans and animals. ()

d. When controlled substances and legend drugs are dispensed, all containers shall be properly labeled with the clinic's name, address and phone number; drug name and quantity; size of drug; and shall be stored and dispensed in accordance with the requirements of the Uniform Controlled Substances Law and Rules. When dispensing controlled substances and legend drugs, all containers shall be labeled with the name of the client and patient as well as show directions for use. ()

016154. RECORDS KEEPING STANDARDS.

Every veterinarian shall maintain daily ~~written~~ medical records of the animals treated. These records shall be readily retrievable to be inspected, duplicated, or submitted when requested by the ~~Board of Veterinary Medicine, and.~~ Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (e.g., herd, litter, flock) treated by a veterinarian. The records shall include but not be limited to physical findings, diagnosis, treatment, route and dosage of medication administered and dispensed or prescribed.

(7-1-93)()

01. Medical Records. Medical records shall include but not be limited to: ()
- a. Name, address and phone number of the animal's owner or other caretaker. ()
 - b. Name and description, sex (if readily determinable), breed and age of animal; or description of group. ()
 - c. Dates (beginning and ending) of custody of the animal. ()
 - d. A short history of the animal's condition as it pertains to the animal's medical status. ()
 - e. Results and notation of examination, (i.e. temperature, pulse and respiration rate, laboratory data, etc.) condition, diagnosis suspected. ()
 - f. All medications, treatments, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care. ()
 - g. Diagnostic and laboratory tests or techniques utilized, and results of each. ()
02. Consent Forms. Signed consent forms by the patient's owner or other care giver for surgery, anesthesia and euthanasia for each animal shall be maintained on file with the practitioner. ()
03. Preoperative/Postoperative Instructions. Instructions for preoperative and postoperative home-care shall be provided. ()
04. Treatment Records. Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment the veterinarian personally performed and which treatments were directed to a technician or assistant to perform. ()
05. Ownership of Medical Records. Medical records are the physical property of the hospital or the proprietor of the practice that prepares them. Other veterinarians, including those providing subsequent health needs for a patient, may receive in a timely manner a copy of the patient's medical record, upon the request of the patient's owner or other caretaker. ()
06. Radiograph Identification and Ownership. All radiographs shall be labeled in the emulsion film to identify the veterinarian or premise, the patient, the owner, the date, and anatomical orientation. A radiograph is the property of the veterinarian who originally ordered it to be prepared, and it shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to whom it pertains and such radiographs shall be returned to the veterinarian who originally ordered it to be prepared within a reasonable time. ()

07. Statement of Charges. A veterinarian shall make available to each client a statement of charges. ()

08. Controlled Substances. ()

a. Records shall be kept which account for all dispensed controlled substances. The records shall comply with all federal and state laws. All information required by statute shall be recorded in the patient record along with the initials of the veterinarian who authorized the dispensing of the controlled substances. ()

b. A separate inventory record shall be kept for each controlled substance by name and strength. The record shall include: ()

i. Records of the receipt, which include all information required by federal law, the date of the receipt, the amount received, the source of receipt, and the invoice number. ()

ii. Records of dispensing, which include the date the controlled substance was dispensed, the amount dispensed, the animal's name, identification of the patient record, identification of the person who dispensed the drug, identification of the veterinarian who supervised the dispensing and any other information required by federal law. ()

155. THERAPEUTIC OPTIONS OR ALTERNATE THERAPIES.

Therapeutic options or alternative therapies as defined by Idaho Code Section 54-2103(26) may only be performed by licensed veterinarians or in the case of an allied health professional in the disciplines of chiropractics or ultrasound under the direct supervision of a licensed veterinarian. However, before such therapy is performed on an animal, a veterinarian must first perform a diagnostic evaluation of the patient to rule out the use of conventional forms of veterinary medicine. In the event the patient's owner desires to use therapeutic options or alternative therapies on the patient, the veterinarian must inform the patient's owner of the availability of conventional treatments before application of therapeutic options or alternative therapies. ()

01. Alternate therapies - Acupuncture. ()

a. Definition. For the purpose of this rule, acupuncture is: ()

i. The insertion of an acupuncture needle and the application of moxibustion to specific areas of a nonhuman animal's body to relieve the discomfort associated with painful disorders, to induce surgical anesthesia, and for therapeutic purposes. ()

ii. The administration of thermal or electrical treatments or the recommendation of dietary guidelines, energy flow exercise, or dietary or herbal supplements in conjunction with the treatment described by rule Subsection 155.01.a.i. Acupuncture in nonhuman animals is considered to be an alternate therapy in the practice of veterinary medicine. ()

b. Client consent required. Before acupuncture may be used in the

treatment of an animal by a licensed veterinarian, the veterinarian shall obtain a signed statement from the animal's owner or other caretaker acknowledging that acupuncture is an alternate therapy in veterinary medicine and approving its use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probable ability to cure the problem. The statement shall become a permanent part of the patient's record. ()

c. Standard used in determining appropriate use of acupuncture. If the board receives a complaint against a licensee concerning treatment involving the use of acupuncture, investigation of the complaint may include opinions from other licensees who use acupuncture in their treatment of animals. However, veterinarians who practice acupuncture shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar locations or communities, in which they practice. ()

d. Other board rules not preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the board as they apply to the practice of veterinary medicine. ()

02. Alternate Therapies - Chiropractics. ()

a. Definition. For the purpose of this rule, animal chiropractic and other forms of musculoskeletal manipulation (MSM) are systems of therapeutic application of mechanical forces applied manually through the hands or any mechanical device to diagnose, treat, and alleviate impaired or altered function of related components of the musculoskeletal system of nonhuman animals. Chiropractic and other forms of MSM in nonhuman animals are considered to be alternate therapies in the practice of veterinary medicine. ()

b. Treatment Using Chiropractic and Other Forms of MSM. Chiropractic and other forms of MSM may only be performed by the following: ()

i. A licensed veterinarian. Chiropractic and MSM may be performed by a licensed veterinarian under the following conditions: ()

(1) A Valid veterinarian/client/patient relationship as defined by rule Section 150 has been established. ()

(2) An examination has been made by the licensee to determine that chiropractic or MSM will not likely be harmful to the patient. ()

(3) The licensee obtains as a part of the patient's permanent record, a signed acknowledgement by the owner or other caretaker of the patient that chiropractic or MSM is considered by Idaho law to be an alternate (nonstandard) therapy. ()

ii. An allied health professional. An allied health professional in the discipline of chiropractic or MSM may perform Chiropractic or MSM on an animal under the direct supervision of the licensee if the conditions in rule Subsection 155.02.b.i.(1)-02.b.i.(3) have been met. ()

iii. Responsibility. Whether the chiropractic or MSM is performed by a licensee or an allied health professional in the discipline of chiropractic or MSM working under the direct supervision of the licensee, the board will hold the licensee to a level of professional judgement as would be exercised by the average Idaho licensee who performs or recommends chiropractic or MSM treatments in his practice. ()

03. Alternate Therapies - Holistic Medicine. ()

a. Definition. For the purpose of this rule, holistic medicine means, the practice of veterinary medicine that believes in a blend of alternative and, if need be, conventional approaches of treatment in an effort to develop a system of complementary medicine to treat the whole patient. In practice, holistic medicine incorporates less conventional methods such as herbal medicine, acupuncture, chiropractic, homeopathy, and applied kinesiology, with more conventional methods, such as modern drugs, surgery and diagnostics. Use of holistic medicine in nonhuman animals is considered to be an alternate therapy in the practice of veterinary medicine. ()

b. Client consent required. Before holistic medicine may be used in the treatment of an animal by a licensed veterinarian, the veterinarian shall obtain a signed statement from the animal's owner or caretaker acknowledging that holistic medicine is an alternate therapy in veterinary medicine and approving its use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probabilities to cure the problem. The signed statement shall become a permanent part of the patient's record. ()

c. Standard used in determining appropriate use of holistic medicine. If the board receives a complaint against a licensee concerning treatment involving the use of holistic medicine, investigation of the complaint may include opinions from other licensees who use holistic medicine in their treatment of animals. However, veterinarians who practice holistic medicine shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar localities or communities, in which they practice. ()

d. Other board rules not preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the board as they apply to the practice of veterinary medicine. ()

04. Alternate Therapies - Homeopathy. ()

a. Definition. For the purpose of this rule, homeopathy is a system of therapeutics in which diseases are treated by substances which are capable of producing in healthy animals symptoms like those of the disease to be treated, the substance being administered in minute doses. Use of homeopathic remedies in nonhuman animals is considered to be an alternate therapy in the practice of veterinary medicine. ()

b. Client consent required. Before homeopathy may be used in the treatment of an animal by a licensed veterinarian, the veterinarian shall obtain a signed statement from the animal's owner or other caretaker acknowledging that homeopathy is

an alternate therapy in veterinary medicine and approving its use in the treatment of the animal. Before signing the statement, the veterinarian shall inform the client of the conventional treatments available and their probable ability to cure the problem. The signed statement shall become a permanent part of the patient's file. ()

c. Standard used in determining appropriate use of homeopathy. If the board receives a complaint against a licensee concerning treatment involving the use of homeopathy, investigation of the complaint may include opinions from other licensees who use homeopathy in their treatment of animals. However, veterinarians who practice homeopathy shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community, or in similar localities or communities, in which they practice. ()

d. Other board rules not preempted. Nothing in this rule shall remove or limit in any way the applicability of other rules of the board as they apply to the practice of veterinary medicine. ()

05. Alternate Therapies - Ultrasound. ()

a. Definitions. ()

i. Ultrasound. Mechanical, radiant energy with a frequency greater than twenty (20) kilocycles per second. ()

ii. Ultrasonics. That part of the science of acoustics dealing with the frequency range beyond the upper limit of perception by the human ear, but usually restricted to frequencies above five hundred (500) kilocycles per second. ()

iii. Ultrasonic radiation. The effect of ultrasound which is injurious to tissues because of its thermal effects when absorbed by living matter. ()

iv. Ultrasound therapy. Controlled doses of ultrasound used therapeutically to selectively break down pathologic tissues, as in treatment of arthritis and lesions of the nervous system. ()

v. Diagnostic ultrasound. Ultrasound images used as a diagnostic aid by visually displaying echoes received from tissues. ()

vi. Ultrasonography. The visualization of deep structures of the body by recording the reflections of pulses of ultrasonic waves directed into the tissue. ()

b. Use of ultrasound for diagnosis or therapy of animals. The use of ultrasound in animals to diagnose any condition or for any therapeutic purpose is the practice of veterinary medicine and shall only be performed by a licensed veterinarian or under the indirect supervision of a licensed veterinarian. ()

c. Use of ultrasound by an allied health professional in the field of ultrasound. ()

i. For diagnostic purposes. An allied health professional in the discipline of ultrasound and under the direct supervision of a licensed veterinarian may perform ultrasonography on an animal for diagnostic purposes only if the person administering the ultrasound is doing so at the request of a licensed veterinarian, the veterinarian has established a veterinarian/client/patient relationship as defined by rule Section 150 and it is the veterinarian who uses the ultrasonography to make a diagnosis. ()

ii. For therapeutic purposes. An allied health professional in the discipline of ultrasound and under the direct supervision of a licensed veterinarian may perform ultrasonography on an animal for therapeutic purposes only if a veterinarian has established a veterinarian/client/patient relationship as defined by rule Section 150 made a diagnosis, prescribed ultrasonics as a treatment, and the person administering the ultrasound is doing so at the specific request of a licensed veterinarian. ()

d. Prohibited acts. Any person who uses ultrasound on animals in a manner inconsistent with this rule shall be in violation of this rule and the Idaho veterinary law. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. EUTHANASIA TASK FORCE:

Pursuant to Idaho Code, Section 54-2105(5)(j), a Certified Euthanasia Task Force (CETF) is established for the purpose of training, examining, licensing, and certifying euthanasia agencies and euthanasia technicians and their employees. The CETF shall consist of no fewer than five (5) members appointed by the ~~Idaho State Board of Veterinary Medicine~~. At its discretion, the board may appoint itself as the CETF. The membership of the CETF shall always include at least one (1) member of the ~~Idaho State Board of Veterinary Medicine~~. New members shall be nominated by either the ~~Idaho State Board of Veterinary Medicine~~ or the CETF and be confirmed by the ~~Idaho State Board of Veterinary Medicine~~. Applicants for a CETF position ~~must~~ shall be licensed, certified euthanasia technicians (CETs) employed by an ~~approved agency~~ licensed, certified euthanasia agency as defined by Idaho Code, Section 54-2103(6), in Section 209 of these rules, working under the direct supervision of a licensed veterinarian, or be an Idaho licensed veterinarian. (5-24-94)()

01. Term. Each member shall serve for two (2) years, at the pleasure of the ~~Idaho State Board of Veterinary Medicine~~. ~~Prior to the expiration of a member's term, the CETF or the Idaho State Board of Veterinary Medicine shall nominate a successor.~~ A CETF member may be eligible for reappointment. If there is a vacancy for any cause, the CETF or ~~the Idaho State Board of Veterinary Medicine~~ shall nominate and the ~~Idaho State Board of Veterinary Medicine~~ shall confirm a successor to fill the unexpired term. (5-24-95)()

02. Duties. The duties of CETF members shall include but not be limited to the following: (7-1-93)

a. Coordinate and provide euthanasia training classes ~~no less than once a year~~ as needed. (7-1-93)()

- b. Inspect, ~~and~~ certify and license agencies registered by the CETF. (7-1-93)(____)
- c. Review the applications, records, performance, methods and procedures used by agencies and persons seeking to be ~~certified~~ licensed or ~~seeking recertification to renew their license as a Certified Euthanasia Agency, (CEA) or Certified Euthanasia Technician (CET).~~ (7-1-93)(____)
- d. Conduct written and practical examinations ~~to administer to for~~ applicants applying for certification licensure, and authorize certification licensure through the ~~B~~ board of Veterinary Medicine. (7-1-93)(____)
- e. Recommend suspension or revocation of certification licenses when necessary. (7-1-93)(____)
03. Compensation. Members of the CETF shall be compensated as provided by Idaho Code, Section 59-509(~~hn~~). (7-1-93)(____)

(BREAK IN CONTINUITY OF SECTIONS)

2094. CERTIFIED EUTHANASIA AGENCY.

An approved, certified euthanasia agency is a law enforcement agency, an animal control agency or a society for the prevention of cruelty to animals who has been inspected and licensed by the board. In order to be ~~certified~~ licensed to purchase and possess euthanasia drugs, certified euthanasia agencies shall be inspected by the CETF and shall meet the following criteria: (7-1-93)(____)

01. Sodium Pentobarbital or Other Approved Euthanasia Drugs. Sodium pentobarbital or other approved euthanasia drugs shall be kept in a securely locked cabinet. (7-1-93)(____)
- a. Each agency shall maintain a written current list of designated CET(s). (7-1-93)
- b. Access to the drug storage cabinet shall be limited to licensed veterinary supervisors and ~~designated~~ assigned CET(s). Such persons shall be responsible for the security of the euthanasia drugs and shall allow withdrawal of the drug only to a person licensed by the board and registered with the Idaho Board of Pharmacy to administer such drugs. (7-1-93)(____)
- c. All sodium pentobarbital or other approved euthanasia drugs shall be prepared according to the manufacturer's instructions. (7-1-93)(____)
- d. ~~Needles. Three~~ Two (32) different needle sizes are required: eighteen (18); and twenty (20) ~~and twenty-two (22)~~ gauge. An agency may have other needle sizes according to its needs. Needles shall be of medical quality, and shall not be used if they are dirty, clogged, barbed, or might otherwise cause unnecessary discomfort for the animal.

Needles shall not be used more than five (5) times. (7-1-93)()

e. ~~Syringes.~~ Three (3) different syringe sizes are required: three (3), six (6), and twelve (12) cc's. An agency may have other syringe sizes according to its needs. Syringes shall be of medical quality. They may be reused if they are properly cleaned.

(7-1-93)()

f. Used needles and syringes that are to be reused shall be kept in the same secure or temporary storage as the sodium pentobarbital or other approved euthanasia drugs.

(7-1-93)()

g. Spent needles and syringes shall be disposed of in a manner that makes their re-use impossible. (7-1-93)

h. ~~Chemical restraints.~~ Acepromazine, Rompun, Ketamine and other chemical restraints shall be used in accordance with their label instructions and by direction of an Idaho licensed veterinarian. All chemical restraints shall be stored and recorded under the same restrictions applying to sodium pentobarbital or other approved euthanasia drugs as outlined in Subsection 204.02- below.

(7-1-93)()

02. Proper Storage and Labeling. Proper storage and labeling of sodium pentobarbital or other approved euthanasia drugs. When no CET is on duty, sodium pentobarbital or other approved euthanasia drugs shall be kept in a secure storage cabinet.

(7-1-93)()

a. The cabinet shall be of such material and construction that it will withstand strong attempts to break into it. A metal safe is preferred. (7-1-93)

b. The cabinet shall be securely attached to the building in which it is housed. (7-1-93)

c. The temperature and environment in the storage cabinet shall be adequate to assure the proper keeping of the drug. (7-1-93)

d. Proper labeling of sodium pentobarbital or other approved euthanasia drugs. ()

i. Shipment records showing receipt of the sodium pentobarbital or other approved euthanasia drugs shall be maintained and include all information required by federal law, the date the shipment was received, the amount, the source, and the invoice number. Upon removal from the shipment carton, each individual container of the sodium pentobarbital or other approved euthanasia drug shall be labeled with the drug name and strength, the date the drug was received or prepared, a drug hazard warning label and the name and address of the agency owning the drug. ()

ii. Administration records showing the date the sodium pentobarbital or other approved euthanasia drug was administered, weight, species of animal and dosage administered for euthanasia, identification of the person who dispensed the drug and if applicable identification of the veterinarian or CET who supervised the dispensing shall be maintained. ()

iii. Records of wastage shall be maintained and signed by the person administering the drug and the designated CET or person responsible for security. ()

iv. A weekly record of verification of the stock on hand, minus the amounts withdrawn for administration, signed by the designated CET or person responsible for security. ()

v. Disposal records of any expired or unwanted sodium pentobarbital or other approved euthanasia drugs shall be maintained. Disposal shall be in conformance with the Idaho Board of Pharmacy law and rules. ()

03. Temporary Storage. When a CET is on duty and when animals are being euthanized throughout the work day, sodium pentobarbital or other euthanasia drugs may be kept in a temporary storage cabinet. It shall be constructed of any strong material and shall be securely locked. The key to this cabinet shall be available only to the licensed veterinary supervisor and designated CET(s). (7-1-93)()

04. Record ~~K~~keeping. Proper record keeping; (7-1-93)()

a. All records shall be filed in chronological order in a binder that is labeled with the name of the agency. (7-1-93)

b. All records shall be kept for a period of three (3) years from the calendar date on the record. (7-1-93)

05. Proper Sanitation. The area shall be clean and regularly disinfected. (7-1-93)

06. Other Site Conditions. Other site conditions relevant to the proper euthanasia environment. (7-1-93)

a. Each agency shall have a specific area designated for euthanasia. The area shall be: (7-1-93)

i. A separate room; or (7-1-93)

ii. An area that is physically separated from the rest of the agency by a wall, barrier or other divider; or (7-1-93)

iii. An area that is not used for any other purpose while animals are being euthanized. (7-1-93)

b. The euthanasia area shall meet the following minimum standards: (7-1-93)

i. Lighting shall be bright and even; (7-1-93)

ii. The air temperature shall be within a reasonable comfort range for both the personnel and animals. A minimum sixty (60) degrees F. and maximum ninety (90)

degrees F. is recommended; (7-1-93)

iii. The area shall have adequate ventilation that prevents the accumulation of odors. At least one (1) exhaust fan vented directly to the outside is recommended; and (7-1-93)

iv. The floor of the area shall provide dry, non-slip footing to prevent accidents. (7-1-93)

c. The euthanasia area shall have the following equipment: (7-1-93)

i. A table or other work area where animals can be handled while being euthanized. (7-1-93)

ii. A cabinet, table or work bench where the drugs, needles, syringes and clippers can be placed. (7-1-93)

d. The following materials shall be kept in the euthanasia area or shall be brought to the area each time an animal is euthanized: (7-1-93)

i. A first aid kit that meets minimum first aid supply standards; (7-1-93)

ii. One or more tourniquets; (7-1-93)

iii. Standard electric clippers with No. 40 blade; (7-1-93)

iv. Animal control stick for dogs and animal net for cats (if the agency handles cats); (7-1-93)

v. Stethoscope; (7-1-93)

vi. Towels, sponges, disinfectant. (7-1-93)

e. All equipment shall be in good working order. (7-1-93)

07. Equipment Stored. All equipment shall be stored so that it does not create a safety hazard for the personnel. All drugs and other chemical agents used in the euthanasia area shall be clearly labeled as specified by Subsections 202.01 and 02. (7-1-93)

08. License Renewal. Licenses may be renewed upon successful completion of a facility inspection by a CETF member a member of the board or other individual appointed by the CETF and payment of the annual renewal fee. ()

09. Grounds for Discipline. Discipline will be imposed for but is not limited to the following actions by a CEA: ()

a. Allowing an unlicensed individual to administer euthanasia drugs without the proper supervision. ()

b. Allowing unlicensed or probationary CETs to euthanize animals without proper supervision as specified by Subsection 205.03. ()

c. Violating any provision of the board law and rules including those contained herein and Federal regulations. ()

2045. CERTIFIED EUTHANASIA TECHNICIAN.

The term Certified Euthanasia Technician (CET) means: A person employed by a certified euthanasia agency, a law enforcement agency, an animal control agency, or of a society for the prevention of cruelty to animals, or working under the direct supervision of a licensed veterinarian, Idaho Code Section 54-2103(7)(a), who has been licensed by the board and registered with the Idaho Board of Pharmacy to possess and administer sodium pentobarbital or any other approved euthanasia drug, who is instructed in the following: Licensed CETs shall have been instructed in the proper methods of humane euthanasia, security and record keeping as well as possess other skills as deemed necessary by the board. (7-1-93)()

01. Euthanasia Methods. Proper methods of humanely euthanizing injured, sick, homeless or unwanted dogs and cats; (7-1-93)

02. Security. Proper security precautions; (7-1-93)

03. Record Keeping. Proper record keeping, and; (7-1-93)

04. Other Skills. Other skills, as deemed appropriate and necessary by the Idaho State Board of Veterinary Medicine; and who has been certified by the Idaho State Board of Veterinary Medicine and registered with the Idaho State Board of Pharmacy to possess or administer sodium pentobarbital. (7-1-93)

202. 01. TRAINING AND EXAMINATIONS training AND and EXAMINATIONS examinations. The CETF shall develop training sessions and materials which shall include, but not be limited to, the following topics: (7-1-93)()

01a. Theory and History. The theory and history of euthanasia methods. (7-1-93)()

02b. Anatomy. Animal anatomy. (7-1-93)()

03c. Handling. Proper animal handling to ease trauma and stress. (7-1-93)()

04d. Dosages.—Dosages of chemical agents, recordkeeping and documentation of usage, storage, handling, and disposal of out-dates in accordance with the Uniform Control Substances law. (5-25-94)()

05e. Injection. Proper injection techniques. (7-1-93)()

06f. Examination. Following the training, a written examination shall be given. Those passing the written examination will be eligible for the practical examination for certification/licensure as a CET. (7-1-93)()

~~208.~~ ~~02.~~ ~~STANDARDS~~ ~~FOR~~ ~~EXAMINATION~~ ~~AND~~
~~CERTIFICATION~~ Licensing and Certification Standards. Applicants for CET positions shall be 18 years of age or older and demonstrate proficiency in compliance with the following standards. (7-1-93)(____)

~~01a.~~ ~~Euthanize.~~ Euthanize animals in the presence of one or more CET members: (7-1-93)(____)

~~ai.~~ The CET is fully responsible for all actions that take place in the euthanasia area when an animal is brought to the area, including but not limited to, animal handling, use of the proper restraint technique, the proper drug dosage, and drug handling. (7-1-93)

~~bii.~~ Each animal shall be handled with the least amount of restraint necessary, but human safety shall always be the primary concern. (7-1-93)

~~ei.~~ The CET shall be able to properly perform intravenous injections on dogs and intraperitoneal injections on both dogs and cats. Intravenous injections on cats shall not be required, but if performed, shall meet the standards listed below. Intracardiac injections shall not be required and are restricted to the limitations listed below. (7-1-93)

~~div.~~ Intravenous Injections: The CET shall be able to properly and efficiently insert the needle into an animal's vein in no more than two (2) attempts on ninety (90) percent of the animals injected by this method. IV injections in the cephalic vein shall be used on all dogs over the age of three (3) months unless the animal's physical condition or size makes this type of injection impossible, or the animal's behavior would make this type of injection a serious danger to the CET or handler. (7-1-93)

~~ev.~~ Intraperitoneal Injections: The CET shall be able to efficiently insert the needle into the proper injection site in no more than two (2) attempts on ninety-five (95) percent of the animals injected by this method. It is recommended that animals injected by this method shall be held or otherwise restrained by the handler until the animal is unconscious. If an animal cannot be held, it shall be placed into a cage with no other animals. The front of the cage shall be covered with cloth or other material that can keep the cage isolated from the normal activities in the euthanasia area. The animal shall be checked every five (5) minutes until death occurs. (7-1-93)

~~evi.~~ Intracardiac Injections: Intracardiac injection shall be performed only on an anaesthetized animal. The CET shall be able to efficiently insert the needle into the heart of an animal in no more than two (2) attempts on ninety (90) percent of the animals injected by this method. (7-1-93)(____)

~~evii.~~ No other injection procedure is permitted in any type of animal. (7-1-93)

~~i(1).~~ A minimum of two (2) persons shall be required for any IV injection. One (1) person shall be a CET and one (1) or more persons shall be a handler. The handler(s) do not have to be CET(s), but the handler(s) should be trained in human safety and animal handling techniques. (7-1-93)

~~ii~~(2). Intraperitoneal and intracardiac injections may be administered by a CET without a handler. (7-1-93)

~~h~~viii. Injections: On all injections, the CET shall aspirate the syringe to determine if the needle is in the correct site. (7-1-93)

~~i~~(1). For human safety the cap shall be kept on the needle until such time that the injection is ready to be made. (7-1-93)

~~ii~~(2). The needle shall be of the size and length appropriate for the specific animal involved. (7-1-93)

~~iii~~(3). The dosage of sodium pentobarbital or other approved euthanasia drugs used shall be no less than the minimum dosage recommended by the drug's manufacturer. (7-1-93)()

~~i~~x. Oral ~~A~~administration of ~~S~~sodium ~~P~~pentobarbital or other approved euthanasia drugs: This is permitted for any animal that cannot be captured or restrained without serious danger to human safety. (7-1-93)()

~~j~~x. Demonstrate ~~proficiency in use and an~~ understanding of gas-induced euthanasia chambers. (7-1-93)()

~~02~~b. ~~Record Keeping.~~ Demonstrate proper recordkeeping: A record of all sodium pentobarbital or other approved euthanasia drugs received and used by the agency shall be kept. The record shall contain the following information: (7-1-93)()

~~a~~i. A weekly verification of the drug stock on hand, signed by the CET. (7-1-93)

~~b~~ii. An entry of the date that a new bottle of sodium pentobarbital or other approved euthanasia drug is opened and the volume of the bottle, signed by the CET. (7-1-93)()

~~e~~iii. The species and approximate weight of each animal administered a drug. (7-1-93)

~~d~~iv. The amount of the drug that was administered. (7-1-93)

~~e~~v. The signature of the CET who administered the drug. (7-1-93)

~~f~~vi. A record of any wastage of the drug, signed by the CET administering the drug. (7-1-93)

~~g~~vii. Any disposal of expired or unwanted sodium pentobarbital, other approved euthanasia drugs or other chemical agent(s) should be in conformance with the Idaho Board of Pharmacy law and rules. (7-1-93)()

~~03~~c. ~~Understanding and Concern.~~ Demonstrate understanding and concern

for individual animal's needs; (7-1-93)()

ai. Once they have collapsed, injected animals shall be lowered to the surface on which they were being held at the time of injection. Injected animals shall not be permitted to drop or otherwise collapse without human support. (7-1-93)

bii. All animals shall be handled in a manner that minimizes stress to the animal and maximizes the personal safety of the CET and the handler(s). Handling includes all aspects of moving an animal from one area to another. (7-1-93)

eiii. The use of control sticks and other similar devices shall be limited to fractious or potentially dangerous animals. (7-1-93)

div. Animals shall not be placed in cages or kennels with other breeds or species that are incompatible with the animal in question. Animals shall not be overcrowded in a cage or kennel. (7-1-93)

~~04d. Verify Death.~~ Demonstrate ability to verify death; The animal should become unconscious and show terminal signs within thirty (30) seconds after an IV or IC injection, within fifteen (15) minutes after an IP injection or within sixty (60) minutes after an oral administration. If any animal does not show any of these signs within the designated time periods, the CET shall readminister the drug. An animal that has received sodium pentobarbital or other approved euthanasia drug orally may be injected with sodium pentobarbital or other approved euthanasia drug after it has become unconscious. Terminal signs include: no visual indications of breathing or heartbeat, lack of capillary response in the gums and/or lack of corneal or pupillary reflexes. Each animal shall be checked to verify death. Verification is the responsibility of the CET and shall be made by physical examination of the individual animal. One of the following two standards for death shall be met: (7-1-93)()

ai. Rigor mortis; or (7-1-93)

bii. Complete lack of heartbeat (as checked with a stethoscope); and complete lack of respiration; and complete lack of corneal, palpebral, and pupillary reflexes. (7-1-93)

~~05e. Communication.~~ Demonstrate ability to communicate with helpers during the euthanasia process. (5-25-94)()

~~207. 03. CERTIFICATION OF TECHNICIANS~~ Licensing. An applicant shall not be ~~certified~~ licensed as a CET until such time as the applicant has demonstrated proficiency in the practical examination which shall be conducted following the applicant having satisfactorily passed the written exam. Training courses and written and practical examinations will be given as needed. Certification and recertification practical License and renewal examinations will be conducted during March 1 through prior to June 1 of each year at the applicants' place of employment or at a place selected by the CETF. (5-25-94)()

~~04a. Practice.~~ An applicant who has passed the written exam may serve as a euthanasia technician under the direct supervision of an Idaho licensed veterinarian or

CET until such time as the next training course, practical exam and certification ~~is~~are conducted by a CETF member. (7-1-93)()

~~02b.~~ Failure. An applicant who has not passed the written exam or the practical exam may serve ~~in a probationary capacity~~ as an ethanasia technician assistant ~~only~~ under the direct supervision of an Idaho licensed veterinarian or CET until the next regularly scheduled training session. (7-1-93)()

~~03c.~~ ~~Repeat.~~ An applicant who fails the written exam may not serve on probation but may repeat the training and written exam one additional time. (7-1-93)()

~~04d.~~ Probation. An applicant who fails the practical exam may serve on probation until the CETF member re-examines the applicant. If the applicant fails to pass the practical exam a second time and wishes to apply again, the applicant shall attend the next regular training session and written exam. (7-1-93)()

~~05e.~~ ~~Termination.~~ Upon termination from an agency as defined in Subsection ~~209 202.01.a.~~ of these rules, a CET shall not perform animal euthanasia until employed by another licensed, certified agency as defined by Idaho Code, Section 54-2103(7)(a). (5-25-94)()

~~06f.~~ ~~Notification.~~ The agency shall notify in writing the ~~Veterinary Board~~ office and/or a CETF member within thirty (30) days from such time that the CET is terminated from employment from that agency. (7-1-93)()

~~07g.~~ ~~Employment.~~ If a CET is employed again within eighteen (18) months of last certification licensure, the CET and/or employer may request ~~recertification reinstatement and renewal of the CET's license.~~ If certification licensure has expired past the eighteen (18) months maximum, the CET may euthanize animals under the direct supervision of an Idaho licensed veterinarian or currently licensed certified euthanasia technician until such time as a CETF member can administer ~~the~~ a written or practical examination and authorize recertification. (7-1-93)()

~~08h.~~ ~~Visiting.~~ One (1) or more CETF members shall visit each licensed, certified agency at least annually, and require a satisfactory demonstration, either practical or written, of the CET's skills as provided for in compliance with these rules. (7-1-93)()

~~09i.~~ ~~Expiration.~~ All certification licenses expire on June 30 of each year and are effective for no longer than twelve (12) months from the date of certification licensure. (7-1-93)()

04. License Renewal. Licenses may be renewed upon successful completion of: ()

a. A written or practical examination to be administered by the CETF or the board and ()

b. Payment of the annual renewal fee. ()

~~205.~~ 05. DUTIES OF A CERTIFIED EUTHANASIA TECHNICIAN (CET) Duties. Pursuant to Idaho Code, Section 54-2103 (14) ~~the~~ the duties of a CET shall include, but are not limited to: ~~(7-1-93)()~~

- ~~01a.~~ Preparing-Preparing animals for euthanasia. ~~(7-1-93)()~~
- ~~02b.~~ Recording Usages-Accurately recording dosages administered and drug wasted. ~~(7-1-93)()~~
- ~~03c.~~ Ordering supplies. (7-1-93)
- ~~04d.~~ Security-Maintaining the security of all controlled substances and drugs. ~~(7-1-93)()~~
- ~~05e.~~ Supervising-Directly supervising probationary CET(s). ~~(7-1-93)()~~
- ~~06f.~~ Reporting-Reporting to the ~~Idaho State Board of Veterinary Medicine~~ violations or suspicions of violation of these rules or any abuse of drugs. ~~(7-1-93)()~~
- ~~07g.~~ Euthanizing-Humanely euthanizing animals. ~~(7-1-93)()~~
- ~~08h.~~ Disposal-Proper and lawful disposal of euthanized animals. ~~(7-1-93)()~~

06. Grounds for Discipline. Discipline shall be imposed for, but is not limited to the following actions by a CET: ~~()~~

- a. Failure to carry out the duties of a CET; ~~()~~
- b. Abuse of any chemical substance by: ~~()~~
 - i. Selling or giving chemical substances away; ~~()~~
 - ii. Stealing chemical substances; ~~()~~
 - iii. Using chemical substances; or ~~()~~
 - iv. Abetting anyone in the foregoing activities. ~~()~~
- c. Euthanizing animals without proper supervision while on probationary status; ~~()~~
- d. Euthanizing animals without being properly licensed to do so; or ~~()~~
- e. Violating any provision of the board law and rules including those contained herein; the Idaho Board of Pharmacy law and rules; and the Uniform Controlled Substances Act. ~~()~~

IDAPA 46 - IDAHO STATE BOARD OF VETERINARY MEDICINE

**46.01.02 - RULES GOVERNING THE IDAHO STATE
BOARD OF VETERINARY MEDICINE**

DOCKET NO. 46-0102-9501

NOTICE OF PENDING RULE

ACTION: The action, under Docket No. 46-0102-9501 concerns the repeal of the Rules of the Board of Veterinary Medicine, IDAPA 46.01.02.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has pending as final the repeal of IDAPA 46.01.02. The action is authorized pursuant to Idaho Code Section 54-2105(5)(1). The pending final repeal of IDAPA 46.01.02. may be rejected, amended or modified by concurrent resolution of the legislature. The effective date of the repeal of IDAPA 46.01.02. is July 1, 1997.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for repealing IDAPA 46.01.02., the Rules of Practice and Procedure: All contested cases will be governed by the Model Rules of Practice and Procedure of the Office of the Attorney General. The full text of IDAPA 46.01.02. is printed in Volume 95-10 of the Idaho Administrative Bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this final rule, contact Sheila Jensen at (208) 332-8589.

DATED this 17TH day of April, 1996.

Leonard E. Eldridge
Idaho Board of Veterinary Medicine
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
(208)332-8589 / FAX (208) 334-4062

**IDAPA 46
TITLE 01
Chapter 02**

**RULES GOVERNING THE IDAHO STATE BOARD
OF VETERINARY MEDICINE**

There are no substantive changes from the proposed rule text

**The original text was published in the Idaho Administrative Bulletin,
Volume 95-10, October 4, 1995, Pages 329 through 330**

**This rule has been adopted as Final by the Agency and is now pending
review by the 1997 Idaho State Legislature for final adoption**

IDAPA 59 - PERSI

**59.01.06 RETIREMENT RULES OF THE PUBLIC
EMPLOYEES RETIREMENT SYSTEM (PERSI)**

DOCKET NO. 59-0106-9603

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These rules are effective March 16, 1996, May 1, 1996 and September 1, 1996.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted temporary rules and is proposing regular rule-making. The action is authorized pursuant to Sections 33-1228, 33-2109A, 59-1301, 59-1302(5)(B)(e), 59-1302(31), 59-1305, 59-1322, 59-1325, 59-1333, 59-1355, 59-1392, 67-5220, 67-5221, 67-5226, and 67-5339, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be held as follows:

Public hearings concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than June 19, 1996.

The hearing site(s) will be accessible to the persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency listed below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance of the proposed rules:

IDAPA 59.01.06104 - Exclude from current rule the refund on lump sum payments of employee and employer contributions at time of retirement. Effective May 1, 1996.
IDAPA 59.01.06123 - Correct a typographical error concerning the section.
IDAPA 59.01.06161 - To establish a procedure that the Board will use to determine the post retirement cost of living adjustment for PERSI retirees. Effective March 16, 1996.
IDAPA 59.01.06522 - To increase the sick leave rate for school districts to maintain the actuarial soundness of the sick leave fund. Effective September 1, 1996.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Bernadette C. Buentgen, Deputy Attorney General, PERSI, (208) 334-2451, ext. 271.

Anyone may submit written comments regarding this rule. All written comments and data concerning these rules must be directed to the undersigned and must be postmarked or delivered on or before June 26, 1996.

DATED this 22nd day of April, 1996.

Bernadette C. Buentgen,
Deputy Attorney General for PERSI

607 North Eighth Street
Boise, Idaho 83702-5567
208-334-2451, ext. 271

TEXT OF DOCKET NO. 59-0106-9601

104. UNUSUAL COMPENSATION PATTERN EFFECT ON RETIREMENT CALCULATION (Rule 104).

Upon application for a retirement benefit, any portion of compensation which represents payments in excess of and inconsistent with the usual compensation pattern, for example, but not limited to lump sum contract payouts, excess vacation paid but not taken, paid sick leave, or a clothing allowance will not be considered in determining benefits, ~~and contributions made on any excess or inconsistent payment will be refunded by the board.~~
Statutory References: Cross Reference: (Amended 1-23-96) ~~(1-1-94)(5-1-96)T~~

(BREAK IN CONTINUITY OF SECTIONS)

123. PAYMENT DATE OF EARLY OR SERVICE RETIREMENT ALLOWANCE--GENERAL MEMBERS (Rule 123).

As set forth by Section 59-13344, Idaho Code, a PERSI member's service retirement allowance or early retirement allowance is payable on the first of the month following the month in which the member ceases to be an employee while eligible for either of these forms of retirement. Statutory References: Section 59-1344 and 59-1356(2), Idaho Code.
Cross References: ~~(1-1-94)(3-16-96)T~~

(BREAK IN CONTINUITY OF SECTIONS)

161. POST RETIREMENT ALLOWANCE ADJUSTMENTS--PERSI RETIREES (Rule 161).

~~01. Mandatory and Discretionary Adjustment -- 1993. The inflation factor for the post retirement allowance adjustments (cost of living adjustment or COLA) as provided in Section 59-1355(1), Idaho Code, for the year 1993 shall be a total of three and one tenth percent (3.1%) comprised of:~~ ~~(1-1-94)~~

~~a. A mandatory factor of one percent (1%), and~~ ~~(1-1-94)~~

~~b. A discretionary factor of two and one tenth percent (2.1%), as provided in Section 59-1355(1), Idaho Code; and~~ ~~(1-1-94)~~

~~e. An additional discretionary adjustment to increase the retirement allowances (retro COLA) for all persons retiring on or before December 31, 1978, up to~~

~~eighty percent (80%) of the increase in the consumer price index (purchasing power) for that year as provided in Section 59-1355(8), Idaho Code. Statutory References: Section 59-1355, Idaho Code. Cross References: (1-1-94)~~

~~02. Mandatory and Discretionary Adjustment — 1994. The inflation factor for the post retirement allowance adjustments (cost of living adjustment or COLA) as provided in Section 59-1355(1), Idaho Code, for the year 1994 shall be a total of two and eight tenths percent (2.8%) comprised of: (3-1-94)~~

~~a. A mandatory factor of one percent (1%), and (3-1-94)~~

~~b. A discretionary factor of one and eight tenths percent (1.8%), as provided in Section 59-1355(1), Idaho Code; and (3-1-94)~~

~~e. An additional discretionary adjustment to increase the retirement allowances (retro COLA) for all persons retiring on or before December 31, 1981, up to ninety percent (90%) of the increase in the consumer price index (purchasing power) for that year as provided in Section 59-1355(8), Idaho Code. (3-1-94)~~

~~03. Mandatory and Discretionary Adjustment — 1995. The inflation factor for the post retirement allowance adjustments (cost of living adjustment or COLA) as provided in Section 59-1355(1), Idaho Code, for the year 1995 shall be a total of two and nine tenths percent (2.9%) comprised of: (3-1-95)~~

~~a. A mandatory factor of one percent (1%), and (3-1-95)~~

~~b. A discretionary factor of one and nine tenths percent (1.9%), as provided in Section 59-1355(1), Idaho Code. (3-1-95)~~

The Board shall annually determine the post retirement cost of living adjustment (COLA) for the Public Employee Retirement System of Idaho (PERSI) pursuant to Section 59-1355, Idaho Code. The Board shall have discretion in adopting a yearly discretionary and/or retro-active COLA. The Board shall yearly adopt this COLA no later than the December Board meeting of each year with an effective date of March 1 of the next year. Statutory References: Section 59-1355, Idaho Code. Cross References: (Amended 1-23-96) (3-1-95)(3-16-96)T

(BREAK IN CONTINUITY OF SECTIONS)

552. SICK LEAVE RATES--STATE EMPLOYEES--SCHOOL EMPLOYEES (Rule 552).

The sick leave rate shall be as follows: (1-1-94)

01. State. State: .65% (1-1-94)

02. School. School: 1.105% effective September 1, 1993.

Statutory References: Sections 33-1228, 33-2109A, and 67-5339, Idaho Code. Cross References: (Amended 1-23-96) (1-1-94)(9-1-96)T

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