

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

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TABLE OF CONTENTS	1
<u>THE OFFICE OF THE GOVERNOR</u>	
EXECUTIVE ORDER NO. 96-19	8
EXECUTIVE ORDER NO. 96-20	11
<u>IDAPA 01 - IDAHO STATE BOARD OF ACCOUNTANCY</u>	
01.01.01 - RULES OF THE IDAHO STATE BOARD OF ACCOUNTANCY DOCKET NO. 01-0101-9601 NOTICE OF PENDING RULE	12
<u>IDAPA 07 - DIVISION OF BUILDING SAFETY</u>	
07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS DOCKET NO. 07-0101-9602 NOTICE OF PROPOSED RULE	13
07.01.03 - RULES GOVERNING ELECTRICAL LICENSING AND REGISTRATION - GENERAL DOCKET NO. 07-0103-9602 NOTICE OF TEMPORARY AND PROPOSED RULES	15
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING DOCKET NO. 07-0104-9602 NOTICE OF PROPOSED RULE	16
07.03.01 - RULES GOVERNING BUILDING SAFETY - GENERAL DOCKET NO. 07-0301-9601 NOTICE OF PROPOSED RULES	18
07.03.05 - RULES GOVERNING MANUFACTURED HOMES DOCKET NO. 07-0305-9601 NOTICE OF PROPOSED RULES	23

07.03.06 - RULES GOVERNING THE USE OF THE UNIFORM BUILDING CODE DOCKET NO. 07-0306-9601 NOTICE OF PROPOSED RULES.....	25
07.03.07 - RULES GOVERNING CERTIFICATION DOCKET NO. 07-0307-9601 NOTICE OF PROPOSED RULES.....	26
07.03.09 - RULES GOVERNING RECREATIONAL VEHICLES DOCKET NO. 07-0309-9601 NOTICE OF PROPOSED RULES.....	28
07.04.01 - RULES GOVERNING SAFETY INSPECTIONS -- GENERAL DOCKET NO. 07-0401-9601 NOTICE OF PROPOSED RULES.....	29
DOCKET NO. 07-0401-9602 NOTICE OF PROPOSED RULES.....	30

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING DOCKET NO. 13-0104-9604 NOTICE OF TEMPORARY AND PROPOSED RULES	33
13.01.06 - RULES GOVERNING CLASSIFICATION OF WILDLIFE DOCKET NO. 13-0106-9601 NOTICE OF TEMPORARY AND PROPOSED RULES	36
13.01.09 - RULES GOVERNING GAME BIRDS DOCKET NO. 13-0109-9602 NOTICE OF TEMPORARY AND PROPOSED RULES	41
DOCKET NO. 13-0109-9603 NOTICE OF TEMPORARY AND PROPOSED RULES	48
DOCKET NO. 13-0109-9604 NOTICE OF TEMPORARY AND PROPOSED RULES	55
13.01.11 - RULES GOVERNING FISH DOCKET NO. 13-0111-9606 NOTICE OF TEMPORARY AND PROPOSED RULES	60

13.01.13 - RULES GOVERNING MIGRATORY GAME BIRDS DOCKET NO. 13-0113-9601 NOTICE OF TEMPORARY AND PROPOSED RULES	63
13.01.14 - RULES GOVERNING FALCONRY DOCKET NO. 13-0114-9601 NOTICE OF TEMPORARY AND PROPOSED RULES	65
DOCKET NO. 13-0114-9602 NOTICE OF TEMPORARY AND PROPOSED RULES	68
13.01.16 - RULES GOVERNING FURBEARERS DOCKET NO. 13-0116-9601 NOTICE OF TEMPORARY AND PROPOSED RULES	70
<u>IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE</u>	
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN DOCKET NO. 16-0301-9601 NOTICE OF PENDING RULE.....	84
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO DOCKET NO. 16-0304-9602 NOTICE OF PENDING RULE.....	85
16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED DOCKET NO. 16-0305-9602 NOTICE OF PENDING RULE.....	86
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE DOCKET NO. 16-0309-9609 NOTICE OF TEMPORARY AND PROPOSED RULES	87
16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT DOCKET NO. 16-0310-9601 NOTICE OF TEMPORARY AND PROPOSED RULES	97
16.04.11 - RULES AND MINIMUM STANDARDS FOR DEVELOPMENTAL DISABILITIES CENTERS DOCKET NO. 16-0411-9601 NOTICE OF PROPOSED RULES.....	137

16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES DOCKET NO. 16-0411-9602 NOTICE OF PROPOSED RULES.....	138
16.04.14 - RULES GOVERNING LOW INCOME HOME ENERGY ASSISTANCE PROGRAM DOCKET NO. 16-0414-9601 NOTICE OF PENDING RULE.....	163
16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES DOCKET NO. 16-0601-9604 NOTICE OF PROPOSED RULES.....	164
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM DOCKET NO. 16-0612-9601 NOTICE OF PENDING RULE.....	175

IDAPA 17 - INDUSTRIAL COMMISSION

17.02.07 - PROCEDURES TO OBTAIN COMPENSATION DOCKET NO. 17-0207-9601 NOTICE OF PENDING RULE.....	176
17.04.04 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING DOCKET NO. 17-0404-9601 NOTICE OF PROPOSED RULES.....	177
17.04.07 - ELEVATOR SAFETY RULES DOCKET NO. 17-0407-9601 NOTICE OF PROPOSED RULES.....	178
17.07.01 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- GENERAL REQUIREMENTS DOCKET NO. 17-0701-9601 NOTICE OF PROPOSED RULES.....	179
17.07.02 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- ADMINISTRATION DOCKET NO. 17-0702-9601 NOTICE OF PROPOSED RULES.....	185
17.07.03 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- INSPECTIONS DOCKET NO. 17-0703-9601	

NOTICE OF PROPOSED RULES.....	188
17.07.04 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- CONSTRUCTION, REPAIR, ALTERATION, OR DISMANTLING DOCKET NO. 17-0704-9601 NOTICE OF PROPOSED RULES.....	192
17.08.01 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- GENERAL PROVISIONS DOCKET NO. 17-0801-9601 NOTICE OF PROPOSED RULES.....	194
17.08.02 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- HEALTH, SAFETY, AND SANITATION DOCKET NO. 17-0802-9601 NOTICE OF PROPOSED RULES.....	200
17.08.03 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- EXPLOSIVES AND BLASTING DOCKET NO. 17-0803-9601 NOTICE OF PROPOSED RULES.....	209
17.08.04 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS DOCKET NO. 17-0804-9601 NOTICE OF PROPOSED RULES.....	212
17.08.05 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- SIGNALS AND SIGNAL SYSTEMS DOCKET NO. 17-0805-9601 NOTICE OF PROPOSED RULES.....	214
17.08.06 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- TRUCK ROAD STANDARDS DOCKET NO. 17-0806-9601 NOTICE OF PROPOSED RULES.....	218
17.08.07 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- TRANSPORTATION OF EMPLOYEES DOCKET NO. 17-0807-9601 NOTICE OF PROPOSED RULES.....	221

17.08.08 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- FALLING AND BUCKING DOCKET NO. 17-0808-9601 NOTICE OF PROPOSED RULES.....	224
17.08.09 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- RIGGING, LINES, BLOCKS, AND SHACKLES DOCKET NO. 17-0809-9601 NOTICE OF PROPOSED RULES.....	231
17.08.10 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT DOCKET NO. 17-0810-9601 NOTICE OF PROPOSED RULES.....	254
17.08.11 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- SKIDDING AND YARDING DOCKET NO. 17-0811-9601 NOTICE OF PROPOSED RULES.....	258
17.08.12 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- ROAD TRANSPORTATION DOCKET NO. 17-0812-9601 NOTICE OF PROPOSED RULES.....	260
17.08.13 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND FOOT LOGS, POND BOATS AND TOW BOATS AND TRAILER LOADING HOISTS DOCKET NO. 17-0813-9601 NOTICE OF PROPOSED RULES.....	270
17.08.14 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- HELICOPTER LOGGING DOCKET NO. 17-0814-9601 NOTICE OF PROPOSED RULES.....	277
17.08.15 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- COMMONLY USED LOGGING TERMS DOCKET NO. 17-0815-9601 NOTICE OF PROPOSED RULES.....	281

17.08.16 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
RECOMMENDED SAFETY PROGRAM
DOCKET NO. 17-0816-9601
NOTICE OF PROPOSED RULES..... 287

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.54 - RULES GOVERNING MEDICARE SUPPLEMENT INSURANCE
MINIMUM STANDARDS
DOCKET NO. 18-0154-9601
NOTICE OF PENDING RULE..... 293

IDAPA 20 - DEPARTMENT OF LANDS

20.01.02 - ENVIRONMENTAL AUDIT PROTECTION RULES
DOCKET NO. 20-0102-9601
NOTICE OF PENDING RULE..... 294

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE

22.01.06 - RULES FOR THE CERTIFICATION OF ADVANCED EMT-A
AND EMT-P PERSONNEL
DOCKET NO. 22-0106-9602
NOTICE OF PUBLIC HEARING..... 295

IDAPA 28 - IDAHO PERSONNEL COMMISSION

28.01.01 - RULES OF THE IDAHO PERSONNEL COMMISSION
DOCKET NO. 28-0101-9602
NOTICE OF PROPOSED RULES..... 296

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.05.01 - RULES OF THE DIVISION OF PURCHASING
DOCKET NO. 38-0501-9601
NOTICE OF TEMPORARY AND PENDING RULE..... 302

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM
DOCKET NO. 39-0271-9602
NOTICE OF PENDING RULE..... 304

39.03.44 - RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE
FOR PERSONS DISPLACED BY PUBLIC PROGRAMS
DOCKET NO. 39-0344-9601
NOTICE OF PENDING RULE..... 305

39.03.44 - RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE
FOR PERSONS DISPLACED BY PUBLIC PROGRAMS
DOCKET NO. 39-0344-9602
NOTICE OF PENDING RULE..... 306

39.04.07 - RULES GOVERNING AERIAL SEARCH AND RESCUE
DOCKET NO. 39-0407-9601
NOTICE OF PENDING RULE..... 307

39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS
DOCKET NO. 39-0408-9601
NOTICE OF PENDING RULE..... 308

IDAPA 48 - DEPARTMENT OF COMMERCE

48.01.01 - RULES GOVERNING THE IDAHO COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM
DOCKET NO. 48-0101-9501
NOTICE OF VACATION OF TEMPORARY AND PROPOSED RULEMAKING 309

DOCKET NO. 48-0101-9601
NOTICE OF TEMPORARY AND PROPOSED RULE-MAKING..... 310

SUBJECT INDEX 341

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT

STATE OF IDAHO

BOISE

EXECUTIVE ORDER NO. 96-19

**CREATING A WORKFORCE DEVELOPMENT COUNCIL FOR PLANNING AND OVERSIGHT OF
THE STATE'S WORKFORCE DEVELOPMENT SYSTEM**

WHEREAS, the economic future of Idaho and the prosperity of its residents depend upon the ability of businesses in Idaho to compete in the world economy; and

WHEREAS, a well-educated and highly skilled workforce provides businesses in Idaho with a competitive edge critical for their success; and

WHEREAS, Idaho is committed to preparing its current and future workforce for the skills necessary in the 21st Century; and

WHEREAS, empowering business, labor and community leaders to take a more active and strategic role in developing the state's economic and workforce development policy will enhance the quality and responsiveness of these programs; and

WHEREAS, the development of a comprehensive workforce development strategy for Idaho and the consolidation of federal and state advisory councils will improve planning and oversight functions, improve the effectiveness, quality and coordination of services designed to maintain a highly skilled workforce, and help provide for the most efficient use of federal, state and local workforce development resources; and

WHEREAS, Idaho's current workforce development efforts and initiatives require clear strategic planning, increased coordination, and consolidated oversight for better coordination of workforce development programs under one council at the state level,

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

1. *The Idaho Workforce Development Council (the "Council") is established in accordance with Title VII of the Job Training Partnership Act, as amended, and referred to as JTPA.*
2. *The Council will replace and consolidate the following existing councils: the Idaho Job Training Council, the State Council on Vocational Education, the State School-to-Work Collaborative Team, and the Employment Security Advisory Council;*
3. *The councils that will be consolidated, identified in paragraph 2 above, shall make plans to transition their responsibilities to the integrated Council as soon as practical, but no later than October 1, 1997, and may continue to perform functions authorized in state and federal law under their existing structure until such transition is accomplished. Under the authority vested in me by Section 72-1336, Idaho Code, I designate the existing Employment Security Advisory Council to approve expenditures pursuant to Section 72-1347A, Idaho Code through December 31, 1996;*
4. *The Council shall consist of not more than 33 members appointed by the Governor, drawing upon the membership of the consolidated councils identified in paragraph 2 above, as appropriate and consistent with federal requirements for the nomination and composition requirements set forth in section 702 of the JTPA as amended. The Council's membership, shall be as follows:*
 - a. *Representatives of business and industry shall comprise at least 40% of the members;*
 - b. *At least 15% of the members shall be representatives of local public education, postsecondary institutions, and secondary or postsecondary vocational educational institutions;*

- c. At least 15% of the members shall be representatives of organized labor based on nominations from recognized state labor federations;*
 - d. Representatives from the Department of Labor, the Department of Health & Welfare, the Department of Commerce, the Division of Vocational Rehabilitation, the Division of Vocational Education, the Commission on Aging and the Superintendent of Public Instruction;*
 - e. A representative of a Community-Based Organization; and*
 - f. Individuals from the general public who have special knowledge and qualifications with respect to special education and career development needs of hard to serve individuals.*
- 5. The Council will be responsible for advising the Governor and the State Board of Education, as appropriate and at regular intervals, on the following:*
 - a. Development of a statewide strategy for workforce development programs which encompasses all workforce programs including, school-to-work, work-to-work, welfare-to-work and economic stimulus initiatives;*
 - b. Priorities for the use of any federal employment and training block grant and the employment and training related activities under any welfare reform grant as well as state appropriated workforce development funds;*
 - c. Development, in collaboration with local and state stakeholders, of a substate structure for planning and oversight of the statewide workforce development system;*
 - d. Streamlining of services to customers to achieve an efficient and effective, customer driven workforce system for the state;*
 - e. Development of goals, standards and measures to evaluate the effectiveness and efficiency of workforce development programs; and,*
 - f. Implementation of a continuous improvement process designed to ensure high quality services for Idaho's citizen and business customers;*
- 6. The Council shall also be responsible for:*
 - a. Effective January 1, 1997, approval and oversight of the expenditures from the Employment Security Special Administration Fund as set forth in Section 72-1347A, Idaho Code;*
 - b. Effective January 1, 1997, development and oversight of procedures, criteria and performance measures for the Workforce Development Training fund established under Section 71-1347B, Idaho Code;*
 - c. Effective December 1, 1996, oversight of all remaining funds and performance of duties of the State Council on Vocational Education as described in the Carl D. Perkins Act under P.L. 101-392, Section 112;*
 - d. Such functions and responsibilities transferred to it from existing councils; and*
 - e. Such other duties as the Governor assigns the Council.*
- 7. The Governor shall name the chair and vice-chair from among the private sector members of the Council;*
- 8. The Council shall be jointly staffed by a management team of directors of state agencies that administer workforce development programs, as designated by the Governor. Funding for the Council shall be provided by the agencies staffing the Council, which shall agree upon appropriate ratios for the allocation of administrative funding. The Idaho Department of Labor shall have responsibility for providing secretarial and logistical support to the Council;*
- 9. The Council's members shall serve at the pleasure of the Governor. Members shall initially serve for staggered terms of one, two and three years, as designated by the Governor's appointment. Upon expiration of the initial terms, appointments shall be for three year terms.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this eighth day of in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

EXECUTIVE DEPARTMENT

STATE OF IDAHO

BOISE

EXECUTIVE ORDER NO. 96-20

CONTINUATION OF THE GOVERNOR'S MOTOR CARRIER ADVISORY COMMITTEE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 92-20

WHEREAS, , requires user participation in developing the rules and regulations to guide the industry;

NOW, THEREFORE, I, PHILIP E. BATT, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order the continuation of the Governor's Motor Carrier Advisory Committee as follows:

1. The purpose of the Committee shall be to meet bi-monthly to review appropriate changes to the safety, size and weight, and operational rules and regulations of state agencies as they apply to common, contract and private motor carriers and to advise the Governor of the Committee's findings and recommendations.
2. The Committee shall consist of 12 members. The members shall represent the various elements of the trucking industry, including: long haul, heavy haul, short haul, wood products, logging, contracting, agriculture, truck and trailer manufacturing, tankers, concrete and aggregates, private carriers, transcontinental interstate common carriers, and others deemed appropriate by the committee.
3. Appointment of the members of the Committee shall be made by the Governor. The Committee shall assist the Governor in this task by recommending to him the names of at least two persons for appointment to each seat that becomes open on the Committee. Appointments shall be for staggered three-year terms expiring on July 1, three years after appointment. Committee members shall elect their chairman from among their number.
4. Committee members shall receive no salary for their services. The Idaho Department of Transportation shall, however, reimburse Committee members for expenses incurred in attending Committee meetings.
5. A representative from each of the following state agencies shall provide support to the Committee: The Idaho Transportation Department, the Department of Law Enforcement, the Public Utilities Commission, and the Tax Commission. The Idaho Department of Transportation shall be the lead agency responsible for providing administrative support.
6. The Committee shall present all formal recommendations to the participating agencies and the Governor and shall present to the Governor each December a report of the activities of the Committee during that year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this day of in the year of our Lord nineteen hundred ninety-six and of the Independence of the United States of America the two hundred twenty-first and of the Statehood of Idaho the one hundred seventh.

PHILIP E. BATT
GOVERNOR

PETE T. CENARRUSA
SECRETARY OF STATE

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 PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section 54-201, et seq., Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the June 5, 1996 Administrative Bulletin, Volume 96-6, pages 1 and 2.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Barbara R. Porter at (208) 334-2490.

DATED this 23rd day of August, 1996.

Barbara R. Porter, Executive Director
Idaho State Board of Accountancy
P.O. Box 83720
Boise, Idaho 83720-0002
(208) 334-2490
(208) 334-2615 FAX

IDAPA 01
TITLE 01
Chapter 01

RULES GOVERNING THE IDAHO STATE BOARD OF ACCOUNTANCY

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-6, June 5, 1996, pages 1 through 2.**

**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 07 - DIVISION OF BUILDING SAFETY
07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS
DOCKET NO. 07-0101-9602
NOTICE OF PROPOSED RULE

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 Section 54-1006, 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 October 16, 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 at the address below.

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

Amend 07.01.01.012.02 to repeal the monthly statement procedure for payment of electrical inspection fees. All inspection fees will then be required to be submitted with the inspection permit within seven (7) working days from the time the electrical work is started.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Gary L. Malmen, Bureau Chief, Division of Building Safety, 277 N. 6th Street, Suite 101, P.O. Box 83720, Boise, Idaho 83720, (208) 334-2183.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0101-9602

012. ELECTRICAL CONTRACTORS' INSPECTION TAGS.

Electrical contractors' inspection tags shall be furnished by the Electrical ~~Division~~ Bureau to licensed electrical contractors upon request. The serial numbers of such tags shall be registered in the name of the electrical contractor to whom they are issued and they shall not be transferable. Electrical inspection tags issued to an electrical contractor shall be used only for electrical installations made by said electrical contractor and for which said electrical contractor assumes full responsibility. (1-14-87)()

01. Completion of Electrical Inspection Tag. For each electrical installation made by an electrical contractor and coming under the provisions of Section 54-1001, Idaho Code, said contractor or his authorized representative shall complete an electrical inspection tag, issued by the Electrical ~~Division~~Bureau, giving all pertinent information. The name of the electrical contractor shall be stated and the tag shall be signed by the electrical contractor or his authorized agent. All five copies shall be legible. (~~1-14-87~~)()

02. Posting of Electrical Inspection Tag. Before work is commenced, the electrical contractor or his authorized representative shall place part No. 5 of the electrical inspection tag at the location of the service switch and mail or deliver part No. 4 to the power supplier. Parts No. 1 & No. 2, together with the proper inspection fee as herein provided, shall be mailed to the Electrical ~~Division~~Bureau, ~~Statehouse Mail~~P.O. Box 83720, Boise, Idaho, 83720-0028 within seven (7) working days from the time the electrical work is started. ~~Payment shall be submitted in the correct amount by the tenth day of the month for the inspection fees herein provided for all electrical installations commenced by the contractor during the previous calendar month. Included in such payment shall be fees for work covered by permits which, during the previous calendar month, were filed with or mailed to the Electrical Division, or were posted on the job site, or submitted to a power supplier. Where the total cost of installation is unknown, the minimum inspection fee as listed in IDAPA 07.01.02.011.06. of the fee schedule shall be submitted accompany the tag and arrangements shall be made, in writing, with the Electrical ~~Division~~ Bureau or its authorized agent for payment of the balance of the fee. In all cases, payment of the total inspection fee shall be made by the tenth of the month following prior to completion of the installation.~~ (~~4-1-91~~)()

a. The Electrical ~~Division~~ Bureau may refuse to extend credit to any electrical contractor for late payment or non-payment of any electrical inspection fees when due. In such instance, the contractor shall return all unused permits to the Electrical ~~Division~~ Bureau forthwith. No further permits will be issued to the contractor unless prepaid in cash or cash equivalent. Such contractor will not be allowed to purchase further permits unless and until all such unused permits have been returned to the Electrical ~~Division~~ Bureau, Boise Office, and all outstanding fees due have been paid in full. (~~4-1-91~~)()

b. Failure to post Part 5 of the electrical inspection tag at the required location, or failure to submit parts No. 1 and No. 2 of such tag and the proper inspection fee to the Electrical ~~Division~~ Bureau within seven (7) calendar days from the time the electrical installation work is commenced will result in the imposition of a double inspection fee. (4-1-91)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.03 - RULES GOVERNING ELECTRICAL LICENSING AND REGISTRATION - GENERAL
DOCKET NO. 07-0103-9602

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: This rule will become effective on August 22, 1996.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has temporary and proposed rule-making. The action is authorized pursuant to Section 54-1006, 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 October 16, 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 at the address below.

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

IDAPA 07.01.03.014 sets the Master Journeyman Electrician license renewal fee at fifteen dollars (\$15.00) and revival fee at twenty-five dollars (\$25.00). This is in direct conflict with Idaho Code 54-1014, which sets the same fees at twenty-five dollars (\$25.00) and thirty-five dollars (\$35.00) respectively.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to: To be in compliance with state and federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Gary L. Malmen, Bureau Chief, Division of Building Safety, 277 N. 6th Street, Suite 101, P.O. Box 83720, Boise, Idaho 83720, (208) 334-2183.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0103-9602

014. MASTER JOURNEYMAN ELECTRICIAN.

An applicant for a Master Journeyman Electrician license must have at least two (2) years experience as a licensed journeyman electrician as provided in Section 54-1007, Idaho Code. Any person having these qualifications may make application at any time by remitting to the Electrical ~~Division~~ Bureau a fifteen dollar (\$15) application fee. Upon being certified, he will be notified and may apply to take the next examination. Upon notification of passing the examination, the applicant must remit the required thirty-five dollar (\$35) fee for the issuance of a master license. A person holding a current master license shall not be required to hold a journeyman license. The license may be renewed any time during the month of July following the issuance of the license, upon payment of the ~~fifteen~~ twenty-five dollar (\$~~15~~25) renewal fee. A master license that has expired may be revived any time within one (1) year from the first day of the July following the issuance of the license, upon payment of the revival fee of ~~twenty-five~~ thirty-five dollars (\$~~25~~35). (7-1-96)(8/22/96)T

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-9602
NOTICE OF PROPOSED RULE

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 Section 54-1006, 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 October 16, 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 at the address below.

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

Amend IDAPA 07.01.04.013 to provide for and define a training/registration program for aspiring specialty journeyman electricians, and establish responsibility for constant on-the-job supervision during the training period.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Gary L. Malmen, Bureau Chief, Division of Building Safety, 277 N. 6th Street, Suite 101, P.O. Box 83720, Boise, Idaho 83720, (208) 334-2183.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 21st day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0104-9602

013. SPECIALTY EXPERIENCE REQUIREMENT.

01. Specialty Electrician Trainee. The experience requirement for such specialty license shall be two (2) years of experience with the type of installation for which the license is being applied for. A person wishing to become a specialty electrician trainee must be employed in the electrical specialty trade and shall register with the Division of Building Safety prior to going to work. Said person shall carry a current registration certificate on his person at all times and shall present it upon request to personnel of the Division of Building Safety for examination. Each trainee shall re-register prior to each July 1, furnishing proof of work experience performed during the previous

year with notarized letters from each employer. This requirement shall continue until two (2) years of experience at two thousand (2000) hours per year or a total of four thousand (4000) hours have been achieved. The registration fee for specialty electrician trainees shall be ten dollars (\$10). Any trainee failing to register by August 1 of each year shall pay an additional fee of ten dollars (\$10) to revive his registration certificate. Time shall not be credited while the trainee is inactive or not registered. (11-28-77)()

02. Direct Supervision. It shall be the responsibility of the employing specialty electrical contractor to insure that the trainee performs work only under the constant on-the-job supervision of a specialty journeyman electrician. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.01 - RULES GOVERNING BUILDING SAFETY - GENERAL
DOCKET NO. 07-0301-9601
NOTICE OF PROPOSED RULES

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 Section 39-4104, 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 October 16, 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 at the address below.

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

Rules 07.03.01.011.14 and 07.03.01.017 are obsolete. The recreational vehicle industry, since July 1, 1995, is no longer governed by the Bureau. The proposed rule change on 07.03.01.022 will clarify when it is not necessary for plan reviews to be performed by the Bureau for various construction projects. The rule changes on 07.03.01.024 will eliminate outdated information regarding the application of Handicap Accessibility Standards.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Rayne, Building Programs Manager, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0060, (208) 334-3896.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0301-9601

000. LEGAL AUTHORITY.

The ~~Director Administrator~~ of the ~~Department of Labor and Industrial Services~~ Division of Building Safety is authorized under Section 39-4104, et seq, Idaho Code, to promulgate rules concerning the enforcement and administration of the Idaho Building Code Advisory Act. (2-26-93)(____)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07, Title 3, Chapter 1, Rules of Building Safety-General, ~~Department of Labor~~

~~and Industrial Services~~ Division of Building Safety. These rules prescribe the criteria for enforcement of the Idaho Building Code Advisory Act by the Building Bureau. (2-26-93)(____)

(BREAK IN CONTINUITY OF SECTIONS)

010. REPEAL OF EXISTING RULES AND REGULATIONS.

Rules and Regulations for Plumbing, Heating, Electrical, and Construction Requirements for Factory Built Housing, and Rules and Regulations for Plumbing, Heating, Electrical and Construction Requirements for Mobile Homes and Recreational Vehicles, promulgated on an emergency basis on July 17, 1975, under the provisions of Sections 67-5203(b) and 67-5204(b)(2), Idaho Code, by the ~~Director~~ Administrator of the Division of Building Safety for the State of Idaho, are hereby repealed. (12-5-75)(____)

011. DEFINITIONS.

The terms defined in this section shall have the following meaning for all parts of IDAPA 07.03.01, unless the context clearly indicates another meaning: (6-28-78)

01. ~~Director Administrator~~. The ~~director administrator~~ of the ~~Department of Labor and Industrial Services~~ Division of Building Safety for the state of Idaho. (6-28-78)(____)

02. ~~Department Division~~. The ~~Department of Labor and Industrial Services~~ Division of Building Safety of the State of Idaho. (6-28-78)(____)

03. ~~Division Bureau~~. The Building ~~Division Bureau~~ of the ~~Department of Labor and Industrial Services~~ Division of Building Safety. (7-1-86)(____)

04. Labeled. Equipment or other building components bearing a label or other approved marking authorized or issued for use by a recognized testing/listing or evaluation agency. (7-1-86)

05. Listed. Equipment or other building components included within a current list published by a recognized testing/listing agency that maintains periodic inspection on current production of listed equipment or other building components and whose listing states either that the equipment or component complies with recognized standards or has been tested and determined to be suitable for the use intended. (7-1-86)

06. Listing Agency. A person, firm, association, partnership or corporation which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed materials, and which makes available, not less frequently than annually, a published report of such listing in which specific information is included that the product has been tested to nationally approved standards and found safe for use in a specified manner. (6-28-78)

07. Testing/Listing Agency. A person, firm, association, partnership or corporation which is: (7-1-86)

a. In the business of testing equipment or other building components; and (7-1-86)

b. Recognized by the ~~department~~ division as being qualified and equipped to conduct experimental testing in accordance with recognized standards; and (7-1-86)(____)

c. Not under the jurisdiction or control of any single manufacturer or supplier for an affected industry; and (6-28-78)

d. Making available, not less frequently than annually, a published report in which specific information is included stating that the equipment and systems have been tested and found safe for use in a specified manner. (7-1-86)

08. Board. The Idaho Building Code Advisory Board created under the provisions of Chapter 41, Title 39, Idaho Code. (7-1-86)

09. Insignia. A label, tab or tag issued by the ~~department~~ division to indicate compliance with the codes, standards, rules and regulations established for manufactured building systems, subsystems, or building elements, mobile homes, ~~recreational vehicles,~~ and commercial coaches. (7-1-86)(____)

10. In Kind. As referenced in Section 39-4105(6), Idaho Code, means the replacement of equipment or material, not structural and which does not affect any member or part of the building or structure having required fire resistance, with the same materials of which the building or structure is constructed. The installation or replacement of glass in hazardous locations, as specified in Section 5406, Uniform Building Code, shall be as required for new installations. (6-28-78)

11. Building Code Inspector. As referenced in Section 39-4116(2), Idaho Code, shall not include fuel gas and fire inspectors. (1-15-85)

12. Alteration. Application to mobile/manufactured home means the replacement, addition, and modification, or removal of any equipment or installation after sale by a manufacturer to a dealer but prior to sale by a dealer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat-producing or electrical system. It includes any modification made in a mobile/manufactured home which may affect the compliance of the home with the standards, but it does not include the repair or replacement of a component or appliance "plug-in" to an electrical receptacle where the replaced item is of the same configuration and rating as the one being replaced. It also does not include the addition of an appliance requiring "plug-in" to an electrical receptacle, which appliance was not provided with the mobile home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected. (1-16-92)

13. Transit damage. Application to mobile /manufactured home means that damage encountered enroute from the place of manufacture to the dealer or first owner involving structural integrity or any repair that does not result in return to the same construction or assembly as specified in the manufacturer's design approval without additional reinforcement or change. (1-16-92)

~~14. Model. As referred to in Section 39-4113(3), Idaho Code, for recreational vehicles shall mean a specific outside dimension and floor plan with specific electrical, plumbing, gas and heating locations. Changes that do not alter or relocate the above need not be considered a new model so long as the same model designation is used. Any dimension, floor plan or mechanical changes require a separate model designation. (7-1-86)~~

~~14. Model. As referred to in Section 39-4113(3), Idaho Code, for manufactured buildings and commercial coaches shall mean a specific outside dimension and floor plan with specific structural, plumbing, electrical, and mechanical systems as designated by the manufacturer to be the standard for imitation reproduction. (7-1-86)~~

~~15. Systems Plan. A design plan concept that allows the interchanging of various approved construction systems to include structural, electrical, plumbing, and mechanical aspects of the system. (7-1-86)~~

~~16. Technical Service. Conducting oral examinations, research, evaluation, consultation, model and systems plan reviews, interpretation and clarification by the ~~department~~ division of technical data relating to the application of these rules, and shall also include special field inspections that are not covered in other portions of these rules. (1-15-85)(____)~~

012. ~~DEPARTMENT~~DIVISION DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND SYSTEMS.

Equipment, materials and systems may be disapproved by the ~~department~~ division when it determines that such equipment, materials and systems, even though listed or labeled by an approved agency, are not adequate for the protection of the health, safety and the general welfare of the people of the state of Idaho. Where no standards are available for the purpose of testing or labeling equipment, materials, systems, or component parts to indicate that a test has been made for the safety regulations, such equipment, materials, systems, or component parts shall not be used until tested and approved by a testing agency and the ~~department~~ division determines that such equipment, materials, systems or component parts are adequate for the protection of the health, safety and general welfare of the people of the state of Idaho. (12-5-75)(____)

013. RIGHT OF ENTRY.

Whenever necessary to make an inspection to enforce any of the provisions of Chapters 40 and 41, Title 39, Idaho Code, or whenever the ~~director~~ administrator or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, the ~~director~~ administrator or his authorized representative shall enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the ~~department~~ division by Chapters 40 and 41, Title 39, Idaho Code; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the ~~director~~ administrator shall have recourse to every remedy provided by law to secure entry. ~~(12-5-75)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

015. FEES.

The following fee schedule shall be applicable for the functions cited: (7-1-93)

01. Document Fees. (7-1-93)

a. The ~~director~~ administrator shall charge such reasonable and suitable fees necessary for copies of any record, plan approval, permit, map, sketch, drawing or other instrument. ~~(12-5-75)~~(____)

b. Charges for copies of separate published documents shall be actual cost to the ~~department~~ division plus postage. ~~(12-5-75)~~(____)

02. Plan Rechecking Fee. Ten percent (10%) of the original fee. (12-5-75)

03. Technical Service Fee. Thirty-Six dollars (\$36) per hour. (7-1-86)

016. STOP WORK ORDERS.

Whenever any work is being done contrary to any provisions of the codes enumerated in Chapters 40 and/or 41, Title 39, Idaho Code, or contrary to these rules, the ~~director~~ administrator or his authorized representative may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the ~~director~~ administrator or his representative to proceed with the work. Stop work orders shall be accompanied by a notice of violation which shall state the specific violation and code reference. Stop work notices shall be red in color. ~~(12-5-75)~~(____)

017. PROHIBITED SALE OR OCCUPANCY NOTICE.

Whenever any mobile/manufactured home, ~~recreational vehicle~~, commercial coach or other manufactured building is in violation of any of the provisions of Chapter 40 and/or 41, Title 39, Idaho Code, or these rules, the ~~director~~ administrator or his authorized representative may prohibit the sale or occupancy of such unit, and any and all persons shall be forthwith prohibited from selling or occupying such unit. Prohibited sale or occupancy notices shall be removed only on authority of the ~~director~~ administrator or his authorized representative. Prohibited sale or occupancy notices shall be red in color. ~~(1-16-92)~~(____)

018. PROHIBITED OCCUPANCY.

Whenever any building, structure or premises is in violation of any of the provisions of Chapter 41, Title 39, Idaho Code, or these rules and regulations, the ~~director~~ administrator or his authorized representative may prohibit the occupancy of such building, structure or premises. Prohibited occupancy notices shall be removed only on authority of the ~~director~~ administrator or his authorized representative. Prohibited occupancy notices shall be red in color and cite the specific code section or regulation violated. ~~(12-5-75)~~(____)

019. REMOVAL OF ORDERS AND NOTICES; SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE.

Removal of stop work orders, prohibited sale or occupancy notices, or prohibited occupancy notices, or the sale, rent,

lease or occupancy of a unit, or the occupancy of a building or structure, bearing such order or notice by any person or persons not authorized by the ~~director~~ administrator or his authorized representative, shall constitute a violation under the provisions of Section 39-4126, Idaho Code, and shall fall under the provisions of Section 18-317, Idaho Code.

(12-5-75)(____)

020. CERTIFICATION TESTING.

The ~~director~~ administrator shall designate geographic locations, times, dates, and personnel responsible for certification testing.

(12-5-75)(____)

(BREAK IN CONTINUITY OF SECTIONS)

022. JURISDICTION OF PLAN CHECKING FOR STATE BUILDINGS.

01. Jurisdiction of the Requirements of Plan Checking. Jurisdiction of the requirements for plan checking for construction, additions, repairs, and occupancy of all state buildings within the State of Idaho shall remain exclusively with the ~~department~~ division. State buildings, for the purposes of this section, shall mean all buildings to be constructed for or by any agency of government at the state level for any purposes or occupancy, regardless of the source of funding for such construction, addition, repair, or occupancy.

(1-16-92)(____)

02. Plan Checking Not Required. Plan checking will not be required for any work ~~in nonstructural~~ not governed by Idaho adopted codes and standards and which does not affect any member or part of a building or structure having required fire resistance.

(5-25-76)(____)

(BREAK IN CONTINUITY OF SECTIONS)

024. ~~PROVISIONS FOR HANDICAPPED.~~ (RESERVED).

~~01. Guide in Providing Handicapped Access for Existing Buildings. ANSI A117.1-1986 revised edition shall be utilized as a guide in providing handicapped access for existing buildings. Provisions for handicapped access in existing buildings should conform as close to the standards as possible, when strict adherence is not practical.~~

~~(4-16-81)~~

~~02. Guide in Providing Handicapped Access for New Construction. In new construction other than public buildings where provisions are not governed by the Uniform Building Code the ANSI A117.1 standard shall apply as minimum requirements.~~

~~(2-1-79)~~

~~03. Conformance to Idaho Code. New construction of public buildings must conform to the requirements stated in Chapter 32, Title 39, Idaho Code.~~

~~(2-20-90)~~

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.05 - RULES GOVERNING MANUFACTURED HOMES
DOCKET NO. 07-0305-9601
NOTICE OF PROPOSED RULES

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 Section 39-4104, 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 October 16, 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 at the address below.

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

The proposed rule changes to 07.03.05.015.02 and 07.03.05.015.04 will allow the Division the ability to charge thirty-six dollars (\$36) per hour for travel time, charge for actual lodging expenses, and increase chargeable mileage fees from twenty-six cents (\$.26) to thirty-one cents (\$.31) per mile.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Rayne, Building Programs Manager, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0060, (208) 334-3896.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0305-9601

014. LOST OR DAMAGED INSIGNIA.

When an insignia of compliance becomes lost or damaged by the owner of a unit, the ~~department~~ division shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the unit serial number, and when possible the insignia number. All damaged insignia shall be promptly returned. Damaged or lost insignia shall be replaced by the ~~department~~ division with another insignia, which shall bear the date of the original insignia, upon payment of an insignia fee as provided in IDAPA 07.03.05.015. (6-1-76)()

015. FEES.

01. Payment of Fees. Fees shall be paid to and collected by the ~~department~~ division. (~~6-1-76~~)()
02. Requested Inspection or Reinspection (for models produced prior to June 15, 1976). Eleven dollars (\$11) for each system to be inspected (structural, heating, plumbing, electrical), for each unit plus ~~twenty-six cents (\$0.26)~~ thirty-one cents (\$0.31) per mile based on the distance from the point of inspection and the appropriate inspector's office location. The ~~department~~ division will arrange for inspection within the State of Idaho upon request. The costs will be charged in accordance with the fee structure provided above. (~~1-16-92~~)()
03. In-Plant Inspections. The charge for routine in-plant inspections shall be equal to the latest fees approved by the Department of Housing and Urban Development-Office of Manufactured Home Standards: Twenty-six dollars (\$26) per floor. (1-16-92)
04. Other Inspections. For all inspections other than routine whether they be in-plant or in the field (for models produced after June 15, 1976): Thirty-six dollars (\$36) per hour minimum ~~computed from the time of arrival and thereafter~~ for inspection and travel time, pro-rated to the nearest quarter hour, per diem and lodging where applicable, plus ~~twenty-six cents (\$0.26)~~ thirty-one cents (\$0.31) per mile based on the round-trip distance from point of inspection and the inspector's office location. (~~1-16-92~~)()
05. Insignia Replacement Fee. Ten dollars (\$10) per insignia. (Models prior to June 15, 1976). (6-1-76)
06. Insignia Administrative Replacement Fee. Ten dollars (\$10) per insignia. (All models produced after 15 June 1976). (4-4-89)
07. Other Fees. All other fees shall be as prescribed by the director. (4-4-89)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.06 - RULES GOVERNING THE USE OF THE UNIFORM BUILDING CODE
DOCKET NO. 07-0306-9601
NOTICE OF PROPOSED RULES

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 Section 39-4104, 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 October 16, 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 at the address below.

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

The rule change on 07.03.06.017 is to change the referenced 1991 edition of the Uniform Building Code to the 1994 Uniform Building Code adopted by Idaho Code 39-4109.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Rayne, Building Programs Manager, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0060, (208) 334-3896.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0306-9601

017. ADOPTION OF LATER EDITION.

Under the provisions of Section 39-4107(6), Idaho Code, the Uniform Building Code, ~~1991~~1994 edition, is hereby adopted for the state of Idaho, and shall be in full force and effect on and after January 1, ~~1992~~1995. (~~1-16-92~~____)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.07 - RULES GOVERNING CERTIFICATION
DOCKET NO. 07-0307-9601
NOTICE OF PROPOSED RULES

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 Section 39-4104, 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 October 16, 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 at the address below.

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

The proposed rule, 07.03.07.012, will delete the requirement for supervisors within the recreational vehicle industry to take written examinations offered by the Division.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Rayne, Building Programs Manager, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0060, (208) 334-3896.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0307-9601

012. MOBILE HOME ~~AND RECREATIONAL VEHICLE~~ CERTIFIED SUPERVISORS.

01. Certified Supervisors. Notwithstanding the provisions of IDAPA 07.03.07.010, a certificate of competency pursuant to Chapter 40, Title 39, Idaho Code, will be issued to those certified supervisor applicants found to be qualified by virtue of experience and written examination. Certified supervisors shall be on duty for constant on-the-job supervision of the installation of plumbing, electrical and heating systems and for surveillance of workmanship, suitability, grade and quality of materials and equipment, and shall be responsible for compliance with adopted code standards, working plans and specifications. (4-4-89)

02. Application for Certificate of Competency. (4-4-89)

a. Application for certificate of competency as an electrical supervisor, plumbing supervisor, and heat systems supervisor shall be printed and made available by the ~~Uniform Building Division Bureau.~~ (4-4-89)(____)

b. An applicant for certificate of competency must have a minimum of two (2) years experience in the industry, which shall be in the installation of the systems for which the certificate of competency is to be issued. Provided, however, training in a trade school can be accepted as part of the two (2) years experience if such training covers specifically the systems as defined in Chapter 40, Title 39, Idaho Code, for which the certificate of competency is to be issued; and provided further, that such credit for training shall not exceed one-half (1/2) of the time actually spent in school, and shall not in any case exceed one (1) year. (4-4-89)

c. Any person who holds a valid journeyman's license, issued by either the Idaho State Electrical Board or the Idaho State Plumbing Board, shall automatically be certified in their respective craft as an electrical or plumbing supervisor upon application for a certificate of competency accompanied by the license fee as provided in Subsection 012.02.d. (4-4-89)

d. Schedule of fees.

Certified supervisor (electrical, plumbing, heating)	\$25
Renewal of certification	\$15
Revival of certification	\$25
Examination (for each time taken)	\$20

e. All applications for certificates of competency properly completed, giving all pertinent information substantiating required experience and signature, shall be under oath and notarized. Applications for certificates of competency shall be accompanied by the appropriate license and examination fee, when applicable. Applications for certificates of competency shall be approved by the ~~department~~ division before any certificate of competency is issued or an examination is given. The provisions of this subsection shall not apply to examinations for annual renewal of certificates. (4-4-89)(____)

03. Examinations. (4-4-89)

a. Written examinations for certification of competency for certified supervisors of electrical systems, plumbing systems and heating systems shall be formulated by the department. Examination questions shall be based on the practical application of the latest Federal Mobile Home Construction and Safety Standards for mobile home supervisors, and ~~for recreational vehicles, the latest edition of NFPA 501C (ANSI A119.2), and for both,~~ the rules of the ~~department~~ division. (4-4-89)(____)

b. Upon examination, no certificate of competency shall be issued unless the applicant receives a final grade of seventy percent (70%) or higher. An applicant receiving a grade of less than seventy percent (70%) but not less than fifty percent (50%) may be re-examined at the expiration of thirty (30) days. An applicant receiving a grade of less than fifty percent (50%) may not be re-examined prior to the expiration of six (6) months from the date of examination at which such grade was received. Examinations for certificates of competency for certified supervisors shall be taken at the offices of the ~~department~~ division in Boise, Idaho, on the first and third Tuesdays of each month. (4-4-89)(____)

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.03.09 - RULES GOVERNING RECREATIONAL VEHICLES
DOCKET NO. 07-0309-9601
NOTICE OF PROPOSED RULES

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 Section 39-4104, 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 October 16, 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 at the address below.

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

The proposed rule change is to repeal the entire Chapter 9 relating to the recreational vehicle industry in response to 1995 legislation, which repealed the Divisions regulatory authority over recreational vehicles sold, rents, or leased in Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Jack Rayne, Building Programs Manager, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0060, (208) 334-3896.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 20th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3950/fax (208) 334-2683

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.04.01 - RULES GOVERNING SAFETY INSPECTIONS -- GENERAL
DOCKET NO. 07-0401-9601
NOTICE OF PROPOSED RULES

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 Section 39-4130, 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 October 16, 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 at the address below.

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

All the rules in 07.04.01 are being repealed in their entirety and are being replaced with rules that will reflect the procedures used by this Division and local authorities in regard to safety and occupational health inspections, elevator inspections, boiler and pressure vessel inspections, and the compliance of noted violations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Mike Poulin, Industrial Safety Supervisor, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0049, (208) 334-2129.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 19th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3442/fax (208) 334-2683

THIS CHAPTER IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.04.01 - RULES GOVERNING SAFETY INSPECTIONS -- GENERAL
DOCKET NO. 07-0401-9602
NOTICE OF PROPOSED RULES

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 Section 39-4130, 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 October 16, 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 at the address below.

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

All the rules in 07.04.01 are being rewritten in their entirety and will reflect the procedures used by this Division and local authorities in regard to safety and occupational health inspections, elevator inspections, boiler and pressure vessel inspections, and the compliance of noted violations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Mike Poulin, Industrial Safety Supervisor, Division of Building Safety, 277 N. 6th Street, Suite 100, P.O. Box 83720, Boise, Idaho 83720-0049, (208) 334-2129.

Anyone may submit written comments regarding this rule. All written comments and data concerning the proposed rules must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 19th day of August, 1996.

Renee Bryant
Division of Building Safety
277 N. 6th, Suite 100
P.O. Box 83720
Boise, ID 83720-0048
(208) 334-3442/fax (208) 334-2683

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0401-9602

IDAPA 07
TITLE 04
Chapter 01

07.04.01 - RULES GOVERNING SAFETY INSPECTIONS -- GENERAL

000. LEGAL AUTHORITY.

These rules presented in IDAPA 07, Title 04, Chapter 01, are promulgated pursuant to the authority granted the Administrator of the Division of Building Safety by Sections 39-4104, 39-4130, and 39-4131, Idaho Code. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07, Title 04, Chapter 01, Rules Governing Safety Inspections - General. For purposes of IDAPA 17, Title 04, these rules prescribe the criteria for enforcement of 39-4130, 39-4131, 67-2311, 67-2312, 67-2313, 67-2314, 67-2316, 67-2317, 72-720, 72-721, 72-722, and 72-723 Idaho Code. ()

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of this chapter in the form of legal memoranda. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. ()

004. -- 010. (RESERVED).

011. SAFETY INSPECTIONS.

01. Safety and Occupational Health Inspections. ()

a. Safety advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section will make periodic inspections in places of employment covered by 39-4130 and 39-4131 Idaho Code to ascertain whether there exists any violation of any law of this state relating to safety and/or sanitary conditions or practices, or whether there is a violation of any safety standards adopted by the Industrial Commission of the state of Idaho. ()

b. Safety advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section will make periodic inspections of public buildings covered by 67-2311, 67-2312, 67-2313, 67-2314, 67-2316, and 67-2317 Idaho Code and the immediate environs thereof, for the purpose of ascertaining unsafe or hazardous conditions not only to the state's employees but to inmates therein, attendants thereat, and to the general public. ()

c. Safety Advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section will make periodic inspections of employment covered by 72-720, 72-721, 72-722, and 72-723 Idaho Code in support of the Industrial Commission of the state of Idaho to ascertain whether there exists any violation of any law of this State relating to safety and/or sanitary conditions or practices, or whether there is a violation of any safety standards adopted by the Industrial Commission of the state of Idaho. ()

d. Safety and occupational health inspections shall be conducted using IDAPA 17, Title 10, Idaho General Safety and Health Standards and Idaho Code as the primary standards with the following standards used as a basis for appraisals of other hazards: Uniform Building Code (UBC), Uniform Fire Code (UFC), Uniform Mechanical Code (UMC), Uniform Plumbing Code (UPC), National Electric Code (NEC), Life Safety Code, standards of the American National Standards Institute (ANSI), standards of the National Fire Protection Association (NFPA), standards of the National Institute for Occupational Safety and Health (NIOSH), 29CFR1910 General Industry Standards, 29CFR1926 Construction Standards, nationally recognized industry standards, and other nationally recognized standards and codes. ()

02. Elevator Inspections. ()

a. Safety Advisors for the Division of Building Safety, Bureau of Logging and Industrial Safety, Industrial Safety Section will witness the testing of elevators and related installations. ()

b. The inspection and testing of elevators and related installations shall be conducted in accordance with the provisions of IDAPA 17, Title 07, Safety Rules for Elevators, ANSI A17.1 Safety Code for Elevators and Escalators, ANSI A17.1 Handbook, ANSI A17.2.1 Inspector's Manual for Electric Elevators, ANSI A17.2.2

Inspector's Manual for Hydraulic Elevators, ANSI A17.2.3 Inspector's Manual for Escalators and Moving Walks, ANSI A17.3 Existing Elevators and Escalators, ANSI A117.1 Accessible and Usable Building and Facilities, the Uniform Building Code, and the National Electric Code. ()

03. Boiler and Pressure Vessel Inspections. ()

a. Boiler and pressure vessel inspections will be conducted by boiler and pressure vessel inspectors who work for an insurance company authorized to write insurance in Idaho, who are currently certified by the National Board of Boiler and Pressure Vessel Inspectors, and have a current Idaho Commission. ()

b. The inspection of boilers and pressure vessels shall be conducted in accordance with the provisions of IDAPA 17, Title 06, Boiler and Pressure Vessel Safety Rules, Nation Board Inspection Code, and the ASME Boiler and Pressure Vessel Code. ()

012. -- 999. (RESERVED).

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.04 - RULES GOVERNING LICENSING

DOCKET NO. 13-0104-9604

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective August 19, 1996

ACTION: The action, under Docket No.13-0104-9604, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 06, Rules Governing Licensing in the state of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 1996.

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

Establish a refund policy for nonresident licenses, tags, and permits.

TEMPORARY RULE JUSTIFICATION: This rule confers a benefit and is needed for license sales beginning this fall.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Steve Barton, 334-3781, 600 South Walnut, Boise, Idaho 83707.

Anyone may submit written comments regarding this rule. All written comments and data concerning this rule must be directed to the undersigned and must be postmarked or delivered on or before October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0104-9604

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. Thirteen thousand five hundred (13,500) regular deer tags; (3-13-96)T

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

- c. One thousand eight hundred fifteen (1,815) Panhandle elk tags (12-12-95)T
- d. One thousand (1,000) 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)

The fee for any nonresident license (as defined in I.C. 36-202(z)) shall not be refunded for any reason except as follows. (8-19-96)T

a. Hunting license and general season deer and elk tag refunds due to death, illness/injury or military deployment of licensee. Non-resident general season deer or elk tag fees and prerequisite hunting license fee may be refunded for death of licensee; illness or injury of licensee which totally disabled the licensee for the entire length of any applicable hunting season; or military deployment of licensee due to an armed conflict. Refund must be substantiated by death certificate, published obituary, written justification by a licensed medical doctor, copy of military orders, or other similar substantiating documents. The hunting license fee will not be refunded if it was used to apply for any controlled hunt or to purchase a turkey, mountain lion, or bear tag. The amount refunded will be the amount of the applicable deer or elk tag and hunting license less all issuance fees and a fifty dollar (\$50) processing fee. The refund request must be postmarked on or before December 31 of the calendar year in which the license and tags were valid. (8-19-96)T

b. General season deer and elk tag refunds for other than death, illness/injury, or military deployment of licensee. Non-resident general season deer or elk tag fees may be refunded for any reason other than death of the licensee; illness or injury of licensee which totally disables the licensee for the entire length of all applicable seasons; or military deployment of licensee due to an armed conflict. The request for the refund must be postmarked in the year in which the tag is valid. The hunting license fee will not be refunded. The refund will be based on the following sliding scale as a percent of the deer or elk tag fee.

<u>Postmarked</u>	<u>Percent of Fee Refunded</u>
<u>Before April 1</u>	<u>75%</u>
<u>in April through June</u>	<u>50%</u>

<u>Postmarked</u>	<u>Percent of Fee Refunded</u>
<u>in July and August</u>	<u>25%</u>
<u>September through December</u>	<u>0%</u>

(8-19-96)T

c. Department error. The department determines that a department employee made an error in the issuance of the license. (8-19-96)T

d. Submission requirements. All refund requests must be in writing and be accompanied with the original copy of the license or tag. (8-19-96)T

e. Effective. These changes will be effective with the 1997 licenses and tags. (8-19-96)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.06 - RULES GOVERNING CLASSIFICATION OF WILDLIFE
DOCKET NO. 13-0106-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective July 31, 1996.

ACTION: The action, under Docket No.13-0106-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 06, Rules Governing Classification of Wildlife in the state of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

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

October 2, 1996 at 7:30 P.M. in the Trophy Room
Idaho Department of Fish and Game Headquarters Office
600 South Walnut, Boise, Idaho.

The hearing site will be assessable 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 proposed rule:

Classify Sandhill Crane as a migratory game bird.

TEMPORARY RULE JUSTIFICATION: The rule is necessary to allow a hunting season in September and confers a benefit.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0106-9601

100. CLASSIFICATION OF WILDLIFE.

- 01. Big Game Animals. (7-1-93)
 - a. Black bear - *Ursus americanus*. (7-1-93)
 - b. California bighorn sheep - *Ovis canadensis californiana*. (7-1-93)
 - c. Elk - *Cervus elaphus*. (7-1-93)
 - d. Moose - *Alces alces*. (7-1-93)
 - f. Mountain goat - *Oreamnos americanus*. (7-1-93)
 - g. Mountain lion - *Felis concolor*. (7-1-93)
 - h. Mule deer - *Odocoileus hemionus*. (7-1-93)
 - i. Pronghorn antelope - *Antilocapra americana*. (7-1-93)
 - j. Rocky Mountain bighorn sheep - *Ovis canadensis canadensis*. (7-1-93)
 - k. White-tailed deer - *Odocoileus virginianus*. (7-1-93)
- 02. Upland Game Animals. (7-1-93)
 - a. Nuttall's cottontail - *Sylvilagus nuttallii*. (7-1-93)
 - b. Pygmy rabbit - *Brachylagus idahoensis*. (7-1-93)
 - c. Snowshoe hare - *Lepus americanus*. (7-1-93)
- 03. Game Birds. Game birds includes both upland game birds and migratory game birds. (7-1-93)
 - a. Upland Game Birds. (7-1-93)
 - i. Pheasants: Chinese or ring-necked pheasant, Mongolian pheasant, mutant pheasant, Japanese green pheasant, or any hybrids thereof-Phasianus. (7-1-93)
 - ii. Partridge: gray (Hungarian) partridge, *Perdix perdix*; chukar, *Alectoris chukar*; and French red-legged partridge, *Alectoris rufa*. (7-1-93)
 - iii. Quail: northern bobwhite, *Colinus virginianus*; California quail, *Callipepla californica*; mountain quail, *Oreortyx pictus*; and Gambel's quail, *Callipepla gambelii*. (7-1-93)
 - iv. Grouse: Blue grouse, *Dendragapus obscurus*; ruffed grouse, *Bonasa umbellus*; spruce grouse, *Dendragapus canadensis*; sage grouse, *Centrocercus urophasianus*; and sharp-tailed grouse, *Tympanuchus phasianellus*. (7-1-93)
 - v. Wild turkey: *Meleagris gallopavo intermedia*, *M. g. merriami*, and *M. g. silvestris*. (7-1-93)
- b. Migratory Game Birds: (7-1-93)
 - i. Coot: American, *Fulica americana*. (7-1-93)
 - ii. Dove: mourning, *Zenaida macroura*. (7-1-93)
 - iii. Ducks: black duck, *Anas rubripes*; bufflehead, *Bucephala albeola*; canvasback, *Aythya valisineria*; gadwall, *Anas strepera*; Barrow's goldeneye, *Bucephala islandica*; common goldeneye, *Bucephala clangula*; harlequin

duck, *Histrionicus histrionicus*; mallard, *Anas platyrhynchos*; common merganser, *Mergus merganser*; hooded merganser, *Lophodytes cucullatus*; red-breasted merganser, *Mergus serrator*; oldsquaw, *Clangula hyemalis*; northern pintail, *Anas acuta*; redhead, *Aythya americana*; ring-necked duck, *Aythya collaris*; ruddy duck, *Oxyura jamaicensis*; greater scaup, *Aythya marila*; lesser scaup, *Aythya affinis*; surf scoter, *Melanitta perspicillata*; white-winged scoter, *Melanitta fusca*; northern shoveler, *Anas clypeata*; blue-winged teal, *Anas discors*; cinnamon teal, *Anas cyanoptera*; green-winged teal, *Anas crecca*; American wigeon, *Anas americana*; European wigeon, *Anas penelope*; and wood duck, *Aix sponsa*. (7-1-93)

- iv. Brant: black brant, *Branta bernicla*. (7-1-93)
- v. Geese: Canada, *Branta canadensis*; emperor, *Chen canagica*; Ross', *Chen rossii*; snow, *Chen caerulescens*; and white-fronted, *Anser albifrons*. (7-1-93)
- vi. Swans: Trumpeter, *Olar buccinator*; and Tundra, *Olar columbianus*. (7-1-93)
- vii. Snipe: Common, *Capella gallinago*. (7-1-93)
- viii. Greater Sandhill Crane: *Grus Canadensis*. (7-31-96)T
- 04. Game Fish. Game fish includes the following fish, bullfrog and crayfish: (2-23-94)
 - a. American shad - *Alosa sapidissim*. (7-1-93)
 - b. American smelt - *Osmerus mordax*. (7-1-93)
 - c. Arctic char, blueback trout - *Salvelinus alpinus*. (2-23-94)
 - d. Arctic grayling - *Thymallus arcticus*. (7-1-93)
 - e. Atlantic salmon - *Salmo salar*. (7-1-93)
 - f. Bear Lake whitefish - *Prosopium abyssicola*. (7-1-93)
 - g. Black bullhead - *Ictalurus melas*. (7-1-93)
 - h. Black crappie - *Pomoxis nigromaculatus*. (7-1-93)
 - i. Blue Catfish - *Ictalurus furcatus*. (7-1-93)
 - j. Bluegill - *Lepomis macrochirus*. (7-1-93)
 - k. Bonneville cisco - *Prosopium gemmiferum*. (7-1-93)
 - l. Bonneville whitefish - *Prosopium spilonotus*. (7-1-93)
 - m. Brook trout - *Salvelinus fontinalis*. (7-1-93)
 - n. Brown bullhead - *Ictalurus nebulosus*. (7-1-93)
 - o. Brown trout - *Salmo trutta*. (7-1-93)
 - p. Bull trout - *Salvelinus confluentus*. (7-1-93)
 - q. Bullfrog - *Rana catesbeiana*. (7-1-93)
 - r. Burbot, Ling - *Lota lota*. (7-1-93)

s.	Channel catfish - <i>Ictalurus punctatus</i> .	(7-1-93)
t.	Chinook salmon - <i>Oncorhynchus tshawytscha</i> .	(7-1-93)
u.	Coho salmon - <i>Oncorhynchus kisutch</i> .	(7-1-93)
v.	Crayfish - <i>Pacifastacus</i> sp. (3 species).	(2-23-94)
w.	Cutthroat trout - <i>Oncorhynchus clarki</i> .	(7-1-93)
x.	Flathead catfish - <i>Pylodictis olivaris</i> .	(7-1-93)
y.	Golden trout - <i>Oncorhynchus aquabonita</i> .	(7-1-93)
z.	Green sunfish - <i>Lepomis cyanellus</i> .	(7-1-93)
aa.	Lake trout, Mackinaw - <i>Salvelinus namaycush</i> .	(7-1-93)
bb.	Lake whitefish - <i>Coregonus clupeaformis</i> .	(7-1-93)
cc.	Largemouth bass - <i>Micropterus salmoides</i> .	(7-1-93)
dd.	Mountain whitefish - <i>Prosopium williamsoni</i> .	(7-1-93)
ee.	Northern pike - <i>Esox lucius</i> .	(7-1-93)
ff.	Pumpkinseed - <i>Lepomis gibbosus</i> .	(7-1-93)
gg.	Pygmy whitefish - <i>Prosopium coulteri</i> .	(7-1-93)
hh.	Rainbow trout - <i>Oncorhynchus mykiss</i> .	(7-1-93)
ii.	Rainbow/cutthroat trout - <i>O. mykiss</i> x <i>O. clarki</i> hybrid.	(2-23-94)
jj.	Sauger - <i>Stizostedion canadense</i> .	(7-1-93)
kk.	Smallmouth bass - <i>Micropterus dolomieu</i> .	(7-1-93)
ll.	Splake - <i>S. namaycush</i> x <i>S. fontinalis</i> hybrid.	(2-23-94)
mm.	Sockeye salmon, kokanee - <i>Oncorhynchus nerka</i> .	(7-1-93)
nn.	Steelhead - <i>Oncorhynchus mykiss</i> .	(7-1-93)
oo.	Tiger muskie - <i>Esox lucius</i> x <i>Esox masquinongy</i> hybrid.	(7-1-93)
pp.	Walleye - <i>Stizostedion vitreum</i> .	(7-1-93)
qq.	Warmouth - <i>Lepomis gulosus</i> .	(7-1-93)
rr.	White crappie - <i>Pomoxis annularis</i> .	(7-1-93)
ss.	White sturgeon - <i>Acipenser transmontanus</i> .	(7-1-93)
tt.	Yellow perch - <i>Perca flavescens</i> .	(7-1-93)
05.	Migratory Birds. Common American crow - <i>Corvus brachyrhynchos</i> .	(7-1-93)

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| 06. | Furbearing Animals. | (7-1-93) |
| a. | Badger - <i>Taxidea taxus</i> . | (7-1-93) |
| b. | Beaver - <i>Castor canadensis</i> . | (7-1-93) |
| c. | Bobcat - <i>Felis rufus</i> . | (7-1-93) |
| d. | Fisher - <i>Martes pennanti</i> . | (7-1-93) |
| e. | Lynx - <i>Felis lynx</i> . | (7-1-93) |
| f. | Marten - <i>Martes americana</i> . | (7-1-93) |
| g. | Mink - <i>Mustela vison</i> . | (7-1-93) |
| h. | Muskrat - <i>Ondatra zibethicus</i> . | (7-1-93) |
| j. | Otter - <i>Lutra canadensis</i> . | (7-1-93) |
| k. | Raccoon - <i>Procyon lotor</i> . | (7-1-93) |
| l. | Red fox - <i>Vulpes vulpes</i> -includes all color phases found in Idaho. | (7-1-93) |

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING GAME BIRDS

DOCKET NO. 13-0109-9602

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective July 31, 1996.

I ACTION: The action, under Docket No.13-0109-9602, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 09, Rules Governing Game Birds in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 1996.

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

Establish early September Canada goose hunts, extend the pheasant season in Area 1, and set the seasons, bag and possession limits for sage grouse. The rule also closes the Hagerman Fossil Beds National Monument to hunting.

TEMPORARY RULE JUSTIFICATION: The rule is necessary to allow hunting this fall, and confers a benefit.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-9602

100. TAGS, STAMPS AND PERMITS.

01. Pheasant, Quail or Partridge. No person, seventeen (17) years of age or older, shall hunt pheasant, quail or partridge without having in his possession the appropriate hunting license and a valid upland game bird permit signed in ink across its face by the hunter possessing it. The upland game permit shall be valid from January 1 through December 31 of each year. (7-1-93)

02. Ducks, Geese or Brant. No person, seventeen (17) years of age or older, shall hunt ducks, geese or

brant without having in his possession the appropriate hunting license and a valid Idaho migratory waterfowl stamp signed in ink across its face by the hunter possessing it. The migratory waterfowl stamp shall be valid from July 1 through June 30 of each year. (7-1-93)

03. Wild Turkey. No person shall hunt wild turkey without having in his possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps and permits must comply with the following requirements: (7-1-93)

a. Tags issued for wild turkey are valid for any general season hunt. (7-1-93)

b. Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from hunting in any other wild turkey hunt. (7-1-93)

c. Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to a nonresident. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-93)

d. Eligibility: The holders of valid hunting licenses are eligible to apply for controlled hunts subject to the following restrictions: (7-1-93)

i. Holders of a Type 208 Nongame Hunting License may not apply for any controlled hunt. (7-1-93)

ii. In the event a permit is issued based on erroneous information, the permit will be invalidated and the person will remain on the drawn list. (7-1-93)

e. Applications: 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 February 15, annually. Applications must comply with the following requirements: (2-7-95)

i. 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)

ii. Only one (1) application card per person or group will be accepted. Additional application cards will result in all applicants being declared ineligible. (7-1-93)

iii. Fees: Applicants for controlled hunts must submit a five dollar (\$5) non-refundable application fee with their application. The fee is five dollar (\$5) for each applicant; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. If you are successful, you will be issued a permit that entitles you to purchase the appropriate controlled hunt tag, beginning April 1, at any license vendor or Fish and Game office by presenting your hunting license and controlled hunt permit. (2-7-95)

iv. A single payment (either cashier's check, money order, certified check, or 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. (2-7-95)

v. A "group application" is defined as two (2) hunters applying for the same controlled hunt on the same application. (2-7-95)

vi. Hunting license and tag fees will NOT be refunded to unsuccessful applicants. (7-1-93)

f. Drawing information: 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)

g. Tag validation and attachment: Immediately after any wild turkey is killed, the turkey tag must be validated and securely attached to the wild turkey. (7-1-93)

h. To validate the tag, the hunter must cut out and completely remove two triangles on the border of the tag, one for the month and one for the day of the kill. (7-1-93)

i. The tag must remain attached so long as the turkey is in transit or storage. (7-1-93)

04. Early September Canada Goose Hunts. (7-31-96)T

a. General Hunts: No person shall hunt Canada geese during the general, early September season (September 1-15) without having in his possession the appropriate hunt permit. Persons obtaining and using general hunt permits must comply with the following requirements: (7-31-96)T

i. Applications: Applications for general hunt permits shall be made on a form prescribed by the Department. They may be submitted to the Department's Headquarters Office or any Regional or Subregional office. Applications will be accepted until all permits are issued or the season ends, whichever comes first. (7-31-96)T

ii. Fees: Permits for general hunts are free. Permits will be issued on a first-come, first-served basis until all are issued. (The Idaho Migratory Waterfowl Stamp and the Federal Migratory Bird Stamp are required by any person 17 and 16 years of age and older, respectively (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). (7-31-96)T

iii. Landowner Preference Permits: Landowner Preference Permits shall be the same as IDAPA 13.01.04.400.01. through 06. (7-31-96)T

iv. The following rules previously established for wild turkey also apply to general, early September Canada goose hunts: Subsections 100.03.c., d., e.ii., and e.v. (7-31-96)T

b. Controlled Hunts: No person shall hunt Canada geese during controlled, early September seasons (September 1-15) without having in his possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using controlled hunt permits must comply with the following requirements: (7-31-96)T

i. Applications: 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 August 1, annually. Applications must comply with the following requirements: (7-31-96)T

ii. Fees: Applicants for controlled hunts must submit a five dollar (\$5) nonrefundable application fee with their application. The fee is five dollars (\$5) for each applicant; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to hunt. (The Idaho Migratory Waterfowl Stamp and the Federal Migratory Bird Stamp are required by any person 17 and 16 years of age and older, respectively (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). (7-31-96)T

iii. Landowner Preference Permits: Landowner Preference Permits shall be the same as IDAPA 13.01.04.400.01 through 06. (7-31-96)T

iv. The following rules previously established for wild turkey also apply to early September Canada goose hunts: Subsections 100.03.b., c., d., e.ii., e.iv. through e.vi., and f. (7-31-96)T

v. Any controlled hunt permits for Canada geese that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis. Applications for leftover controlled hunt permits will be accepted at the Department's Headquarters office and Regional and Subregional offices from August 15 through the end of the early September goose hunting seasons. (7-31-96)T

(BREAK IN CONTINUITY OF SECTIONS)

600. PHEASANT SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (10-26-94)

01. Area 1. Area 1 includes Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties. (7-1-93)

31. a. Area 1 annual season begins the second Saturday of October and lasts ~~65 days through December~~ (10-26-94)(7-31-96)T

b. Area 1 daily bag limit is three (3) cocks. (7-1-93)

c. Area 1 possession limit after the first day of the season is six (6) cocks. (7-1-93)

02. Area 2. Area 2 includes Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Power, Teton, and Twin Falls Counties. (7-1-93)

a. Area 2 annual season begins at noon on the third Saturday of October and lasts 44 days. (10-26-94)

b. Area 2 daily bag limit is three (3) cocks. EXCEPT Market Lake Wildlife Management Area and Mud Lake Wildlife Management Area in Jefferson County and Sterling Wildlife Management Area in Bingham County is 2 cocks. (7-1-93)

c. Area 2 possession limit after the first day of the season is six (6) cocks. EXCEPT Market Lake Wildlife Management Area and Mud Lake Wildlife Management Area in Jefferson County and Sterling Wildlife Management Area in Bingham County is 4 cocks. (7-1-93)

03. Area 3. Area 3 includes Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties (including all islands in the Snake River EXCEPT PATCH AND PORTER ISLANDS). (7-1-93)

a. Area 3 annual season begins at noon (12:00 pm) on opening day, the third Saturday of October, and lasts 58 days. (10-26-94)

b. Patch and Porter Islands: Opening Date is the third Saturday of October. Closing Dates: (Will be the same as those set for these areas by the Oregon Fish and Game Commission. Check with Idaho regional offices for dates or see Oregon small game regulations.) (10-26-94)

c. Area 3 daily bag limit is three (3) cocks. EXCEPT Fort Boise Wildlife Management Area (including Gold Island) in Canyon County, C.J. Strike Wildlife Management Area in Owyhee County, Kennedy-Keifer segment of the Lower Payette River Wildlife Management Area in Payette County and Montour Management Area in Gem County is two (2) cocks. (7-1-93)

d. Area 3 possession limit after the first day of the season is six (6) cocks. EXCEPT Fort Boise Wildlife Management Area (including Gold Island) in Canyon County, C.J. Strike Wildlife Management Area in Owyhee County, Kennedy-Keifer segment of the Lower Payette River Wildlife Management Area in Payette County and Montour Management Area in Gem County is four (4) cocks. (7-1-93)

04. WMA Pheasant Permit. (10-26-94)

a. Permit Requirement. Any person hunting for or having a pheasant in his or her possession on any of the Wildlife Management Areas listed in subsections 600.02 and 600.03 must have a valid WMA Pheasant Permit in his or her possession. (10-26-94)

b. Bag limit. The annual bag limit under this permit is ten (10) cocks. (10-26-94)

c. Reporting. Any person issued a WMA Pheasant Permit must file a hunting report with the

Department on a form prescribed by the Department not later than December 31 of the year that the permit is issued.
(10-26-94)

(BREAK IN CONTINUITY OF SECTIONS)

603. BOBWHITE QUAIL AND CALIFORNIA QUAIL SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (10-26-94)

01. Area 1. Area 1 includes Bannock, Bear Lake, Benewah, Bingham, Bonner, Bonneville, Boundary, Butte, Caribou, Clark, Custer, Franklin, Fremont, Jefferson, Kootenai, Lemhi, Madison, Oneida, Power, Shoshone, and Teton Counties. Season for quail in Area 1 is CLOSED. (7-1-93)

02. Area 2. Area 2 includes Ada, Adams, Blaine, Boise, Camas, Canyon, Cassia, Clearwater, Elmore, Gem, Gooding, Idaho, Jerome, Latah, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Twin Falls, Valley, and Washington Counties. (7-1-93)

a. Area 2 annual seasons begins the third Saturday of September and lasts through December 31. (10-26-94)

b. Area 2 daily bag limit is ten (10) ~~in the aggregate of any kind.~~ (7-1-93)(7-31-96)T

c. Area 2 possession limit after the first day of the season is twenty (20) ~~in the aggregate of any kind.~~ (7-1-93)(7-31-96)T

604. FOREST GROUSE (BLUE, RUFFED, AND SPRUCE).

The following seasons, bag and possession limits apply statewide. (10-26-94)

01. Season.: September 1 through December 31, annually. (10-26-94)

02. Limit. Daily bag limit is 4 ~~in the aggregate of any kind.~~ (7-1-93)(7-31-96)T

03. Possession Limit. Possession limit after the first day of the season is 8 ~~in the aggregate of any kind.~~ (7-1-93)(7-31-96)T

605. SAGE GROUSE SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (5-16-94)

01. Area 1. Area 1 includes the following counties: Ada, Adams, Benewah, Blaine County within the Salmon River drainage, Boise, Bonner, Boundary, Canyon, Clearwater, Custer County within the Salmon River drainage upstream from and including Valley Creek, Elmore EXCEPT that portion within the Camas Creek drainage and that portion north of Interstate 84 east of King Hill Creek, Gem, Idaho, Kootenai, Latah, Lewis, Nez Perce, Payette, Shoshone, Valley, and Washington Counties. Season for sage grouse in Area 1 is CLOSED. (7-1-93)

02. Area 2. Area 2 includes the following counties or portions of counties: Bannock, Bear Lake, Bingham, Blaine County except that portion within the Salmon River drainage is CLOSED, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer County EXCEPT that portion within the Salmon River drainage upstream from and including Valley Creek is CLOSED, Elmore County within the Camas Creek drainage and that portion north of Interstate 84 east of King Hill Creek, Franklin, Fremont, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Power, Teton, and Twin Falls Counties. (7-1-93)

a. Area 2 annual season begins the third Saturday of September and lasts 30 days. (5-16-94)

b. Area 2 daily bag limit is three (3). (7-1-93)

e. Area 2 possession limit after the first day of the season is six (6). (7-1-93)

01. Area 1. Includes the following counties or portions of counties. Ada, Adams, Bannock north of Interstate 86 and west of Interstate 15, Benewah, Bingham, and Bonneville west of Interstate 15, Blaine County within the Salmon River drainage and east and south of the Great Rift, Boise, Bonner, Boundary, Butte that part south of US Highways 20/26 and 22/33 between Mud Lake and Craters of the Moon National Monument and the entire Birch Creek drainage, Canyon, Clark within the Birch Creek drainage, Clearwater, Custer County within the Salmon River drainage upstream from and including Valley Creek, Elmore EXCEPT that portion south and east of US Highway 20 and north of Interstate 84, Gem, Idaho, Jefferson west of Interstate 15 and south of State Highway 33, Kootenai, Latah, Lemhi within the Birch Creek drainage, Lewis, Nez Perce, Payette, Power north of Interstate 86, Shoshone, Valley, and Washington Counties. Season for sage grouse in Area 1 is CLOSED. (7-31-96)T

02. Area 2. Includes the following counties or portions of counties. Bannock EXCEPT that portion north of Interstate 86 and west of Interstate 15, Bear Lake, Bingham, and Bonneville east of Interstate 15, Caribou, Cassia, Clark EXCEPT that portion within the Birch Creek drainage, Franklin, Fremont, Jefferson east of Interstate 15 and that part north of State Highway 33 and west of Interstate 15, Madison, Oneida, Owyhee north of the Juniper Mountain/Mud Flat/Poison Creek roads and Highway 78 to Grandview and the Snake River, Owyhee east of the Bruneau River, Power south of Interstate 86, Twin Falls, and Teton Counties. (7-31-96)T

a. Area 2 annual season begins the third Saturday of September and lasts seven (7) days. (7-31-96)T

b. Area 2 daily bag limit is one (1). (7-31-96)T

c. Area 2 possession limit after the first day of the season is two (2). (7-31-96)T

03. Area 3 Includes the following counties or portions of counties. Blaine EXCEPT that part within the Salmon River drainage and that part east and south of the Great Rift, that part of Butte north of US Highway 20/26 and State Highway 33 not within the Birch Creek drainage, Camas, Custer EXCEPT that portion within the Salmon River drainage upstream from and including Valley Creek, Elmore south and east of US Highway 20 and north of Interstate 84, Gooding, Jerome, Lemhi EXCEPT that portion within the Birch Creek drainage, Lincoln, Minidoka, Owyhee south of the Juniper Mountain/Mud Flat/Poison Creek roads and Highway 78 to Grandview and the Snake River and west of the Bruneau River. (7-31-96)T

a. Area 3 annual season begins the third Saturday of September and lasts twenty three (23) days. (7-31-96)T

b. Area 3 daily bag limit is two (2). (7-31-96)T

c. Area 3 possession limit after the first day of the season is four (4). (7-31-96)T

606. SHARP-TAILED GROUSE SEASONS, BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits shall apply: (5-16-94)

01. Area 1. Area 1 includes the following counties or portions of counties: Ada, Adams, Bannock County west of Interstate 15 and north of Interstate 86, Benewah, Bingham County west of Interstate 15, Blaine, Boise, Bonner, Bonneville County west of Interstate 15, Boundary, Butte, Camas, Canyon, Cassia County west of Interstate 84 north of the Malta-Sublett Road and west of the Malta-Strevell Road, Clark County west of Interstate 15, Clearwater, Custer, Elmore, Gem, Gooding, Idaho, Jefferson County west of Interstate 15, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Owyhee, Payette, Power County north of Interstate 86, Shoshone, Twin Falls, Valley, and Washington County. (5-16-94)

a. Season for sharp-tailed grouse in Area 1 is CLOSED. (5-16-94)

02. Area 2. Area 2 includes the following counties or portions of counties: Bingham County east of Interstate 15, Bonneville County east of Interstate 15, Clark County east of Interstate 15, Fremont, Jefferson County east of Interstate 15, Madison, and Teton County. (5-16-94)

a. Area 2 annual season begins the third Saturday of September and lasts 16 days. (5-16-94)

b. Area 2 daily bag limit is two (2). (5-16-94)

c. Area 2 possession limit after the first day of the season is four (4). (5-16-94)

03. Area 3. Area 3 includes the following counties or portions of counties: Bannock County east of Interstate 15 and south of Interstate 86, Bear Lake County, Caribou County, Cassia County east of Interstate 84 and that portion west of Interstate 84 south of the Malta-Sublett Road and east of the Malta-Strevell Road, Franklin County, Oneida County, and Power County south of Interstate 86. (5-16-94)

a. Area 3 annual season begins the third Saturday of September and lasts sixteen ~~30(16)~~ days.
(~~5-16-94~~)(7-31-96)T

b. Area 3 daily bag limit is two (2). (5-16-94)

c. Area 3 possession limit after the first day of the season is four (4). (5-16-94)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING GAME BIRDS

DOCKET NO. 13-0109-9603

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective August 19, 1996

ACTION: The action, under Docket No. 13-0109-9603, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 09, Rules Governing Game Birds in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code. The temporary rule is effective August 19, 1996.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 1996.

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

Establish the duck and goose seasons, bag and possession limits, and establish youth waterfowl hunting day.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow hunting this fall and confers a benefit.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-9603

400. AREAS CLOSED TO HUNTING OF GAME BIRDS.

01. General. Hunting, killing, or molesting of any game bird 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. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area 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). (8-21-95)T

- c. Harriman State Park Wildlife Refuge in Fremont County. (7-1-93)
- d. Idaho National Engineering Laboratory site in Bingham, Bonneville, Butte, Clark, and Jefferson Counties. (7-1-93)
- 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. Fort Boise Wildlife Management Area (WMA) in Canyon County from September 15 through the end of the waterfowl hunting season in the area enclosed by the following boundary: Beginning at the bridge across Sand Hollow Creek on Old Fort Boise Road approximately one hundred (100) yards west of the WMA headquarters, then north along the east bank of Sand Hollow Creek to its confluence with the Snake River, then north and northeast downstream along the east bank of the Snake River to the WMA boundary fence, then south and southeast along the WMA boundary fence to Old Fort Boise Road, then west on Old Fort Boise Road to the point of beginning. (7-1-93)

i. Roswell Marsh Wildlife Habitat Area in Canyon County on Sundays, Mondays, Tuesdays and Wednesdays from September 15 through the end of the waterfowl hunting season in the area enclosed by the following boundary: Beginning at the entrance to the Habitat Area parking lot on the south side of State Highway 18 (approximately 2 miles west of the town of Roswell), then west, south, west and south along the Habitat Area boundary fence to the southwest corner of the Habitat Area, then east along the Habitat Area boundary fence to the southeast corner of the Habitat Area (approximately 10 feet east of East Alkali Drain), then north, generally northeast and east along the Habitat Area boundary fence to Pebble Lane, then north along Pebble Lane to State Highway 18, then west along State Highway 18 to the entrance to the Habitat Area parking lot, the point of beginning. (8-21-95)T

i. On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action EXCEPT as otherwise expressly stated below in Section 410 under Game Preserves Open to Hunting of Game Birds. (7-1-93)

02. Migratory Game Birds. In addition to the areas listed above, hunting, killing, or molesting of any migratory game bird EXCEPT mourning dove is prohibited in the following areas. Areas CLOSED to hunting of migratory game birds: (7-1-93)

a. Fort Hall Indian Reservation in Bingham, Bannock, and Power Counties within three hundred (300) yards each way of the Fort Hall Bluffs from Bigbend Boat Launch to the west boundary of the Fort Hall Indian Reservation, and within one hundred (100) yards of any improved roadway or inhabited dwelling any place within the reservation boundary. (7-1-93)

b. Hagerman Wildlife Management Area (WMA) in Gooding County in the area enclosed by the following boundary: Beginning at a point 200 yards west of the point at which U.S. Highway 30 crosses the south bank of Gridley Island, then northwest along a line two hundred (200) yards southwest of and parallel to U.S. Highway 30 to a point two hundred (200) yards west of the junction of U.S. Highway 30 and the WMA entrance, then west and north and east along a line two hundred (200) yards outside of the WMA boundary which is marked by a fence, to the point at which the fence meets U.S. Highway 30, then east and south along a line five hundred (500) yards outside of the WMA boundary to the Snake River, then downstream along the north bank of the Snake River and then along the south bank of Gridley Island to the point where U.S. Highway 30 crosses the south bank of Gridley Island, then two hundred (200) yards west of U.S. Highway 30 to the point of beginning. (7-1-93)

c. Hubbard Reservoir in Ada County including the shoreline area within two hundred (200) yards of the existing water line. (7-1-93)

d. Mann's Lake in Nez Perce County in the area enclosed by the following boundary: Beginning at the junction of Reservation Line Road and Old Lapwai Road; then east along Old Lapwai Road to Soldiers Canyon, then south along the posted boundary between Sections 9 and 10, 15 and 16, and 21 and 22, Township 35 North, Range 4 West to Webb Canal, then southwest along Webb Canal to Webb Canal Grade, then west on Webb Canal Grade to Reservation Line Road, then north on Reservation Line Road to the point of beginning. (9-1-93)

e. Mormon Reservoir in Camas County including the shoreline area within two hundred (200) yards of the ordinary high water line. (7-1-93)

f. Pend Oreille River in Bonner County within two hundred (200) yards each way of the ordinary high water line two thousand sixty-two and one-half (2,062.5) feet above sea level from the U.S. Highway 95 long bridge at Sandpoint downstream to an imaginary line between Springy Point on the south side of the river and Dover Peninsula on the north side of the river. (7-1-93)

g. Spokane River in Kootenai County from the ~~U.S. Highway 95 bridge at Coeur d'Alene downstream to the Post Falls Dam including the shoreline area~~ to Lake Coeur d'Alene at the orange pilings, within two hundred (200) yards of the ordinary high water line two thousand one hundred twenty-eight (2,128) feet above sea level. ~~(7-1-93)~~(8-19-96)T

h. Thompson Lake in Kootenai County in the area enclosed by the following center-of-roadway boundary and in the additional area within one hundred (100) yards of the exterior side of said boundary: Beginning at the junction of State Highway 97 and Thompson Lake Road 317 north of the town of Harrison, then along Thompson Lake Road 317 to the junction of Blue Lake Road 318 east of Thompson Lake, then along Blue Lake Road 318 to the junction of Anderson Lake Road 319 at Springston, then along Anderson Lake Road 319 to the Union Pacific Railroad tracks, then west along the Union Pacific Railroad tracks to the junction of State Highway 97 west of Harrison, then along State Highway 97 to the point of beginning. (7-1-93)

03. Geese. Areas CLOSED to the hunting of geese. In addition to the areas listed in Section 301 and Subsection 301.01 above, the hunting, killing, or molesting of any species of geese is prohibited in the following areas: (7-1-93)

a. Canyon County in the area enclosed by the following roadway boundary and within one hundred fifty (150) feet of the exterior side of said boundary (except that the closure shall extend to one hundred (100) yards from the exterior side of said boundary along that section commencing at the junction of Lake Shore Drive and Rim Road, then south on Rim Road to west Lewis Lane, then east on west Lewis Lane to Lake Shore Drive, then along Lake Shore Drive to Emerald Road): Beginning approximately three fourths (3/4) of a mile south of the City of Nampa at the junction of State Highway 45 (12th Avenue Road) and Greenhurst Road, then west following Greenhurst Road to its junction with Middleton Road, then north following Middleton Road to its junction with Lake Lowell Avenue, then west following Lake Lowell Avenue to its junction with Lake Avenue, then north following Lake Avenue to its junction with West Roosevelt Avenue, then west following West Roosevelt Avenue to its junction with Indiana Avenue, then north following Indiana Avenue to its junction with State Highway 55 (Karcher Road), then west following State Highway 55 to its junction with Riverside Road, then south following Riverside Road to the Deer Flat National Wildlife Refuge boundary, then west along boundary fence below lower embankment as posted to Lake Shore Drive, then in a southeast direction following Lake Shore Drive to its junction with Marsing Road, then east and south on Lake Shore Drive to Rim Drive, then south on Rim Drive to West Lewis Lane, then east on West Lewis Lane to Lake Shore Drive, then southeast on Lake Shore Drive to State Highway 45, then north on State Highway 45 to its junction with Greenhurst Road, the point of beginning. (7-1-93)

b. Hagerman Valley in Gooding and Twin Falls Counties in the area enclosed by the following boundary: Beginning at the Gridley Island Bridge on the Snake River, then south and east on U.S. Highway 30 to Miracle Hot Springs, then east on Twin Falls County 4800 North Road (River Road) to Banbury Hot Springs, then upstream approximately three hundred (300) yards to the Banbury Pipeline crossing the Snake River, then east across the Snake River at the Banbury Pipeline, continuing due east to a point two hundred (200) yards east of the east rim of the Snake River Canyon, then north along a line parallel to and two hundred (200) yards east of the Snake River Canyon rim to the Gooding County 3500 South Road (Camp Roach Road), then east on the 3500 South Road to the 1500 East Road, then north on the 1500 East Road to the 3200 South Road, then west on the 3200 South Road to the 1300 East Road, then north on the 1300 East Road to the 1200 East Road, then northwest and north on the 1200 East

Road to the 3000 South Road, then west on the 3000 South Road to a point (which is five hundred (500) yards east of the intersection of the 3000 South Road and the Hagerman National Fish Hatchery Road) five hundred (500) yards east of the Hagerman Wildlife Management Area (WMA) boundary, then north and west five hundred (500) yards outside the Hagerman WMA boundary to U.S. Highway 30, then west and south two hundred (200) yards outside the Hagerman WMA boundary to the 2900 South Road, then west on the 2900 South Road to the 900 East Road, then due south to a point two hundred (200) yards north of the Snake River, then west and north two hundred (200) yards outside the high water line on the east bank of the Snake River to Lower Salmon Dam, then west across the Snake River, then south, southwest and east two hundred (200) yards outside the high water line on the west bank of the Snake River (including the Idaho Power Upper Salmon Dam diversion canal) to the Gridley Bridge on U.S. Highway 30, the point of beginning. (12-7-94)

c. The Snake River and that area within one (1) mile of the Snake River in Adams, Idaho, and Nez Perce Counties from Hells Canyon Dam downstream to China-Garden Creek (opposite the Oregon-Washington state line). (7-1-93)

d. Minidoka and Cassia Counties in the area enclosed by the following boundary: Within two hundred (200) yards of the high water line of the Snake River from Milner Dam upstream to Meridian Road (north side of the Snake River) and 650 East Road (south side of the Snake River), approximately six and one-half (6 1/2) miles east of the City of Burley. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

900. MIGRATORY GAME BIRD SEASONS, BAG AND POSSESSION LIMITS.

The following season, bag, and possession limits shall apply to each species as follows: (7-1-93)

01. Mourning Dove. (7-1-93)

a. The following season dates apply STATEWIDE: September 1 through September 30, annually. (10-26-94)

b. Daily bag limit is ten (10). (7-1-93)

c. Possession limit after the first day of the season is twenty (20). (7-1-93)

02. Ducks Including Mergansers and American Coot. (7-1-93)

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. Area 1 1995 season for ducks (including mergansers) and American coot: October ~~75~~, 19956 through January ~~75~~, 19967. (~~8-21-95~~)F(8-19-96)T

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. Area 2 1995 season for ducks (including Mergansers) and American coot: October ~~75~~, 19956 through January ~~75~~, 19967. (~~8-21-95~~)F(8-19-96)T

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S.

Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. Area 3 1995~~6~~ season for ducks (including mergansers) and American coot: October 7~~5~~, 1995~~6~~ through October 15~~3~~, 1995~~6~~, and October 28~~6~~, 1995~~6~~ through January 19~~7~~, 1996~~7~~. ~~(8-21-95)T(8-19-96)T~~

d. Statewide daily bag limits in Area 1, 2 and 3 for ducks (including mergansers) ~~is six (6) seven (7) in~~ the aggregate of any kind and shall not include more than the following: ~~(8-21-95)T(8-19-96)T~~

- i. One (1) female mallard; (8-21-95)T
- ii. Two (2) pintails; (8-21-95)T
- iii. One (1) canvasback; (8-22-94)
- iv. Two (2) redheads. (8-22-94)
- e. Statewide bag limit in Area 1, 2 and 3 for American coot: Twenty-five (25). (8-22-94)
- f. Statewide possession limits after the first day of the season: (7-1-93)
 - i. Ducks (including mergansers): Twice the daily bag limit. (7-1-93)
 - ii. American coot: Twenty-five (25). (7-1-93)
- 03. Common Snipe. (7-1-93)

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and all lands, including private holdings, within the Fort Hall Indian Reservation. Area 1 1994~~6~~ season for common snipe: October 7~~5~~, 1995~~6~~, through January 7~~5~~, 1996~~7~~. ~~(8-21-95)T(8-19-96)T~~

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. Area 2 1995~~6~~ season for common snipe: October 7~~5~~, 1995~~6~~, through January 19~~17~~, 1996~~7~~. ~~(8-21-95)T(8-19-96)T~~

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. Area 3 1995~~6~~ season for common snipe: October 7~~5~~, 1995~~6~~ through January 19~~17~~, 1996~~7~~. ~~(8-21-95)T(8-19-96)T~~

- d. Statewide daily bag limit for Area 1, 2 and 3 for common snipe: Eight (8). (8-22-94)
- e. Statewide possession limit after the first day of the season for Area 1, 2 and 3 for common snipe: Sixteen (16). (8-22-94)

04. Geese Including Dark Geese - Black Brant, Canada, Emperor, and White-Fronted; and Light Geese - Ross' and Snow: (9-1-93)

a. Area 1 includes the following counties: Benewah; Bonner; Boundary; Clearwater; Idaho; Kootenai; Latah; Lewis; Nez Perce; and Shoshone Counties. (9-1-93)

b. Area 2 includes the following counties or portions of counties: Ada; Adams; Boise; Canyon; those portions of Elmore north and east of Interstate 84, and south and west of Interstate 84 west of State Highway 51, EXCEPT that portion within the Camas Creek drainage; Gem; Owyhee west of State Highway 51; Payette; Valley; and Washington Counties. (9-1-93)

c. Area 3 includes the following counties or portions of counties: Blaine; Camas; Cassia; those portions of Elmore south of Interstate 84 east of State Highway 51, and within the Camas Creek drainage; Gooding; Jerome; Lincoln; Minidoka; Owyhee east of State Highway 51; and Twin Falls Counties. (8-22-94)

d. Area 4 includes the following counties or portions of counties: Bear Lake; Bingham within the Blackfoot Reservoir drainage; Bonneville; Butte; Caribou EXCEPT the Fort Hall Indian Reservation; Clark; Custer; Franklin; Fremont; Jefferson; Lemhi; Madison; Oneida; Power west of State Highway 37 and State Highway 39; and Teton Counties. EXCEPT, Fremont and Teton Counties are CLOSED to the taking of light geese. (9-1-93)

e. Area 5 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (7-1-93)

f. 1995~~6~~ seasons: (~~8-21-95~~)~~F~~(8-19-96)~~T~~

i. Area 1: September ~~30~~~~28~~, 1995~~6~~ through January 7, 1996~~7~~. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

ii. Area 2: September ~~30~~~~28~~, 1995~~6~~ through January 7, 1996~~7~~. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

iii. Area 3: September ~~30~~~~28~~, 1995~~6~~ through January 7, 1996~~7~~. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

iv. Area 4: September ~~30~~~~28~~, 1995~~6~~ through January 7, 1996~~7~~. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

v. Area 5: October ~~7~~~~5~~, 1995~~6~~ through January ~~14~~~~2~~, 1996~~7~~. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

g. Daily bag limit: (7-1-93)

i. Areas 1, 4, and 5: Four (4) ~~in the aggregate of any kind~~ and shall not include more than three (3) light geese or two (2) white-fronted geese. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

ii. Area 2: three (3) ~~in the aggregate of any kind~~ and shall not include more than two (2) white-fronted geese. (~~8-22-94~~)(8-19-96)~~T~~

iii. Area 3: Three (3) ~~in the aggregate of any kind~~ and shall not include more than two (2) dark geese. (~~8-22-94~~)(8-19-96)~~T~~

iv. ~~Areas 4 and 5: Three (3) in the aggregate and shall not include more than two (2) white-fronted geese.~~ (9-1-93)

h. Possession limit after the first day of the season: (7-1-93)

i. Areas 1, 4 and 5: Eight (8) ~~in the aggregate of any kind~~ and shall not include more than six (6) light geese or four (4) white-fronted geese. (~~8-21-95~~)~~F~~(8-19-96)~~T~~

ii. Area 2: Six (6) ~~in the aggregate of any kind~~ and shall not include more than four (4) white-fronted

- geese. ~~(8-22-94)~~(8-19-96)T
- iii. Area 3: Six (6) ~~in the aggregate~~ of any kind and shall not include more than four (4) dark geese. ~~(8-22-94)~~(8-19-96)T
05. Youth Waterfowl Hunting Day. (8-19-96)T
- a. The youth waterfowl hunting day is open only to youth from twelve (12) through fifteen (15) years of age. Any youth participating must: (8-19-96)T
- i. Have in his or her possession the appropriate, valid hunting license. (The Idaho Migratory Waterfowl Stamp and the Federal Migratory Bird stamp are not required (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). (8-19-96)T
- ii. Be accompanied in the field at all times by at least one adult eighteen (18) years of age or older, having in his or her possession a valid hunting license. (8-19-96)T
- iii. Season: Last Saturday of September, annually. (8-19-96)T
- iv. Daily Bag Limit: (8-19-96)T
- (a) Ducks including mergansers: The statewide daily bag limit is the same as the limit described in Subsection 900.02.d. (8-19-96)T
- (b) American Coot: The statewide daily bag limit is the same as the limit described in Subsection 900.02.e. (8-19-96)T

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING GAME BIRDS

DOCKET NO. 13-0109-9604

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective August 19, 1996.

ACTION: The action, under Docket No. 13-0109-9604, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 09, Rules Governing Game Birds in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code. The temporary rule is effective August 19, 1996.

PUBLIC HEARING SCHEDULE: Public Hearing concerning this rulemaking will be held as follows:

**October 2, 1996, at 7:30 PM in the Trophy Room
Idaho Department of Fish and Game Headquarters Office
600 South Walnut, 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 address below.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the proposed rule: Classify Sandhill Crane as a migratory game bird.

Establish a sandhill crane controlled hunting season.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow hunting in September, and confers a benefit to hunters and grain farmers.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0109-9604

500. OFFICIAL SHOOTING HOURS FOR MIGRATORY GAME BIRDS.

01. Doves. Official shooting hours for mourning dove are from one-half (1/2) hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Table 501. (8-21-95)T

02. Regular Season Ducks, Geese, American Coot and Common Snipe. Official shooting hours for ducks, geese, American coot and common snipe during regular seasons are from one-half (1/2) hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Tables 502 through 505. These tables must be adjusted for daylight savings time. (8-21-95)T

03. Special, Early September Canada Geese and Sandhill Cranes. Official shooting hours for Canada geese during early September seasons, and sandhill cranes, are from one-half hour before sunrise until sunset (Standard Time). Beginning and ending times are shown in Table 501. (~~8-21-95~~)T(8-19-96)T

501. TABLE 501 - OFFICIAL SHOOTING HOURS FOR MOURNING DOVE AND EARLY SEPTEMBER CANADA GOOSE, AND SANDHILL CRANE HUNTING.

Official shooting hours for Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties and that portion of Idaho County north of the Salmon River (Pacific time) in Column 1; Bannock, Bear Lake, Bingham, Bonneville, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, and Teton Counties (Mountain time) in Column 2; Blaine, Butte, Camas, Cassia, Custer, Gooding, Jerome, Lemhi, Lincoln, Minidoka, And Twin Falls Counties (Mountain time) in Column 3; and Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, and Washington Counties and that portion of Idaho County south of the Salmon River (Mountain time) in Column 4.

September	Column 1		Column 2	
	Beginning - A.M.	Ending - P.M.	Beginning - A.M.	Ending - P.M.
1	5:38	7:31	6:25	8:05
2	5:39	7:29	6:26	8:04
3	5:41	7:27	6:27	8:02
4	5:42	7:25	6:28	8:00
5	5:43	7:23	6:29	7:59
6	5:45	7:21	6:30	7:57
7	5:46	7:19	6:31	7:55
8	5:48	7:17	6:32	7:53
9	5:49	7:15	6:33	7:52
10	5:50	7:13	6:34	7:50
11	5:52	7:11	6:35	7:48
12	5:53	7:09	6:36	7:46
13	5:54	7:07	6:37	7:44
14	5:56	7:05	6:39	7:43
15	5:57	7:03	6:40	7:41
16	5:58	7:01	6:41	7:39
17	6:00	6:59	6:42	7:37
18	6:01	6:57	6:43	7:35
19	6:02	6:55	6:44	7:34
20	6:04	6:53	6:45	7:32

	Column 1		Column 2	
September	Beginning - A.M.	Ending - P.M.	Beginning - A.M.	Ending - P.M.
21	6:05	6:51	6:46	7:30
22	6:06	6:49	6:47	7:28
23	6:07	6:47	6:48	7:26
24	6:08	6:45	6:49	7:25
25	6:09	6:42	6:50	7:24
26	6:11	6:40	6:52	7:22
27	6:12	6:38	6:53	7:20
28	6:13	6:35	6:54	7:18
29	6:14	6:33	6:55	7:16
30	6:15	6:31	6:56	7:14

	Column 3		Column 4	
September	Beginning - A.M.	Ending - P.M.	Beginning - A.M.	Ending - P.M.
1	6:31	8:13	6:38	8:21
2	6:32	8:12	6:39	8:19
3	6:33	8:10	6:40	8:17
4	6:34	8:08	6:42	8:15
5	6:35	8:07	6:43	8:14
6	6:36	8:05	6:44	8:12
7	6:37	8:03	6:45	8:10
8	6:38	8:01	6:46	8:08
9	6:39	8:00	6:47	8:06
10	6:40	7:58	6:48	8:05
11	6:41	7:56	6:49	8:03
12	6:42	7:54	6:50	8:01
13	6:43	7:53	6:52	7:59
14	6:45	7:51	6:53	7:57
15	6:46	7:49	6:54	7:56
16	6:47	7:47	6:55	7:54
17	6:48	7:45	6:56	7:52
18	6:49	7:43	6:57	7:50

September	Column 3		Column 4	
	Beginning - A.M.	Ending - P.M.	Beginning - A.M.	Ending - P.M.
19	6:50	7:41	6:58	7:48
20	6:52	7:39	6:59	7:46
21	6:53	7:37	7:01	7:45
22	6:54	7:36	7:02	7:43
23	6:55	7:35	7:03	7:41
24	6:56	7:33	7:04	7:39
25	6:58	7:31	7:05	7:37
26	6:59	7:29	7:06	7:35
27	7:00	7:27	7:08	7:34
28	7:02	7:25	7:09	7:32
29	7:03	7:23	7:10	7:30
30	7:04	7:21	7:11	7:28

(8-21-95)T

608. -- 69914. (RESERVED).

615. SANDHILL CRANES.

No person shall hunt sandhill cranes without having in his possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags and permits must comply with the following requirements:

(8-19-96)T

01. Applications. 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 not later than August 26.

(8-19-96)T

02. Fees. Applicants for controlled hunts must submit a five dollar (\$5) nonrefundable application fee with their application. The fee is five dollars (\$5) for each applicant; one dollar (\$1) of this fee may be donated to the Citizens Against Poaching Program. Successful applicants will be issued a permit that entitles them to purchase the appropriate controlled hunt tag at any license vendor or Fish and Game office. (The Idaho Migratory Waterfowl Stamp and the Federal Migratory Bird Stamp are not required (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20.))

(8-19-96)T

03. Hunt Rules.

(8-19-96)T

a. The following rules previously established for wild turkey hunts also apply to sandhill crane hunts. Subsections 100.03.b., c., d., e.ii, e.iv. through e.vi., and f. through i.

(8-19-96)T

b. Any controlled hunt permits for sandhill cranes that remain unsold after the controlled hunt drawing may be sold by the Department on a first-come, first-served basis. Applications for leftover controlled hunt permits will be accepted at the Department's Headquarters office and Regional and Subregional offices from September 1 through the end of the sandhill crane hunting season.

(8-19-96)T

616. SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits, and permits shall apply:

(8-19-96)T

01. Controlled Hunts. Controlled hunt areas include the following: (8-19-96)T

a. Area 1 includes that portion of Bonneville County northwest of Grays Lake National Wildlife Refuge within the following boundary: Township 3 South, Range 42 East, Sections 10, 11, 12, 13, 14, 15, 22, and 23; and Township 3 South, Range 43 East, Sections 7 and 18. (8-19-96)T

b. Area 2 includes that portion Caribou County within the following boundary: beginning at the junction of Government Dam Road and State Highway 34, then north along Government Dam Road to North Reservoir Road, then east along North Reservoir Road to Poison Creek, then south along Poison Creek to the edge of Blackfoot Reservoir, then south along the western, southern, and eastern edge of Blackfoot Reservoir to Meadow Creek north of Henry, then east along Meadow Creek to North Reservoir Road, then east along North Reservoir Road to State Highway 34, then south along State Highway 34 to the junction of the Blackfoot River Road, then east along the Blackfoot River Road to the Monsanto Haul Road, then southwest along the Monsanto Haul Road to State Highway 34, then south along State Highway 34 to its junction with Government Dam Road, the point of beginning; and that portion of Caribou County within Sections 1, 2, 10, 11, 12, and 15 of Township 34 North, Range 42 East, which is east of State Highway 34. (8-19-96)T

c. Area 3 includes that portion of Teton County south and west of State Highway 33 and north of State Highway 31 within two (2) miles of the Teton River. (8-19-96)T

02. Controlled Hunt Seasons, Bag and Possession Limits, and Permits.

Hunt Area	Hunt Number	Season	Daily Bag Limit	Possession Limit After The First Day Of The Season	Season Limit	Permits
1	9501	September 1 through September 8	1	1	1	5
2	9502	September 1 through September 8	1	1	1	15
3	9503	September 1 through September 8	1	1	1	10

(8-19-96)T

03. Mandatory Check and Report: Any person taking a sandhill crane must comply with the following mandatory check and report requirements by: (8-19-96)T

a. Presenting the whole carcass of every sandhill crane taken to the Department's Southeast Regional Office (Pocatello), Upper Snake Regional Office (Idaho Falls), or official check point within seventy two (72) hours of the time of kill and completing the relevant harvest report. (8-19-96)T

4. Season Quota: The harvest quota for the season is twenty (20) sandhill cranes for all hunt areas combined. The season may be closed when the harvest quota is reached. If the season is closed, permittees will be notified by telephone of the closure. (8-19-96)T

60817. -- 699. (RESERVED).

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.11 - RULES GOVERNING FISH

DOCKET NO. 13-0111-9606

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective August 19, 1996.

ACTION: The action, under Docket No.13-0111-9606, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 11, Rules Governing Fish in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 1996.

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

Liberalize steelhead fishing on the Clearwater River.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow fishing this fall and confers a benefit to anglers.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Sharon Kiefer, 334-3791, 600 South Walnut, Boise, Idaho 83707.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0111-9606

407. SPRING SEASONS AND LIMITS.

Daily bag, possession, and season limits are not cumulative limits. An angler may take a total of 10 steelhead during the spring season. (1-1-96)T

01. Salmon River From its Mouth Upstream to Long Tom Creek (1/4 mile Upstream From the Middle Fork Salmon River). (1-1-96)T

a. Season: Jan 1-Mar 31. (1-1-96)T

b. Limits: 2 per day, 4 in possession, 10 per season. (1-1-96)T

02. Little Salmon River From its Mouth Upstream to the U.S. Highway 95 Bridge Near Smokey Boulder Road. (1-1-96)T
- a. Season: Jan 1-Apr 30. (1-1-96)T
 - b. Limits: 2 per day, 4 in season, 10 per season. (1-1-96)T
03. Salmon River From Long Tom Creek (1/4 mile upstream from the Middle Fork Salmon River) Upstream to Redfish Lake Creek. (1-1-96)T
- a. Season: Jan 1-Apr 30. (1-1-96)T
 - b. Limits: 2 per day 4 in possession 10 per season. (1-1-96)T
 - c. Special Restrictions: Steelhead are the only game fish that may be reduced to possession between Horse Creek and Pahsimeroi River during steelhead season. (1-1-96)T
04. Snake River From the Washington State Line at the Confluence of the Snake and Clearwater Rivers Upstream to Hells Canyon Dam: (1-1-96)T
- a. Season: Jan 1-Apr 30. (1-1-96)T
 - b. Limits: 2 per day 4 in possession 10 per season. (1-1-96)T
05. Clearwater River From its Mouth Upstream to the Memorial Bridge of U.S. Highway 12 at Lewiston. (1-1-96)T
- a. Season: Jan 1-Apr 30. (1-1-96)T
 - b. Limits: 2 per day 4 in possession 10 per season. (1-1-96)T
06. Clearwater River and Middle Fork Clearwater River from the Memorial Bridge of U.S. Highway 12 at Lewiston upstream to the mouth of Clear Creek; North Fork Clearwater River from its mouth upstream to Dworshak Dam; South Fork Clearwater River from its mouth upstream to the confluence of American and Red rivers. (1-1-96)T
- a. Season: Jan 1-Apr 30. (1-1-96)T
 - b. Limits: 2 per day 4 in possession ~~4~~10 per season. (~~1-1-96~~)T(8-19-96)T
 - c. Special Restrictions: (1-1-96)T
 - i. Fishing from the shoreline along the perimeter of Dworshak National Fish Hatchery is prohibited. (1-1-96)T
 - ii. Fishing from motorized watercraft is PROHIBITED from the Clearwater River Bridge at Orofino upstream to the mouth of Clear Creek. (1-1-96)T
 - iii. Fishing from any watercraft is PROHIBITED between a posted line approximately 150 yards upstream from the mouth of the North Fork of the Clearwater River upstream to the Ahsahka Highway bridge. (1-1-96)T
07. Boise River From its Mouth Upstream to Barber Dam. (1-1-96)T
- a. Season: Jan 1-May 30. (1-1-96)T
 - b. Limits: 2 per day 4 per possession 10 per season. (1-1-96)T

- c. Special Restrictions: Rainbow trout longer than 20 inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (1-1-96)T
08. Payette River From its Mouth Upstream to Black Canyon Dam. (1-1-96)T
- a. Season: Jan 1-May 30. (1-1-96)T
- b. Limits: 2 per day 4 in possession 10 per season. (1-1-96)T
- c. Special Restrictions: Rainbow trout longer than 20 inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (1-1-96)T
09. Snake River from Hells Canyon Dam Upstream to Oxbow Dam. (1-1-96)T
- a. Season: Jan 1-May 30. (1-1-96)T
- b. Limits: 2 per day, 4 in possession, 10 per season. (1-1-96)T
- c. Special Restrictions: Rainbow trout longer than 20 inches which have been marked by clipping the adipose fin are classified as steelhead and MUST be entered on a steelhead permit immediately after being reduced to possession. (1-1-96)T

IIDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.13 - RULES GOVERNING MIGRATORY GAME BIRDS
DOCKET NO. 13-0113-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective July 31, 1996

ACTION: The action, under Docket No.13-0113-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 13, Rules Governing Migratory Game Birds in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 1996.

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

Close the Hagerman Fossil Beds National Monument to hunting.

TEMPORARY RULE JUSTIFICATION: This rule confers a benefit and is needed for the current seasons.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0113-9601

200. AREAS CLOSED TO HUNTING OF MIGRATORY BIRDS.

Hunting, killing, or molesting of any migratory bird is prohibited in the following areas: (7-1-93)

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

02. Hagerman Fossil Beds National Monument. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area 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).

(7-31-96)T

- ~~0203.~~ Harriman State Park Wildlife Refuge. Harriman State Park Wildlife Refuge in Fremont County; (7-1-93)
- ~~0304.~~ Idaho National Engineering Laboratory. Idaho National Engineering Laboratory site in Bingham, Bonneville, Butte, Clark, and Jefferson Counties; (7-1-93)
- ~~0405.~~ Nez Perce National Historical Park. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)
- ~~0506.~~ Ada County. 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)
- ~~0607.~~ Yellowstone National Park. Yellowstone National Park in Fremont County; and (7-1-93)
- ~~0708.~~ Other Locations. On any of those portions of federal refuges, State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which bird hunting closures have been declared by legislative or Commission action. (7-1-93)

IDAPA 03 - IDAHO FISH AND GAME COMMISSION

13.01.14 - RULES GOVERNING FALCONRY

DOCKET NO. 13-0114-9601

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective July 31, 1996.

ACTION: The action, under Docket No. 13-0114-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 14, Rules Governing Falconry in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 1996.

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

Set the falconry season, bag and possession limits for sage grouse.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow hunting this fall and confers a benefit.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0114-9601

600. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME BIRDS.

For season dates, bag and possession limits during the firearms seasons, see Game Bird Rules, IDAPA 13.01.09. The season, bag and possession limits during the falconry only seasons are as follows: (7-1-93)

01. Upland Game Birds. (pheasants -- all varieties, gray partridge, chukar partridge, bobwhite quail, California quail, forest grouse -- blue, ruffed, spruce; sage grouse, sharp-tailed grouse): (10-26-94)

a. All counties or parts of counties which have a firearms season for a certain species are also open to hunting by falconry for that species. (10-26-94)

- b. Seasons: (7-1-93)
- i. August 15 to the opening of the firearms season and from the close of the firearms season through March 15 annually. (10-26-94)
- c. Daily bag limit: Three (3) ~~in the aggregate of any kind~~ and shall not include more than one (1) pheasant (male or female), one (1) sage grouse or one (1) sharp-tailed grouse. ~~(10-26-94)~~(7-31-96)T
- d. Possession limit after the first day of the season: Six (6) ~~in the aggregate of any kind~~ and shall not include more than two (2) pheasants (male or female), two (2) sage grouse or two (2) sharp-tailed grouse. ~~(10-26-94)~~(7-31-96)T

(BREAK IN CONTINUITY OF SECTIONS)

610. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME ANIMALS.

The following seasons, bag and possession limits shall apply statewide: (10-26-94)

01. Rabbit. The cottontail rabbit and pygmy rabbit season is March 1 through August 31, annually. (10-26-94)
02. Hare. The snowshoe hare season is March 1 through August 31, annually. (10-26-94)
03. Bag Limit. Daily bag limit is two (2) ~~in the aggregate of any kind~~. ~~(7-1-93)~~(7-31-96)T
04. Possession Limit. after the first day of the season: four (4) ~~in the aggregate of any kind~~. ~~(10-26-94)~~(7-31-96)T

(BREAK IN CONTINUITY OF SECTIONS)

620. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR MIGRATORY GAME BIRDS.

01. Ducks Including Mergansers and American Coot. (8-22-94)
- a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: (8-22-94)
- i. Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian Reservation. (8-22-94)
- ii. Area 1 1994 season for ducks (including mergansers) and American coot: September 8, 1995 through September 14, 1995 and March 4 through March 10, 1996. (8-21-95)T
- b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: (8-22-94)
- i. Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. (8-22-94)

ii. Area 2 1995 season for ducks (including mergansers) and American coot: September 8, 1995 through September 14, 1995 and March 4 through March 10, 1996. (8-21-95)T

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: (8-22-94)

i. Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. (8-22-94)

ii. Area 3 1994 season for ducks (including mergansers) and American coot: September 23, 1995 through October 6, 1995. (8-21-95)T

02. Mourning Dove. (8-22-94)

a. All counties or portions of counties which have a mourning dove season are open to hunting by falconry. (8-22-94)

b. 1994 season for doves: November 1, 1995 through January 16, 1996. (8-21-95)T

03. Bag and Possession Limits. (8-22-94)

a. Daily bag limit is three (3) ~~in the aggregate of any kind.~~ (7-31-96)T ~~(8-22-94)~~

b. Possession limit after the first day of the season is six (6) ~~in the aggregate of any kind.~~ (7-31-96)T ~~(8-22-94)~~

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.14 - RULES GOVERNING FALCONRY

DOCKET NO. 13-0114-9602

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective August 19, 1996.

ACTION: The action, under Docket No. 13-0114-9602, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 14, Rules Governing Falconry in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 16, 1996.

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

Establish the falconry seasons for ducks and geese.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow hunting this fall and confers a benefit to hunters.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0114-9602

620. FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR MIGRATORY GAME BIRDS.

01. Ducks Including Mergansers and American Coot. (8-22-94)

a. Area 1 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 1 and includes the following counties or portions of counties: (8-22-94)

i. Bannock; Bingham EXCEPT that portion within the Blackfoot Reservoir drainage; Power east of State Highway 37 and State Highway 39; and, all lands, including private holdings, within the Fort Hall Indian

Reservation. (8-22-94)

ii. Area 1 ~~1994~~ season for ducks (including mergansers) and American coot: September ~~8~~13, 19956 through September ~~14~~18, 1996, ~~September 28~~, 19956 and March 4 through March 10, 19967. ~~(8-21-95)F(8-19-96)T~~

b. Area 2 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 2 and includes the following counties or portions of counties: (8-22-94)

i. Adams; Bear Lake; Benewah; Bingham within the Blackfoot Reservoir drainage; those portions of Blaine west of State Highway 75, south and east of U.S. Highway 93, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 outside the Silver Creek drainage; Bonner; Bonneville; Boundary; Butte; Camas; Caribou EXCEPT the Fort Hall Indian Reservation; Cassia within the Minidoka National Wildlife Refuge; Clark; Clearwater; Custer; Elmore within the Camas Creek drainage; Franklin; Fremont; Idaho; Jefferson; Kootenai; Latah; Lemhi; Lewis; Madison; Nez Perce; Oneida; Power within the Minidoka National Wildlife Refuge; Shoshone; Teton; and Valley Counties. (8-22-94)

ii. Area 2 ~~1995~~ season for ducks (including mergansers) and American coot: September ~~8~~13, 19956 through September ~~14~~18, 19956, ~~September 28~~, 1996 and March 4 through March 10, 19967. ~~(8-21-95)F(8-19-96)T~~

c. Area 3 is that area designated by the U.S. Fish and Wildlife Service as Waterfowl Zone 3 and includes the following counties or portions of counties: (8-22-94)

i. Ada; those portions of Blaine between State Highway 75 and U.S. Highway 93 south of U.S. Highway 20, and between State Highway 75 and U.S. Highway 93 north of U.S. Highway 20 within the Silver Creek drainage; Boise; Canyon; Cassia EXCEPT the Minidoka National Wildlife Refuge; Elmore EXCEPT the Camas Creek drainage; Gem; Gooding; Jerome; Lincoln; Minidoka; Owyhee; Payette; Power west of State Highway 37 and State Highway 39 EXCEPT the Minidoka National Wildlife Refuge; Twin Falls; and Washington Counties. (8-22-94)

ii. Area 3 ~~1994~~ season for ducks (including mergansers) and American coot: September ~~23~~21, 19956 through October ~~6~~4, 19956. ~~(8-21-95)F(8-19-96)T~~

02. Mourning Dove. (8-22-94)

a. All counties or portions of counties which have a mourning dove season are open to hunting by falconry. (8-22-94)

b. ~~1994~~ Season for doves: November 1, ~~1995~~ through January 16, ~~1996~~ annually. ~~(8-21-95)F(8-19-96)T~~

03. Bag and Possession Limits. (8-22-94)

a. Daily bag limit is three (3) in the aggregate. (8-22-94)

b. Possession limit after the first day of the season is six (6) in the aggregate. (8-22-94)

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.16 - RULES GOVERNING FURBEARERS

DOCKET NO. 13-0116-9601

NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: The temporary rule is effective July 31, 1996.

ACTION: The action, under Docket No. 13-0116-9601, concerns the proposed rules governing the Idaho Fish and Game Commission, IDAPA 13, Title 01 Chapter 16, Rules Governing Furbearers in the State of Idaho.

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 proposed rule-making. The action is authorized pursuant to Section 36-104(b), Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 1996.

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

Close the lynx seasons, close the Hagerman Fossil Beds National Monument to hunting and trapping, and set the seasons for beaver, bobcat, fox, and certain controlled mink and muskrat units.

TEMPORARY RULE JUSTIFICATION: This rule is necessary to allow hunting and trapping this fall and confers a benefit.

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

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 October 23, 1996.

DATED this 28th day of August, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 13-0116-9601

200. TRAPS.

01. Checking Traps. (7-1-93)

a. No person shall place snares or traps for furbearing animals, predatory or unprotected wildlife, EXCEPT pocket gophers, ground squirrels and other unprotected rodents, without visiting every trap or snare once every seventy-two (72) hours and removing any catch therein. (7-1-93)

b. Trappers acting under authority of the U.S. Department of Agriculture, Animal Plant Health Inspection Service, Animal Damage Control are exempt from this rule. (7-1-93)

02. Removing Trapped Animals of Another. No person shall remove wildlife from the trap or snare of another EXCEPT licensed trappers with written permission from the owner. (7-1-93)

03. Release of Non-Target Catches. (7-1-93)

a. All non-target species caught alive shall be released immediately. Non-target species are defined as any species caught for which the season is closed. (7-1-93)

b. Any trapper who catches a non-target species that is dead shall: (7-1-93)

i. Prior to removing the animal, note on the back of the trapping license, the species of animal caught, the date and shall sign his or her name. (7-1-93)

ii. Remove the animal from the trap and take it into possession. (7-1-93)

iii. Notify the Department of Fish and Game through the local Conservation Officer, Subregional or Regional office within seventy-two (72) hours to make arrangements to transfer the animal to the Department. (10-26-94)

iv. The Department will reimburse trappers five dollars (\$5) for each lynx, otter, or fisher caught accidentally and turned-in. ~~(10-26-94)~~(7-31-96)T

(BREAK IN CONTINUITY OF SECTIONS)

500. MANDATORY CHECK AND REPORT - PELT TAG REQUIREMENTS.

01. Mandatory Check and Report. Any person taking bobcat or lynx whether by hunting or trapping must comply with the mandatory check and report and pelt tag requirements by: (7-1-93)

a. Presenting the lower jaw of all bobcat taken to a regional office, subregional office or official check point and completing the relevant harvest report. (7-1-93)

~~b. Presenting the entire carcass of all lynx taken to a regional office, subregional office or official checkpoint and completing the relevant harvest report within twenty-four (24) hours of the time of kill. (7-1-93)~~

~~eb.~~ Presenting the pelts of all bobcat ~~or lynx~~ taken to a regional office, subregional office or official check point to obtain the appropriate pelt tag. ~~(7-1-93)~~(7-31-96)T

02. Pelt Tags. A fee of two dollars (\$2) will be charged for each pelt tag. (7-1-93)

a. No person shall have in possession, except during the open season and for ten (10) days after the close of the season, any raw bobcat ~~or lynx~~ pelt which does not have an official state export tag attached (either Idaho's or another state's official export tag). ~~(7-1-93)~~(7-31-96)T

b. No person shall sell, offer for sale, purchase, or offer to purchase any raw bobcat ~~or lynx~~ pelt which does not have an official state export tag attached. ~~(7-1-93)~~(7-31-96)T

(BREAK IN CONTINUITY OF SECTIONS)

650. AREAS CLOSED TO THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FURBEARING ANIMALS.

Hunting, trapping, killing or molesting of furbearing animals, predatory and unprotected wildlife is prohibited in the following areas: (7-1-93)

01. Craters of the Moon. ~~Craters of the Moon~~ National Monument in Blaine and Butte Counties: (7-1-93)(7-31-96)T
02. Hagerman Fossil Beds National Monument in Twin Falls County.
- ~~03.~~ INEL. Idaho National Engineering Laboratory. ~~Site~~ in Bingham, Bonneville, Butte, Clark and Jefferson Counties; (7-1-93)(7-31-96)T
- ~~04.~~ Nez Perce National Historical Park. ~~Nez Perce National Historical Park~~ in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)(7-31-96)T
- ~~05.~~ Ada County. That portion of Ada County: (7-1-93)
 - a. Within Veterans Memorial Park; (7-1-93)
 - b. Within one quarter mile of the Boise River from the New York Canal Diversion Dam downstream to the Glenwood Bridge; and (7-1-93)
 - c. 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)
- ~~06.~~ Stanley Creek. ~~Stanley Creek~~ Wildlife Interpretive Area in Custer County; (7-1-93)(7-31-96)T
- ~~07.~~ Yellowstone National Park. ~~Yellowstone National Park~~ in Fremont County; (7-1-93)(7-31-96)T
- ~~08.~~ Other Areas. On any of those portions of State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which trapping closures have been declared by legislative or Commission action; and (7-1-93)
- ~~09.~~ National Wildlife Refuges. All or portions of national wildlife refuges, EXCEPT as specified in federal regulations for individual refuges. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

750. SEASONS.

01. Restricted Fur-bearing Animals. There is NO open season for Fisher, Kit Fox, Lynx, or Otter. (7-1-93)(7-31-96)T
02. Badger. Statewide -- July 1 ~~to~~ through June 30. (7-1-93)(7-31-96)T
03. General Beaver Season. (10-26-94)
 - a. November 1 through March 31 in the following counties: (7-1-93)
 - i. Ada. EXCEPT the Boise River Wildlife Management Area. (7-1-93)
 - ii. Adams. (7-1-93)

- iii. Benewah. (7-1-93)
- iv. Blaine. EXCEPT all public lands within the following drainages: Big Wood River upstream from North Fork Big Wood River, Big Wood River tributaries below North Fork Big Wood River to Magic Reservoir, Camp Creek, Dry Creek, Friedman Creek, North Fork Big Wood River, Poison Creek, Rock Creek, Copper Creek (tributary to Muldoon Creek), Cove Creek, and Sheep Creek. And EXCEPT all lands within the Little Fish Creek and the Cold Spring Creek drainages (tributary to Little Wood River). (7-1-93)
- v. Boise. EXCEPT the Boise River Wildlife Management Area. (7-1-93)
- vi. Bonner. (7-1-93)
- vii. Boundary. (7-1-93)
- viii. Camas. EXCEPT all public lands within the following drainages: Big Deer Creek, Corral Creek above Baseline Road, Elk Creek, Lime Creek, Little Smoky Creek, and Willow Creek. (7-1-93)
- ix. Canyon. (7-1-93)
- x. Cassia. EXCEPT all public lands within the following drainages: Big Cottonwood Creek, and Dry Creek, Trapper Creek, and Trout Creek drainages. ~~(7-1-93)~~(7-31-96)T
- ~~xi. Clark. EXCEPT the following drainages: Dairy Creek, Edie Creek, Irving Creek, Miners Creek, Three Mile Creek, and West Camas Creek upstream from Steele Creek. (7-1-93)~~
- xii. Clearwater. EXCEPT East Fork Potlatch River drainage. (4-25-93)
- ~~xiii. Custer. EXCEPT Marsh Creek drainage. (7-1-93)~~
- xiv. Elmore. EXCEPT all public lands within the following drainages: Bear Creek (tributary to Feather River), Case Creek, Fall Creek upstream from and including Meadow Creek, Clover Creek, King Hill Creek, Lime Creek, Smith Creek upstream from Washboard Creek, Syrup Creek, Trinity Creek, Willow Creek (tributary to South Fork Boise River), and Wood Creek (tributary to South Fork Boise River). And EXCEPT all lands within the Boise River Wildlife Management Area. (7-1-93)
- ~~xviii. Gem. EXCEPT Squaw Creek above the Ola Bridge. (7-1-93)~~
- xvi. Gooding. EXCEPT all public lands within the following drainages: Black Canyon Creek, Clover Creek, and Thorn Creek. And EXCEPT all lands within Hagerman and Niagara Springs Wildlife Management Areas. (7-1-93)
- xvii. Idaho. EXCEPT the following drainages: Big Creek upstream from Monumental Creek, and Chamberlin Creek. And EXCEPT the main stem of the Middle Fork Clearwater River from Maggie Creek upstream, main stem of the Lochsa River, Secesh River above the Long Gulch Bridge, and the main stem of the Selway River. (7-1-93)
- xviii. Jerome. (7-1-93)
- xvix. Kootenai. (7-1-93)
- ~~xviii. Lemhi. EXCEPT Dahlenega Creek Drainage Latah. (7-1-93)(7-31-96)T~~
- xix. Lewis. (7-1-93)
- xx. Lincoln. EXCEPT Preacher Creek drainage on public lands. (7-1-93)
- xxii. Minidoka. (7-1-93)

- ~~xxiv~~i. Nez Perce. EXCEPT all northern tributaries to the Salmon River downstream from but excluding Maloney Creek, and all tributaries to the Snake River below the mouth of the Salmon River. (7-1-93)
- ~~xxv~~ii. Owyhee. (7-1-93)
- ~~xxvi~~iii. Payette. (7-1-93)
- ~~xxvii~~iv. Shoshone. (7-1-93)
- ~~xxviii~~v. ~~Teton.~~ (7-1-93)
- ~~xxix~~vi. Twin Falls. EXCEPT all public lands within the Goose Creek, McMullen Creek, and Shoshone Creek drainages. (~~7-1-93~~)(7-31-96)T
- ~~xxx~~vii. Valley. EXCEPT the following drainages: Big Creek upstream from Monumental Creek, Johnson Creek upstream from Landmark, South Fork Salmon River upstream from the fish trap near the mouth of Cabin Creek, Bear Valley Creek, and Sulphur Creek. (7-1-93)
- ~~xxxi~~viii. Washington. (7-1-93)
- b. October 22 through April 15 in the following counties: (10-26-94)
- i. Bannock. EXCEPT Cherry Creek (tributary to Marsh Creek), Dempsey Creek above cattle guard, Mink Creek drainage, and Gibson Jack Creek. (10-26-94)
- ii. Bear Lake. EXCEPT Pearl Creek drainage. (5-6-94)
- iii. Bingham. EXCEPT Cedar Creek and Miner Creek. (10-26-94)
- iv. Bonneville. (10-26-94)
- v. Butte. (10-26-94)
- vi. Caribou. EXCEPT Dike Lake, Toponce Creek drainage on National Forest lands, and Pebble Creek drainage. (10-26-94)
- vii. Clark. EXCEPT the following drainages: Edie Creek, Irving Creek, Miners Creek, Three Mile Creek, and West Camas Creek upstream from Steele Creek. (7-31-96)T
- viii. Custer. EXCEPT Marsh Creek Drainage. (7-31-96)T
- ~~xl~~ix. Franklin. EXCEPT Logan River drainage including the Beaver Creek and White's Creek drainages. (10-26-94)
- ~~xli~~x. Fremont. (10-26-94)
- ~~xlii~~xi. Jefferson. (10-26-94)
- xii. Lemi. EXCEPT Dahlongea Creek Drainage. (7-31-96)T
- xiii. Madison. (10-26-94)
- xiv. Oneida. (10-26-94)
- xv. Power. (10-26-94)

- xvi. Teton. (7-31-96)T
04. Controlled Beaver Trapping Units. (7-1-93)

UNIT SEASON	DATES	NUMBER OF ANIMALS TO BE TAKEN
201	November 1 through March 31	10
That portion of the East Fork Potlatch River drainage in Latah and Clearwater Counties.		
202	November 1 through March 31	10
That portion of the Palouse River drainage in Latah County upstream from Laird Park Dam.		
203	October 22 through April 15	20
That portion of the Mink Creek drainage in Bannock County excluding the West Fork of Mink Creek within the National Forest boundary.		
204	October 22 through April 15	10
That portion of the Toponce Creek drainage in Caribou County that is on National Forest lands.		
205	October 22 through April 15	10
Pebble Creek Unit in Caribou County. Pebble Creek drainage.		
206	October 15 through April 30	15
Dairy Creek Unit in Clark County. Dairy Creek drainage.		

(10-26-94)(7-31-96)T

05. ~~Bobcat and Lynx.~~ (7-1-93)(7-31-96)T
- a. ~~Take Season. STATEWIDE: December 1 to through January 31, December 31. The lynx season will remain open until three (3) lynx have been harvested statewide, or December 31, whichever occurs first.~~ (7-1-93)(7-31-96)T
- b. ~~Bobcat Dog Training Pursuit Only Seasons. Bobcat and Lynx may NOT be killed or possessed during January, February or March of each year in those big game management units that have an open mountain lion harvest or pursuit season during these seasons.~~ (7-1-93)(7-31-96)T

06. Fox. (7-1-93)
- a. ~~August 1, through July 31, July 1 through June 30, in the following counties:~~ (10-26-94)(7-31-96)T
- i. Ada. (10-26-94)
- ii. Adams. EXCEPT the Little Salmon River drainage-CLOSED. (10-26-94)
- iii. Bannock. (7-1-93)
- iv. Bear Lake. (7-1-93)
- v. Bingham. (7-1-93)

vi.	Blaine - south and east of U.S. Highway 93.	(7-1-93)
vii.	Boise.	(10-26-94)
viii.	Bonneville.	(7-1-93)
ix.	Butte.	(7-1-93)
x.	Canyon.	(10-26-94)
xi.	Caribou.	(7-1-93)
xii.	Cassia.	(7-1-93)
xiii.	Clark.	(7-1-93)
xiv.	Custer. EXCEPT the Big Lost River drainage.	(7-1-93)
xv.	Elmore.	(7-1-93)
xvi.	Franklin.	(7-1-93)
xvii.	Fremont.	(7-1-93)
xviii.	Gem.	(10-26-94)
xix.	Gooding.	(7-1-93)
xx.	Jefferson.	(7-1-93)
xxi.	Jerome.	(7-1-93)
xxii.	Lemhi.	(7-1-93)
xxiii.	Lincoln.	(7-1-93)
xxiv.	Madison.	(7-1-93)
xxv.	Minidoka.	(7-1-93)
xxvi.	Oneida.	(7-1-93)
xxvii.	Owyhee.	(7-1-93)
xxviii.	Payette.	(7-1-93)
xxix.	Power.	(7-1-93)
xxx.	Teton.	(7-1-93)
xxxi.	Twin Falls.	(7-1-93)
xxxii.	Valley. EXCEPT that portion outside <u>Open only on National Forests Lands and state of Idaho lands;</u> <u>all other lands</u> - CLOSED. Fox may be taken only by trapping.	(10-26-94) (7-31-96)T
xxxiii.	Washington.	(7-1-93)

- b. October 15; through January 31; in the following counties: ~~(10-26-94)~~(7-31-96)T
- i. Benewah. (7-1-93)
 - ii. Blaine - north and west of U.S. Highway 93. (7-1-93)
 - iii. Bonner. (7-1-93)
 - iv. Boundary. (7-1-93)
 - v. Camas. (7-1-93)
 - vi. Clearwater. (7-1-93)
 - vii. Custer - within the Big Lost River drainage. (7-1-93)
 - viii. Idaho. (7-1-93)
 - ix. Kootenai. (7-1-93)
 - x. Latah. (7-1-93)
 - xi. Lewis. (7-1-93)
 - xii. Nez Perce. (7-1-93)
 - xiii. Shoshone. (7-1-93)
07. Marten. November 1 through January 31 in the following area: (7-1-93)
- a. Statewide. (7-1-93)
 - b. EXCEPT Bear Lake and Franklin Counties. (7-1-93)
08. General Mink Season. (10-26-94)
- a. October 15 through March 31 in the following area: (10-26-94)
 - i. Twin Falls County. All man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. (10-26-94)
 - b. November 1 through November 30 in the following area: (10-26-94)
 - i. Jefferson. ONLY Mud Lake and Market Lake Wildlife Management Areas. (10-26-94)
 - c. November 1 through March 31 in ~~all other~~ the following counties, with the following exceptions: ~~(10-26-94)~~(7-31-96)T
 - ~~i. Bingham. EXCEPT the Sterling Wildlife Management Area. (10-26-94)~~
 - i. Ada. (7-31-96)T
 - ii. Adams. (7-31-96)T
 - iii. Benewah. (7-31-96)T

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| <u>iv.</u> | <u>Blaine.</u> | <u>(7-31-96)T</u> |
| <u>v.</u> | <u>Boise.</u> | <u>(7-31-96)T</u> |
| <u>vi.</u> | <u>Bonner.</u> | <u>(7-31-96)T</u> |
| <u>vii.</u> | <u>Boundary.</u> | <u>(7-31-96)T</u> |
| <u>viii.</u> | <u>Camas.</u> | <u>(7-31-96)T</u> |
| <u>xi.</u> | <u>Canyon.</u> | <u>(7-31-96)T</u> |
| <u>x.</u> | <u>Cassia.</u> | <u>(7-31-96)T</u> |
| <u>xi.</u> | <u>Clearwater.</u> | <u>(7-31-96)T</u> |
| <u>xii.</u> | <u>Elmore.</u> | <u>(7-31-96)T</u> |
| <u>xiii.</u> | <u>Gem.</u> | <u>(7-31-96)T</u> |
| ixiv. | Gooding. EXCEPT Snake River between Niagara Springs and Clear Lakes Bridge; and the Billingsley Creek, Hagerman and Niagara Springs Wildlife Management Areas. | (10-26-94) |
| <u>xv.</u> | <u>Idaho.</u> | <u>(7-31-96)T</u> |
| <u>xvi.</u> | <u>Jerome.</u> | <u>(7-31-96)T</u> |
| iii. | Jefferson. EXCEPT Mud Lake and Market Lake Wildlife Management Areas. | (10-26-94) |
| <u>xvii.</u> | <u>Kootenai.</u> | <u>(7-31-96)T</u> |
| <u>xviii.</u> | <u>Latah.</u> | <u>(7-31-96)T</u> |
| <u>xix.</u> | <u>Lewis.</u> | <u>(7-31-96)T</u> |
| <u>xx.</u> | <u>Lincoln.</u> | <u>(7-31-96)T</u> |
| <u>xxi.</u> | <u>Minidoka.</u> | <u>(7-31-96)T</u> |
| <u>xxii.</u> | <u>Nez Perce.</u> | <u>(7-31-96)T</u> |
| <u>xxiii.</u> | <u>Owyhee.</u> | <u>(7-31-96)T</u> |
| <u>xxiv.</u> | <u>Payette.</u> | <u>(7-31-96)T</u> |
| <u>xxv.</u> | <u>Shoshone.</u> | <u>(7-31-96)T</u> |
| ivxxvi. | Twin Falls. EXCEPT all man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. | (10-26-94) |
| <u>xxvii.</u> | <u>Valley.</u> | <u>(7-31-96)T</u> |
| <u>xxviii.</u> | <u>Washington.</u> | <u>(7-31-96)T</u> |
| <u>d.</u> | <u>October 22 through April 15 in the following counties.</u> | <u>(7-31-96)T</u> |

- i. Bannock. (7-31-96)T
- ii. Bear Lake. (7-31-96)T
- iii. Bingham, EXCEPT the Sterling Wildlife Management Area. (7-31-96)T
- iv. Bonneville. (7-31-96)T
- v. Butte. (7-31-96)T
- vi. Caribou. (7-31-96)T
- vii. Clark. (7-31-96)T
- viii. Custer. (7-31-96)T
- ix. Franklin. (7-31-96)T
- x. Fremont. (7-31-96)T
- xi. Jefferson, EXCEPT Mud Lake and Market Lake Wildlife Management Areas. (7-31-96)T
- xii. Lemhi. (7-31-96)T
- xiii. Madison. (7-31-96)T
- xiv. Oneida. (7-31-96)T
- xv. Power. (7-31-96)T
- xvi. Teton. (7-31-96)T
- 09. General Muskrat Season. (10-26-94)
 - a. October 15 through March 31 in the following area: (7-1-93)
 - i. Twin Falls County. All man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. (7-1-93)
 - b. November 1 through November 30 in the following area: (7-1-93)
 - i. Jefferson. ONLY Mud Lake and Market Lake Wildlife Management Areas. (7-1-93)
 - c. November 1 through March 31 in the following counties: (10-26-94)
 - i. Ada. (10-26-94)
 - ii. Adams. (10-26-94)
 - iii. Benewah. (10-26-94)
 - iv. Blaine. (10-26-94)
 - v. Boise. (10-26-94)
 - vi. Bonner. (10-26-94)

- vii. Boundary. (10-26-94)
- viii. Camas. (10-26-94)
- ix. Canyon. (10-26-94)
- x. Cassia. (10-26-94)
- ~~xi. Clark. (10-26-94)~~
- xii. Clearwater. (10-26-94)
- ~~xiii. Custer. (10-26-94)~~
- xiv. Elmore. (10-26-94)
- xv. Gem. (10-26-94)
- xvi. Gooding. EXCEPT Snake River between Niagara Springs and Clear Lakes Bridge; and the Billingsley Creek, Hagerman and Niagara Springs Wildlife Management Areas. (10-26-94)
- xvii. Idaho. (10-26-94)
- xviii. Jerome. (10-26-94)
- xix. Kootenai. (10-26-94)
- xx. Latah. (10-26-94)
- ~~xxi. Lemhi. (10-26-94)~~
- xxii. Lewis. (10-26-94)
- xxiii. Lincoln. (10-26-94)
- xxiv. Minidoka. (10-26-94)
- xxv. Nez Perce. (10-26-94)
- xxvi. Owyhee. (10-26-94)
- xxvii. Payette. (10-26-94)
- xxviii. Shoshone. (10-26-94)
- ~~xxix. Teton. (10-26-94)~~
- xxx. Twin Falls. EXCEPT all man-made canals under the control of the Twin Falls Canal Company and those sections of Cedar Draw Creek, Cottonwood Creek, Deep Creek, McMullen Creek and Rock Creek and their tributaries north of the Main and Highline Canals. (10-26-94)
- ~~xxxi. Valley. (10-26-94)~~
- ~~xxxii. Washington. (10-26-94)~~
- d. October 22 through April 15 in the following counties: (10-26-94)

- i. Bannock. (10-26-94)
- ii. Bear Lake. (10-26-94)
- iii. Bingham. EXCEPT the Sterling Wildlife Management Area. (10-26-94)
- iv. Bonneville. (10-26-94)
- v. Butte. (10-26-94)
- vi. Caribou. (10-26-94)
- vii. Clark. (7-31-96)T
- viii. Custer (7-31-96)T
- ~~vix.~~ Franklin. (10-26-94)
- ~~viiiix.~~ Fremont. (10-26-94)
- ~~ixi.~~ Jefferson. EXCEPT Mud Lake and Market Lake Wildlife Management Areas. (10-26-94)
- xii. Lemhi. (7-31-96)T
- xiii. Madison. (10-26-94)
- xiv. Oneida. (10-26-94)
- xiiy. Power. (10-26-94)
- 10. Controlled Mink and Muskrat Trapping Units:

UNIT	WILDLIFE MANAGEMENT AREA	SEASON DATES	NO. PERMITS
601	Billingsley Creek	February 15-February 28	2
602	Hagerman	February 15-February 28	4
603	Niagara Springs	February 15-February 28	1
604	Sterling	November 1-March 31	1

(7-1-93)

- 11. Raccoon. Take Season: (7-1-93)(7-31-96)T
- a. Take Season. STATEWIDE – November 1 to March 31. (7-1-93)
- a. November 1 through March 31 in the following counties: (7-31-96)T
 - i. Ada. (7-31-96)T
 - ii. Adams. (7-31-96)T

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| <u>iii.</u> | <u>Benewah.</u> | <u>(7-31-96)T</u> |
| <u>iv.</u> | <u>Blaine.</u> | <u>(7-31-96)T</u> |
| <u>v.</u> | <u>Boise.</u> | <u>(7-31-96)T</u> |
| <u>vi.</u> | <u>Bonner.</u> | <u>(7-31-96)T</u> |
| <u>vii.</u> | <u>Boundary.</u> | <u>(7-31-96)T</u> |
| <u>viii.</u> | <u>Camas.</u> | <u>(7-31-96)T</u> |
| <u>ix.</u> | <u>Canyon.</u> | <u>(7-31-96)T</u> |
| <u>x.</u> | <u>Cassia.</u> | <u>(7-31-96)T</u> |
| <u>xi.</u> | <u>Clearwater.</u> | <u>(7-31-96)T</u> |
| <u>xii.</u> | <u>Elmore.</u> | <u>(7-31-96)T</u> |
| <u>xiii.</u> | <u>Gem.</u> | <u>(7-31-96)T</u> |
| <u>xiv.</u> | <u>Gooding.</u> | <u>(7-31-96)T</u> |
| <u>xv.</u> | <u>Idaho.</u> | <u>(7-31-96)T</u> |
| <u>xvi.</u> | <u>Jerome.</u> | <u>(7-31-96)T</u> |
| <u>xvii.</u> | <u>Kootenai.</u> | <u>(7-31-96)T</u> |
| <u>xviii.</u> | <u>Latah.</u> | <u>(7-31-96)T</u> |
| <u>xix.</u> | <u>Lewis.</u> | <u>(7-31-96)T</u> |
| <u>xx.</u> | <u>Lincoln.</u> | <u>(7-31-96)T</u> |
| <u>xxi.</u> | <u>Minidoka.</u> | <u>(7-31-96)T</u> |
| <u>xxii.</u> | <u>Nez Perce.</u> | <u>(7-31-96)T</u> |
| <u>xxiii.</u> | <u>Owyhee.</u> | <u>(7-31-96)T</u> |
| <u>xxiv.</u> | <u>Payette.</u> | <u>(7-31-96)T</u> |
| <u>xxv.</u> | <u>Shoshone.</u> | <u>(7-31-96)T</u> |
| <u>xxvi.</u> | <u>Twin Falls.</u> | <u>(7-31-96)T</u> |
| <u>xxvii.</u> | <u>Valley.</u> | <u>(7-31-96)T</u> |
| <u>xxviii.</u> | <u>Washington.</u> | <u>(7-31-96)T</u> |
| <u>b.</u> | <u>October 22 through April 15 in the following counties:</u> | <u>(7-31-96)T</u> |
| <u>i.</u> | <u>Bannock.</u> | <u>(7-31-96)T</u> |
| <u>ii.</u> | <u>Bear Lake.</u> | <u>(7-31-96)T</u> |

- iii. Bingham (7-31-96)T
 - iv. Bonneville. (7-31-96)T
 - v. Butte. (7-31-96)T
 - vi. Caribou. (7-31-96)T
 - vii. Clark. (7-31-96)T
 - viii. Custer. (7-31-96)T
 - ix. Franklin. (7-31-96)T
 - x. Fremont. (7-31-96)T
 - xi. Jefferson. (7-31-96)T
 - xii. Lemhi. (7-31-96)T
 - xiii. Madison. (7-31-96)T
 - xiv. Oneida. (7-31-96)T
 - xv. Power. (7-31-96)T
 - xvi. Teton. (7-31-96)T
- b12. Pursuit Only Raccoon Dog Training Season. Raccoon may NOT be killed or possessed during these seasons: STATEWIDE - August 15 through October 31. (~~7-1-93~~)(7-31-96)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.01 - RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN

DOCKET NO. 16-0301-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 39-106(l) and 56-202(b), Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 42 through 44.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5819.

DATED this 2nd day of October, 1996.

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

IDAPA 16
TITLE 03
Chapter 01

RULES GOVERNING AID TO FAMILIES WITH DEPENDENT CHILDREN

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 42 through 44.**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO
DOCKET NO. 16-0304-9602
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 56-202(b) and 39-106(l), Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the June 5, 1996 Administrative Bulletin, Volume 96-6, pages 128 through 150.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5819.

DATED this 2nd day of October, 1996.

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

IDAPA 16
TITLE 03
Chapter 04

RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-6, June 5, 1996, pages 128 through 150.**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.05 - RULES GOVERNING AID TO THE AGED, BLIND AND DISABLED

DOCKET NO. 16-0305-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 56-202(b) and 39-106(l), Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 53 through 70.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Patti Campbell at (208) 334-5819.

DATED this 2nd day of October, 1996.

Staci Welsh
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IDAPA 16
TITLE 03
Chapter 05

RULES GOVERNING AID TO THE AGED, BLIND, AND DISABLED

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 53 through 70.**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9609
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 Section(s) 56-202 (b), 56-203(g), and 56-203(i), 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 October 16, 1996.

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of the supporting reasons for temporary rulemaking 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 following rules are amended to provide coverage for surgical interventions for weight loss for morbidly obese clients as a result of the decision of the Idaho Supreme Court. A definition of morbid obesity is added. The conditions which must exist before a related surgical procedure may be covered are also specified.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Ms. Robbie Charlton at (208) 334-5795.

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 October 23, 1996.

DATED this 2nd day of October, 1996.

STACI WELSH
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DHW - Division of Legal Services
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-9609

003. DEFINITIONS.

For the purposes of these rules, the following terms will be used, as defined below: (11-10-81)

01. Abortion. The medical procedure necessary for the termination of pregnancy endangering the life of the woman, or the result of rape or incest, or determined to be medically necessary in order to save the health of the

- woman. This Subsection is effective retroactively from October 1, 1993. (2-17-94)
02. Access Unit (ACCESS). Access to Care Coordination, Evaluation, Services and Supports. A regional multidisciplinary, transdivisional unit that has the responsibility of determining eligibility, authorizing services, and assuring quality for services and supports for individuals with developmental disabilities. (7-1-95)
03. Ambulatory Surgical Center (ASC). Any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization, and which is certified by the U.S. Department of Health and Human Services as an ASC. (1-3-96)T
04. Bill. The itemized cost of all services provided to one (1) recipient on a single claim form. (11-10-81)
05. Bureau. The Bureau of Medicaid Policy and Reimbursement within the Division of Medicaid, Idaho Department of Health and Welfare, which has the responsibility for administration of the Medical Assistance Program for the state of Idaho. (1-3-96)T
06. Bureau of Systems and Operations. A Bureau of the Division of Medicaid charged with the responsibility of investigation and seeking prosecution of cases involving Medicaid fraud. (1-3-96)T
07. Buy-In Coverage. The amount the State pays for Part B of Title C XVIII on behalf of the A/R.3 (11-10-81)
08. Category I Sanctions. Less severe administrative sanctions, which can be employed concurrently, which neither require notification nor are subject to appeal unless specifically allowed. (11-10-81)
09. Category II Sanctions. Severe administrative sanctions which are appealable as provided for in IDAPA 16.05.03., Rules Governing Contested Case Proceedings and Declaratory Rulings. (1-3-96)T
10. Central Office. The administrative headquarters for the Idaho Department of Health and Welfare which are located in the State Office Building (State Towers), 450 West State Street, Boise, Idaho 83720. (11-10-81)
11. Certified Registered Nurse Anesthetist (CRNA). A Registered Nurse qualified by advanced training in an accredited program in the specialty of nurse anesthesia to manage the care of the patient during the administration of anesthesia in selected surgical situations. (1-3-96)T
12. Claim. An itemized bill for services rendered to one (1) recipient by a provider submitted on any of the following Department claim forms: (11-10-81)
- a. DHW PH 3-80, "Physician Invoice" or such other claim form as may be prescribed by the Department; or (11-10-81)
- b. DHW 03-80, "Title XIX Pharmacy Claim"; or (11-10-81)
- c. DHW-AD78, "Adjustment Request"; or (11-10-81)
- d. DHW OP REV 4-80, "Hospital Out-patient"; or (11-10-81)
- e. DHW IP 3-80, "Hospital In-patient"; or (11-10-81)
- f. DHW 0137, "Attending Dentist's Statement"; or (11-10-81)
- g. DHW NH 3-80, "Nursing Home Statement"; or (11-10-81)
- h. HW-0034 "Consent Form" for sterilization procedures. (11-10-81)
13. Collateral Contacts. Contacts made with a parent, guardian, or other individual having a primary

relationship to the patient by an appropriately qualified treatment professional. The contact must be ordered by a physician, contained in the treatment plan, directed at the medical treatment of the patient, and documented in the progress notes or continuous service record. (10-6-88)

14. Contraception. The provision of drugs or devices to prevent pregnancy. (1-16-80)
15. Department. The state of Idaho Department of Health and Welfare (DHW). (11-10-81)
16. Director. The Director of the Idaho Department of Health and Welfare. (11-10-81)
17. Durable Medical Equipment (DME). Equipment other than prosthetics or orthotics which can withstand repeated use by one or more individual, is primarily and customarily used to serve a medical purpose, is generally not useful to a person in the absence of an illness or injury, is appropriate for use in the home, and is reasonable and necessary for the treatment of an illness or injury for a MA recipient. (11-1-86)
18. Educational Services. Services which are provided in buildings, rooms or areas designated or used as a school or as educational facilities; which are provided during the specific hours and time periods in which the educational instruction takes place in the normal school day and period of time for these students; and which are included in the individual educational plan for the recipient or required by federal and state educational statutes or regulations; are not "related services" as listed in Section 120; and such services are provided to school age individuals as defined in Section 33-201, Idaho Code. (12-31-91)
19. Eligibility Manuals. IDAPA 16.03.01, "Rules Governing Eligibility for Aid for Families with Dependent Children, and IDAPA 16.03.05, Rules Governing Eligibility for the Aged, Blind and Disabled." (1-3-96)T
20. Emergency. Any situation arising in the medical condition of a patient, which, after applying the prevailing medical standards of judgement and practice within the community requires immediate medical intervention. All obstetrical deliveries are considered emergencies. (10-29-92)
21. Endangerment of Life. A condition where, in the opinion of two (2) licensed physicians, a pregnant woman may die or suffer severe and long lasting physical health damage if the fetus is carried to term. (1-16-80)
22. Health Authority. An authorized official of any of the seven (7) Idaho District Health Departments or their satellite centers. (1-16-80)
23. Home Health Services. Services ordered by a physician and performed by a licensed nurse, registered physical therapist, or home health aide as defined in IDAPA 16.03.07, Subsection 002.11, Rules for Proprietary Home Health Agencies. (1-3-96)T
24. In-patient Hospital Services. Services that are ordinarily furnished in a hospital for the care and treatment of an in-patient under the direction of a physician or dentist except for those services provided in mental hospitals. (11-10-81)
25. In-State Care. Medical services provided within the Idaho border or in counties bordering Idaho are considered to be in-state, excluding long term care. (2-5-93)
26. Inspection of Care Team (IOCT). An interdisciplinary team which provides inspection of care in intermediate care facilities for the mentally retarded approved by the Department as providers of care for eligible medical assistance recipients. Such a team is composed of: (7-1-94)
 - a. At least one (1) registered nurse; and (7-1-94)
 - b. One (1) qualified mental retardation professional; and when required, one (1) of the following: (7-1-94)
 - i. A consultant physician; or (7-1-94)

- ii. A consultant social worker; or (7-1-94)
- iii. When appropriate, other health and human services personnel responsible to the Department as employees or consultants. (7-1-94)
27. Interested Physician. (11-10-81)
- a. A physician who performs a Medicaid funded abortion for a fee; or (11-10-81)
- b. A physician who is related by blood or marriage to another physician performing a Medicaid funded abortion. (11-10-81)
28. Intermediate Care Facility Services. Those services furnished in an intermediate care facility as defined in 42 CFR 440.150, but excluding services provided in a Christian Science Sanatoria. (11-10-81)
29. Law Enforcement Authority. An agency recognized by the state of Idaho in enforcement of established state and federal statutes. (11-10-81)
30. Legend Drug. A drug that requires by federal or state regulation, the order of a licensed medical practitioner before dispensing or administration to the patient. (11-10-81)
31. Licensed Psychologist. An individual who is licensed to practice psychology under Chapter 23, Title 54, Idaho Code. (10-6-88)
32. Licensed, Qualified Professionals. Individuals licensed, registered, or certified by national certification standards in their respective discipline, or otherwise qualified within the state of Idaho. (11-10-81)
33. Lock-in Program. An administrative sanction, required of recipients found to have misused the services provided by the Medical Assistance Program, requiring the recipient to select one (1) provider in the identified area(s) of misuse to serve as the primary provider. (11-10-81)
34. Medical Care Treatment Plan. The problem list, clinical diagnosis, and treatment plan of care administered by or under the direct supervision of a physician. (11-10-81)
35. Medical Supplies. Items excluding drugs and biologicals and equipment furnished incident to a physician's professional services commonly furnished in a physician's office or items ordered by a physician for the treatment of a specific medical condition. These items are generally not useful to an individual in the absence of an illness and are consumable, nonreusable, disposable, and generally have no salvage value. Surgical dressings, ace bandages, splints and casts, and other devices used for reduction of fractures or dislocations are considered supplies. (11-1-86)
36. Morbid Obesity. The condition of a person who exceeds ideal weight by more than one hundred (100) pounds and who has significant medical complications directly related to weight gain. (7-1-96)T
367. Non-legend Drug. Any drug the distribution of which is not subject to the ordering, dispensing, or administering by a licensed medical practitioner. (11-10-81)
378. Nurse Midwife. A registered nurse (RN) who is currently licensed to practice in Idaho, who meets applicable standards as found in the Idaho Nurse Practice Act, Rules and Minimum Standards promulgated by the Idaho State Board of Nursing, and who meets one of the following provisions: (11-10-81)
- a. Is currently certified as a Nurse Midwife by the American College of Nurse Midwives; or (11-10-81)
- b. Has satisfactorily completed a formal educational program of at least one (1) academic year that: (11-10-81)

- i. Prepares a RN to furnish gynecological and obstetrical care to women during pregnancy, delivery and postpartum, and care to normal newborns; (11-10-81)
- ii. Upon completion, qualifies a RN to take the certification examination offered by the American College of Nurse Midwives; (11-10-81)
- iii. Includes at least four (4) months, in the aggregate, of classroom instruction and a component of supervised clinical practice; and (11-10-81)
- iv. Awards a degree, diploma, or certificate to persons who successfully complete the program. (11-10-81)

389. Nurse Practitioner. A registered nurse (RN) who is currently licensed to practice in this State, who meets applicable standards as found in the Idaho Nurse Practice Act, Rules and Minimum Standards promulgated by the Idaho State Board of Nursing, and who meets one of the following provisions: (11-10-81)

- a. Is currently certified as a Primary Care Nurse Practitioner by the American Nurses Association or by the National Board of Pediatric Nurse Practitioners and Associates, or by the Nurses Association of the American College of Obstetricians and Gynecologists; or (11-10-81)
- b. Has satisfactorily completed a formal one (1) year academic year educational program that: (11-10-81)
 - i. Prepares a RN to perform an expanded role in the delivery of primary care; (11-10-81)
 - ii. Includes at least four (4) months, in the aggregate, of classroom instruction and a component of supervised clinical practice; and (11-10-81)
 - iii. Awards a degree, diploma, or certificate to persons who successfully complete the program. (11-10-81)

394~~0~~. Nursing Facility (NF). An institution, or distinct part of an institution, which is primarily engaged in providing skilled nursing care and related services for residents. The residents must require medical or nursing care, or rehabilitation services for injuries, disabilities, or sickness. An institution must provide, on a regular basis, health-related care and services to individuals; who because of their mental or physical condition require care and services above the level of room, board, and supervision; which are made available to them only through institutional facilities, not primarily for care and treatment of mental diseases. The institution is licensed in the state of Idaho pursuant to Section 39-1301, Idaho Code and is certified as a nursing facility pursuant to 42 CFR 405.1120 through 405.1136. (7-1-94)

40~~1~~. Orthotic. Pertaining to or promoting the straightening of a deformed or distorted part. (10-1-91)

44~~2~~. Orthotic and Prosthetic Professional. An individual certified or registered by the American Board for Certification in Orthotics and/or Prosthetics. (10-1-91)

42~~3~~. Otologist. A licensed physician who specializes in the diagnosis and treatment of hearing disorders and diseases of the ear. (11-10-81)

43~~4~~. Out-patient Hospital Services. Preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to a patient not in need of hospital bed accommodation. (11-10-81)

44~~5~~. Out-of-state Care. Medical service that is not provided in Idaho or bordering counties is considered out-of-state. Bordering counties outside Idaho are considered out-of-state for the purpose of authorizing long term care. (1-3-96)T

45~~6~~. Oxygen-Related Equipment. Equipment which is utilized or acquired for the routine administration

of oxygen in the home. This includes oxygen tanks, regulators, humidification nebulizers, oxygen concentrators, and related equipment. Equipment which is used solely for the administration of medication into the lungs is excluded from this definition. (11-1-86)

467. Patient. The person undergoing treatment or receiving services from a provider. (11-10-81)
478. Physician. A person possessing a Doctorate of Medicine degree or a Doctor of Osteopathy degree and licensed to practice medicine by a state or United States territory. (10-1-91)
489. Physician's Assistant. A person who is licensed by the Idaho Board of Medicine and who meets at least one (1) of the following provisions: (1-3-96)T
- a. Is currently certified by the National Commission on Certification of Physician Assistants to assist primary care physicians; or (11-10-81)
 - b. Has satisfactorily completed a program for preparing physician's assistants that: (11-10-81)
 - i. Was at least one (1) academic year in length; and (11-10-81)
 - ii. Consisted of supervised clinical practice and at least four (4) months, in the aggregate, of classroom instruction directed toward preparing students to deliver health care; and (11-10-81)
 - iii. Was accredited by the American Medical Association's Committee on Allied Health Education and Accreditation. (11-10-81)
4950. Plan of Care. A written description of medical, remedial and/or rehabilitative services to be provided to a recipient, developed by or under the direction and written approval of a physician. Medications, services and treatments are identified specifically as to amount, type and duration of service. (10-6-88)
501. Premium or Subscription Charge. The per capita amount paid by the Department for each eligible MA recipient enrolled under a contract for the provisions of medical and rehabilitative care and services whether or not such a recipient receives care and services during the contract period. (11-10-81)
542. Property. The homestead and all personal and real property in which the recipient has a legal interest. (11-10-81)
523. Prosthetic Device. Replacement, corrective, or supportive devices prescribed by a physician or other licensed practitioner of the healing arts profession within the scope of his practice as defined by state law to: (10-1-91)
- a. Artificially replace a missing portion of the body; or (10-1-91)
 - b. Prevent or correct physical deformities or malfunctions; or (10-1-91)
 - c. Support a weak or deformed portion of the body. (10-1-91)
534. Provider. Any individual, organization or business entity furnishing medical goods or services in compliance with this chapter and who has applied for and received a provider number, pursuant to Section 020, and who has entered into a written provider agreement, pursuant to Section 040. (1-3-96)T
545. Provider Agreement. An agreement between the provider and the Department, entered into pursuant to Section 040. (12-31-91)
556. Provider Reimbursement Manual. IDAPA 16.03.10, "Rules Governing Provider Reimbursement in Idaho." (1-3-96)T
567. Psychology Assistant. An individual who practices psychology under the supervision of a licensed

psychologist when required under Chapter 23, Title 54, Idaho Code, and Section H of the "Rules of the Idaho State Board of Psychologist Examiners." (7-1-94)

578. Recipient. An individual who is receiving Medical Assistance. (11-10-81)

589. Recreational Therapy (Services). Those activities or services that are generally perceived as recreation such as, but not limited to, fishing, hunting, camping, attendance or participation in sporting events or practices, attendance at concerts, fairs or rodeos, skiing, sightseeing, boating, bowling, swimming, training for special olympics, and special day parties (birthday, Christmas, etc.). (10-6-88)

5960. Regional Nurse Reviewer (RNR). A registered nurse who reviews and makes determinations on applications for entitlement to and continued participation in Title XIX long term care for the Department. (7-1-94)

601. Social Security Act. 42 USC 101 et seq., authorizing, in part, federal grants to the states for medical assistance to low-income persons meeting certain criteria. (11-10-81)

642. Specialized Family Home. Living situation where a maximum of two (2) waiver recipients who do not require a skilled nursing service live with a provider family of residential habilitation services. (7-1-95)

623. Subluxation. A partial or incomplete dislocation of the spine. (11-10-81)

634. Supervision. Procedural guidance by a qualified person and initial direction and periodic inspection of the actual act, at the site of service delivery. (6-21-90)

645. Title XVIII. That program established by the 1965 Social Security Act authorizing funding for the Medicare Program for the aged, blind, and disabled. The term is interchangeable with "Medicare." (11-10-81)

656. Title XIX. That program established by the 1965 Social Security Act authorizing the Medical Assistance Program, commonly referred to as "Medicaid," which is jointly financed by the federal and state governments and administered by the states. The term is interchangeable with "Medicaid." (11-10-81)

667. Third Party. Includes a person, institution, corporation, public or private agency that is liable to pay all or part of the medical cost of injury, disease, or disability of a recipient of medical assistance. (11-10-81)

678. Transportation. The physical movement of a recipient to and from a medical appointment or service by the recipient, another person, taxi or common carrier. (10-6-88)

689. Utilization Control (UC). A program of prepayment screening and annual review by at least one (1) Regional Nurse Reviewer to determine the appropriateness of medical entitlement and the need for continued medical entitlement of applicants/recipients to Title XIX benefits in a NF. (7-1-94)

6970. Utilization Control Team (UCT). A team of Regional Nurse Reviewers which conducts on-site reviews of the care and services in the NFs approved by the Department as providers of care for eligible medical assistance recipients. (7-1-94)

701. Vocational Services. Services or programs which are directly related to the preparation of individuals for paid or unpaid employment. The test of the vocational nature of the service is whether the services are provided with the expectation that the recipient would be able to participate in a sheltered workshop or in the general work force within one (1) year. (10-6-88)

742. Community Living Home. A licensed ICF/MR facility of eight (8) beds or less that has converted to a group home to provide residential habilitation services to developmentally disabled waiver recipients. Room and board is not included in the reimbursement rate. (7-1-95)

(BREAK IN CONTINUITY OF SECTIONS)

065. SERVICES NOT COVERED BY MEDICAL ASSISTANCE.

The following services are not covered for payment by the Medical Assistance Program: (5-15-84)

01. Service Categories Excluded. The following categories of service are excluded from MA payment: (5-15-84)
 - a. Acupuncture services; and (5-15-84)
 - b. Naturopathic services; and (5-15-84)
 - c. Bio-feedback therapy; and (11-10-87)
 - d. Fertility related services including testing. (11-10-87)
02. Procedure Excluded. The costs of physician and hospital services for the following types of treatments are excluded from MA payment. This includes both the procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure: (6-1-86)
 - a. Elective medical and surgical treatment, except for family planning services, without Departmental approval. Procedures that are generally accepted by the medical community and are medically necessary may not require prior approval and may be eligible for payment; or (6-1-86)
 - b. Cosmetic surgery which is not medically necessary and is accomplished without prior approval of the MA Section of the Department; or (5-15-84)
 - ~~e. Gastric stapling procedures; or (6-1-86)~~
 - ~~d. Panniculectomy procedures; or (6-1-86)~~
 - ~~ec. Acupuncture; or (6-1-86)~~
 - ~~fd. Bio-feedback therapy; or (6-1-86)~~
 - ~~g. Intestinal bypass surgery for the treatment of morbid obesity; or (6-1-86)~~
 - ~~he. Laetrile therapy; or (6-1-86)~~
 - if. Organ transplants; lung, pancreas, or other transplants considered investigative or experimental procedures and multiple organ transplants; or (10-1-91)
 - ig. Procedures and testing for the inducement of fertility. This includes, but is not limited to, artificial inseminations, consultations, counseling, office exams, tuboplasties, and vasovasostomies. (11-10-87)
 - kh. New procedures of unproven value and established procedures of questionable current usefulness as identified by the Public Health Service and which are excluded by the Medicare program are excluded from MA payment; or (5-15-84)
 - ~~l. All medical procedures for the treatment of obesity; or (6-1-86)~~
 - mi. Drugs supplied to patients for self-administration other than those allowed under the conditions of Section 126; or (12-31-91)
 - nj. Examinations: (6-1-86)

- i. For routine checkups, other than those associated with the EPSDT program; or (6-1-86)
- ii. In connection with the attendance, participation, enrollment, or accomplishment of a program; or (6-1-86)
- iii. For employment. (6-1-86)
- ok. Services provided by psychologists and social workers who are employees or contract agents of a physician, or a physician's group practice association except for psychological testing on the order of the physician; or (6-1-86)
- pl. The treatment of complications, consequences or repair of any medical procedure, in which the original procedure was excluded from MA coverage, unless the resultant condition is life threatening as determined by the MA Section of the Department; or (5-15-84)
- pm. Medical transportation costs incurred for travel to medical facilities for the purpose of receiving a noncovered medical service are excluded from MA payment. (5-15-84)
- pn. Eye exercise therapy. (10-25-88)
- so. Surgical procedures on the cornea for myopia. (3-2-94)

066. -- 0698. (RESERVED).

069. SURGICAL PROCEDURES FOR WEIGHT LOSS.

01. Surgery for the Correction of Obesity. Surgery for the correction of obesity is covered only with prior authorization from the Bureau of Medicaid Policy and Reimbursement. Surgical procedures for weight loss will be considered when the patient meets the weight criteria for morbid obesity as defined in Subsection 003.36 of these rules; and. (7-1-96)T

- a. Is not over age fifty-five (55) and non-diabetic; or, (7-1-96)T
- b. Is not over age forty-five (45) and is diabetic; and. (7-1-96)T
- c. Has one (1) of the major life threatening complications of obesity: alveolar hypoventilation, uncontrolled diabetes, or uncontrolled hypertension; (7-1-96)T
 - i. For purposes of this Subsection, "uncontrolled" means that there is inadequate compliance or response to a prescribed medical regimen. (7-1-96)T
 - ii. Other complications of obesity such as orthopedic treatment, skin and wound care are not considered justification for a surgical remedy. (7-1-96)T
- d. Must have a psychiatric evaluation to determine the stability of personality at least three (3) months prior to date the surgery is requested; (7-1-96)T
- e. Understands and accepts the resulting risks associated with the surgery. (7-1-96)T

02. All Patients Requesting Surgery. All patients requesting surgery must have their physician send a complete history and physical exam, and medical records documenting the patient's weight and efforts to lose weight by conventional means over the past five (5) years for the request to be considered. (7-1-96)T

03. The Documentation of Life Threatening Complications. The documentation of life threatening complications in Subsection 069.01.c. of these rules, must be provided by a consultant specializing in pulmonary diseases, endocrinology, or cardiology/hypertensive illness who is not associated by clinic or other affiliation with the surgeons who will perform the surgery, or the primary physician who refers the patient for the procedure. (7-1-96)T

04. Abdominoplasty or Panniculectomy. Abdominoplasty or panniculectomy is covered only with prior authorization from the Bureau of Medicaid Policy and Reimbursement. Medicaid does not cover procedures for cosmetic purposes. The documentation that must accompany a request for prior authorization includes, but is not limited to, the following: (7-1-96)T

- a. Photographs of the front, side and underside of the patient's abdomen; and, (7-1-96)T
- b. Documented treatment of the ulceration and skin infections involving the panniculus; and, (7-1-96)T
- c. Documented failure of conservative treatment, including weight loss; and, (7-1-96)T
- d. That the panniculus severely inhibits the patient's walking; and, (7-1-96)T
- e. The client is unable to wear a garment to hold the panniculus up; and, (7-1-96)T
- f. Other detrimental effects of the panniculus on the patient's health such as severe arthritis in the lower body. (7-1-96)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.10 - RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT
DOCKET NO. 16-0310-9601
NOTICE OF TEMPORARY AND PROPOSED RULES

EFFECTIVE DATE: These temporary rules are effective October 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) 56-108, 56-113, and 56-202, 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 October 16, 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 laws or federal programs.

The Department has participated in negotiated rule-making since May, 1996. A Notice of Intent to Promulgate Rules was published in the May 1, 1996 Idaho Administrative Bulletin, Volume 96-5, under docket number 16-0311-9601, page 77.

These changes, under the new docket number of 16-0310-9601, primarily reflect the revision of Intermediate Care Facilities for the Mentally Retarded (ICF/MR) reimbursement, required in the recent 56-113 Idaho Code Revision, under which (except in specified circumstances) such facilities are paid a rate forecast from historical cost and not based on actual cost which usually will not be subject to post audit settlement. The rules replace the percentile cap for independent ICF/MR providers with a cap set a percent above the median. They clarify how owners who claim costs are to be paid. They explain which costs will be subject to the new ICF/MR cap. They place a limitation on day treatment reimbursement. They make other changes to clarify existing rules or to maintain consistency, where practical, among provider types. These rules also specify that State owned or operated ICF/MR facilities will be reimbursed based on cost according to Medicare cost reimbursement principles. The rules, consistent with the new law, allow total reimbursement to all the ICF/MR facilities to be limited to not more than would be paid under Medicare cost principles; this limitation is achieved through adjustments to the ICF/MR cap. A new rule allows the Department to make added payments to providers which provide high quality care. Such payments are subject to fund availability and a limit on total compensation to all nursing facilities.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Doug Norton at (208) 334-5795.

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 October 23, 1996.

DATED this 2nd day of October, 1996.

STACI WELSH
Administrative Procedures Coordinator
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0310-9601

002. ~~RESERVED~~ REIMBURSEMENT PROVISIONS FOR STATE OWNED OR OPERATED ICF/MR FACILITIES.

Provisions of these rules do not apply to ICF/MR facilities owned or operated by the state of Idaho. Reimbursement of such facilities will be governed by the principles set forth in HIM-15, with the exception of depreciation. Assets of such facilities need not be depreciated if they have an acquisition or historical cost of five thousand dollars (\$5,000) or less. (10-1-96)T

003. DEFINITIONS.

01. Accrual Basis. An accounting system based on the matching principle. Revenues are recorded when they are earned; expenses are recorded in the period incurred. (1-16-80)

02. Allowable Cost. Costs which are reimbursable, and sufficiently documented to meet the requirements of audit. (1-16-80)

03. Amortization. The systematic recognition of the declining utility value of certain assets, usually not owned by the organization or intangible in nature. (1-16-80)

04. Appraisal. The method of determining the value of property as determined by a MAI appraisal. The appraisal must specifically identify the values of land, buildings, equipment and goodwill. (9-15-84)

05. Assets. Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. (1-1-82)

06. Bad Debts. Amounts due to provider as a result of services rendered, but which are considered uncollectible. (1-16-80)

07. Beneficiaries. Persons who are eligible for and receive benefits under federal health insurance programs such as Title XVIII and Title XIX. (1-16-80)

08. Betterments. Improvements to assets which increase their utility or alter their use. (1-16-80)

09. Capitalize. The practice of accumulating expenditures related to long-lived assets which will benefit later periods. (1-16-80)

10. Common Ownership. An individual, individuals, or other entities which have equity, or evidence ownership in two (2) or more organizations which conduct business transactions with each other. (1-16-80)

11. Compensation. The total of all remuneration received, including cash, expenses paid, salary advances, etc. (1-16-80)

12. Cost Center. A "collection point" for expenses incurred in the rendering of services, supplies, or material which are related or so considered for cost-accounting purposes. (1-16-80)

13. Cost Reimbursement System. A method of fiscal administration of Title XIX which compensates the provider on the basis of expenses incurred. (1-16-80)

14. Cost Report. A fiscal year report of provider costs, revenues and supplemental schedules required by the Department. (12-28-89)

15. Cost Statements. An itemization of costs and revenues, presented on the accrual basis, which is

used to determine cost of care for facility services for a specified period of time. These statements are commonly called income statements. (1-16-80)

16. Customary Charges. Normal charge for an item or service. (1-16-80)

17. Day Treatment Services. Day treatment services are developmental services provided regularly during normal working hours on weekdays by, or on behalf of, the provider. However, day treatment services do not include recreational therapy, speech therapy, physical therapy, occupational therapy, or services paid for or required to be provided by a school or other entity. (10-1-96)T

~~178.~~ Department. The Department of Health and Welfare of the state of Idaho. (1-16-80)

~~189.~~ Depreciation. The systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated life of the assets. (1-1-82)

~~1920.~~ Director. The Director of the Department of Health and Welfare or his designee. (1-1-82)

~~201.~~ Equity. The net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles. (9-15-84)

242. Facility. An entity which contracts with the Director to provide services to recipients in a structure owned, controlled, or otherwise operated by such an entity, and which entity is responsible for operational decisions in conjunction with the use of the term "facility": (1-1-82)

a. The term "Nursing Facility" or "NF" is used to describe all non-ICF/MR facilities certified to provide care to Medicaid and Medicare patients; (2-1-91)

b. "Free-standing Nursing Facility" means a skilled nursing facility, as defined in and licensed under Chapter 13, Title 39, Idaho Code, which is not owned, managed, or operated by, nor is otherwise a part of a hospital, as defined in Section 39-1301(a), Idaho Code; or (9-28-90)

c. "Hospital-based facility" means a ~~skilled~~ nursing facility, as defined in and licensed under Chapter 13, Title 39, Idaho Code, which is owned, managed, or operated by, or is otherwise a part of a hospital, as defined in Section 39-1301(a), Idaho Code. (~~9-28-90~~)(10-1-96)T

~~223.~~ Fiscal Year. The business year of an organization. (1-16-80)

234. Forced Sale. A forced sale is a sale required by a bankruptcy, foreclosure, the provisions of a will or estate settlement pursuant to the death of an owner, physical or mental incapacity of an owner which requires ownership transfer to existing partner or partners, or a sale required by the ruling of a federal agency or by a court order. (11-4-85)

~~245.~~ Funded Depreciation. Amounts deposited or held which represent recognized depreciation. (1-16-80)

~~256.~~ GAAP. Generally accepted accounting principles, pronounced "gap." (1-16-80)

~~267.~~ Generally Accepted Accounting Principles. Those concepts, postulates, axioms, etc., which are considered standards for accounting measurement. (1-16-80)

278. Goodwill. The amount paid by the purchaser that exceeds the value of the net tangible assets. The value of goodwill is derived from the economic benefits that a going concern may enjoy, as compared with a new one, from established relations in the related markets, with government departments and other noncommercial bodies and with personal relationships. These intangible assets cannot be separated from the business and sold as can plant and equipment. Under the theory that the excess payment would be made only if expected future earnings justified it, goodwill is often described as the price paid for excess future earnings. The amortization of goodwill is nonallowable, nonreimbursable expense. (9-15-84)

289. HIM-15. The Providers Reimbursement Manual, a federal publication which specifies accounting treatments and standards. (1-16-80)
- ~~2930.~~ Historical Cost. The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies. (1-1-82)
301. ICF/MR. An intermediate care facility for the mentally retarded. (9-15-84)
32. ICF/MR Living Unit. The specific property or portion thereof that an ICF/MR uses to house patients. (10-1-96)T
343. Improvements. Improvements to assets which increase their utility or alter their use. (1-16-80)
324. Interest. The cost incurred for the use of borrowed funds. (1-16-80)
335. Interest on Capital Indebtedness. The cost incurred for borrowing funds used for acquisitions of capital assets, improvements, etc. These costs are differentiated from those related to current indebtedness by the payback period of the related debt. (1-16-80)
346. Interest on Current Indebtedness. The costs incurred for borrowing funds which will be used for "working capital" purposes. These costs are differentiated from others by the fact that the related debt is scheduled for repayment within one (1) year. (1-16-80)
- ~~35. Interest Rate Limitation. The interest rate limitation is a limit on interest reimbursement for working capital loans, and for loans for major movable equipment for intermediate care facilities for the mentally retarded. All interest expense greater than the amount described below shall be nonreimbursable, provided that this interest rate limitation shall not be imposed against loans which were made prior to July 1, 1984; said loans being subject to the tests of reasonableness, relationship to patient care and necessity. The limitation shall be the prime rate as established by the Bank of America Corporation, San Francisco, California, plus one percent (1%) at the date the loan is made.~~ (9-12-86)
367. Interim Reimbursement Rate (IRR). A rate paid for each Medicaid patient day which is intended to result in total Medicaid payments approximating the amount paid at audit settlement. The interim reimbursement rate is intended to include any payments allowed in excess of the percentile cap. (10-22-93)
378. Intermediary. Any organization which administers the Title XIX program; in this case the Department of Health and Welfare. (1-16-80)
389. Intermediate Care Facility for the Mentally Retarded. A habilitative facility designed and operated to meet the educational, training, habilitative and intermittent medical needs of the developmentally disabled. (9-15-84)
3940. Keyman Insurance. Insurance on owners or employees with extraordinary talents in which the direct or indirect beneficiary is the facility or its owners. (1-16-80)
401. Lease. A contract arrangement for use of another's property, usually for a specified time period, in return for period rental payments. (1-16-80)
442. Leasehold Improvements. Additions, adaptations, corrections, etc., made to the physical components of a building or construction by the lessee for his use or benefit. Such additions may revert to the owner. Such costs are usually capitalized and amortized over the life of the lease. (1-16-80)
423. Level of Care. The classification in which a patient/resident is placed following a medical/social review decision. (1-16-80)
434. Licensed Bed Capacity. The number of beds which are approved by the Licensure and Certification

- Agency for use in rendering patient care. (1-16-80)
445. MAI Appraisal. An appraisal which conforms to the standards, practices, and ethics of the American Institute of Real Estate Appraisers and is performed by a member of the American Institute of Real Estate Appraisers. (9-15-84)
456. Major Movable Equipment. Major movable equipment means such items as beds, wheelchairs, desks, furniture, vehicles, etc. The general characteristics of this equipment are: (12-28-89)
- a. A relatively fixed location in the building; (11-4-85)
 - b. Capable of being moved, as distinguished from building equipment; (11-4-85)
 - c. A unit cost of five hundred dollars (\$500) or more; (12-31-91)
 - d. Sufficient size and identity to make control feasible by means of identification tags; and (11-4-85)
 - e. A minimum life of approximately three (3) years. (11-4-85)
467. Medicaid. The 1965 amendments to the Social Security Act (P.L. 89-97), as amended. (1-1-82)
478. Minor Movable Equipment. Minor movable equipment includes such items as wastebaskets, bedpans, syringes, catheters, silverware, mops, buckets, etc. Oxygen concentrators used in lieu of bottled oxygen shall, at the facility's option, be considered minor movable equipment with the cost thereof reported as a medical supply. The general characteristics of this equipment are: (12-28-89)
- a. In general, no fixed location and subject to use by various departments of the provider's facility; (11-4-85)
 - b. Comparatively small in size and unit cost under five hundred dollars (\$500); (12-31-91)
 - c. Subject to inventory control; (11-4-85)
 - d. Fairly large quantity in use; and (11-4-85)
 - e. Generally, a useful life of approximately three (3) years or less. (11-4-85)
489. Net Book Value. The historical cost of an asset, less accumulated depreciation. (1-1-82)
4950. Nonambulatory. Unable to walk without assistance. (11-4-85)
501. Nonprofit Organization. An organization whose purpose is to render services without regard to gains. (1-1-82)
542. Nursing Home Facility. A "Nursing Facility" or "NF". See facility. (9-28-90)
523. Patient Day. A calendar day of care which will include the day of admission and exclude the day of discharge unless discharge occurs after 3 p.m. or it is the date of death, except that, when admission and discharge occur on the same day, one (1) day of care shall be deemed to exist. (1-1-82)
534. Private Rate. Rate most frequently charged to private patients for a service or item. (1-16-80)
545. Property Costs. The total of allowable interest expense, plus depreciation, property insurance, real estate taxes, amortization, and allowable lease/rental expense. The Department may require and utilize an appraisal to establish those components of property costs which are identified as an integral part of an appraisal. (9-15-84)
556. Property Rental Rate. A rate paid per Medicaid patient day to other than hospital based nursing

homes in lieu of reimbursement for property costs other than property taxes, property insurance, and the property costs of ~~patient transportation vehicles~~ major movable equipment at ICF/MR facilities. ~~(11-4-85)~~(10-1-96)T

567. Proprietary. An organization operated for the purpose of monetary gains. (1-16-80)
578. Provider. A licensed and certified skilled nursing or intermediate care facility which renders care to Title XIX recipients. (1-16-80)
589. Reasonable Property Insurance. Reasonable property insurance means that the consideration given is an amount that would ordinarily be paid by a cost-conscious buyer for comparable insurance in an arm's length transaction. Property insurance per licensed bed in excess of two (2) standard deviations above the mean of the most recently reported property insurance costs per licensed bed of all facilities in the reimbursement class as of the end of a facility's fiscal year shall not be considered reasonable. (11-4-85)
5960. Recipient. An individual determined eligible by the Director for the services provided in the state plan for Medicaid. (1-1-82)
601. Related Entities. The provider, to a significant extent, is associated or affiliated with, or is controlled by, or has control of another entity. (1-16-80)
642. Skilled Nursing Care. The level of care for patients requiring twenty-four (24) hour skilled nursing services. (1-16-80)
623. Skilled Nursing Facility. A nursing care facility licensed by the Department to provide twenty-four (24) hour skilled nursing services and certified as a "Nursing Facility" under Title XVIII. (9-28-90)
634. Title XVIII. The Medicare program administered by the federal Social Security Administration. (1-16-80)
645. Title XIX. The medical assistance program known as Medicaid administered by the state of Idaho, Department of Health and Welfare. (1-16-80)
656. Utilities. All expenses for heat, electricity, water and sewer. (9-15-84)

(BREAK IN CONTINUITY OF SECTIONS)

060. PROPERTY REIMBURSEMENT.

~~Freestanding~~ Facilities other than hospital based nursing facilities will be paid a property rental rate, and shall also be reimbursed the Medicaid share of property taxes and reasonable property insurance. The Medicaid share is determined by the ratio of Medicaid patient days to total patient days. The property rental rate includes compensation for major movable equipment but not for minor movable equipment. However, the property rental rate for ICF/MR shall not include compensation for major movable equipment. The property rental rate is paid in lieu of payment for amortization, depreciation, and interest for financing the cost of land and depreciable assets. Prior to final audit for a NE, an interim rate for property reimbursement shall be set to approximate the property rental rate as determined by Sections 56-108 and 56-109, Idaho Code. ~~(10-22-93)~~(10-1-96)T

01. Property Rental Rate. The property rental rate is based upon current construction costs, the age of the facility, the type of facility, and major expenditures made to improve the facility, or a rate based upon property costs as of January 1, 1985. The amount paid for each Medicaid day of care will be phased in according to Section 061., and, beginning April 1, 1985, shall be:
R = "Property Base" x 40 - "Age" / 40 x "change in building costs where: (12-31-91)
- a. "R" = the property rental rate. (11-4-85)
- b. "Property Base" = ~~\$9.24~~ Thirteen dollars and nineteen cents (\$13.19) beginning October 1, 1996

for all freestanding nursing facilities but not ICF/MR facilities. Beginning October 1, 1996, the property base rate for ICF/MR - living units shall be eleven dollars and twenty-two cents (\$11.22) except for ICF/MR living units not able to accommodate residents requiring wheelchairs. Property base = seven dollars and twenty-two cents (\$7.22) for ICF/MR living units not able to accommodate residents requiring wheelchairs. (40-22-93)(10-1-96)T

c. "Change in building costs" = 1.0 from April 1, 1985, through December 31, 1985. However, 1.0 from October 1, 1996, through December 31, 1996. (40-22-93)(10-1-96)T

i. Thereafter, through June 30, 1991, "change in building costs" will be adjusted each calendar year to reflect the reported annual change in the building cost index for a Class D building in the western region, as of September of the prior year, as published by the Marshall Swift Valuation Service (10-22-93)

ii. Beginning January 1, 1997, "change in building costs" = 1.145 from July 1, 1991, through December 31, 1991. Thereafter, "change in building costs" will be adjusted each calendar year to reflect the reported annual change in the building cost index for a class D building in the western region, as of September of the prior year as published by the Marshall Swift Valuation Service or the consumer price index for renter's costs available in September of the prior year, whichever is greater. For freestanding NF facilities, the index available in September of the prior year will be used; for ICF/MR facilities, the most recent index available when it is first necessary to set a prospective rate for a period that includes all or part of the calendar year, will be used. (40-22-93)(10-1-96)T

d. "Age" of facility - The effective age of the facility in years shall be set by subtracting the year in which the facility, or portion thereof, was constructed from the year in which the rate is to be applied. No facility or portion thereof shall be assigned an age of more than thirty (30) years, however: (11-4-85)

i. If adequate information is not submitted by the facility to document that the facility, or portion thereof, is newer than thirty (30) years, the age shall be set at thirty (30) years. Adequate documentation shall include, but not be limited to, such documents as copies of building permits, tax assessors' records, receipts, invoices, building contract, and original notes of indebtedness. An age shall be determined for each building. A weighted average using the age and square footage of the buildings shall become the effective age of the facility. The age of each building shall be based upon the date when construction on that building was completed. This age shall be adjusted to reflect major building expansion or remodeling prior to April 1, 1985, if that expenditure was large enough to reduce the age of the facility by two (2) or more years according to the following formula:

$$r = A \times E / S \times C$$

Where:

r = Reduction in the age of the facility in years.

A = Age of the building at the time when construction was completed.

E = Actual expenses for the construction provided that the total costs must have been incurred within twenty-four (24) months of the completion of the construction.

S = The number of square feet in the building at the end of construction.

C = The cost of construction for the buildings in the year when construction was completed according to the schedule in Subsection 060.01.d.ii.

If the result of this calculation, "r" is equal to or greater than 2.0, the age of the building in years will be reduced by this number, rounded to the nearest whole number for rate setting purposes. In no case will the age be less than zero (0). (12-28-89)

ii. Historical Nursing Home Construction Cost per Square Foot for Purposes of Evaluating Facility Age.

Age	Year	Cost	Age	Year	Cost	Age	Year	Cost
1	1984	49.72	2	1983	47.61	3	1982	45.99

Age	Year	Cost	Age	Year	Cost	Age	Year	Cost
4	1981	44.51	5	1980	41.77	6	1979	38.58
7	1978	35.20	8	1977	31.54	9	1976	29.43
10	1975	27.38	11	1974	25.17	12	1973	23.58
13	1972	21.37	14	1971	19.57	15	1970	18.27
16	1969	17.52	17	1968	16.32	18	1967	15.41
19	1966	14.86	20	1965	14.22	21	1964	13.87
22	1963	13.65	23	1962	13.20	24	1961	12.90
25	1960	12.77	26	1959	12.58	27	1958	12.23
28	1957	12.05	29	1956	11.84	30	1955	11.32

(10-22-93)

iii. For rates paid after June 30, 1989, the effective age of a facility shall be further adjusted when the cost of major repairs, replacement, remodeling, or renovation of a building initiated after April 1, 1985, results in the change in age by at least one (1) year when applied to the formula in Subsection 060.01.d.i. However, such change shall not decrease the effective age of a facility beyond the point where the increase in the property rental rate is greater than three-fourths (3/4) of the difference between the property rental rate "r" for a new facility at the time of the proposed rate revision and the property rental rate for which the facility was eligible immediately before the adjustment. The cost used for "C" shall be adjusted according to costs published by Marshall Swift Valuation Service to reflect current construction costs for average Class D convalescent hospitals. It is the provider's responsibility to notify the Department and document costs. The Department will adjust the age after documentation of costs.

(10-22-93)

iv. In the event that new requirements are imposed by state or federal agencies, the Department shall reimburse the expenditures directly related to these requirements as an increase in the property rental rate if the expense is in excess of one hundred dollars (\$100) per bed. If the cost ~~is~~ related to the requirement is less than one hundred dollars (\$100) per bed, the Department shall, within twelve (12) months of verification of expenditure, reimburse the Medicaid share of the entire cost of such new requirements, as a one (1) time payment to the facility.

~~(11-4-85)~~(10-1-96)T

v. At no time shall the property rental rate paid to a facility be less than the greater of the rate allowable to that facility on December 31, 1988, the rate allowable immediately following the first opening of a new facility after December 31, 1988, or the rate allowable immediately following the last, if any, age revision after December 31, 1988. However, subsequent to the application of this provision, before any property rental rate increase may be made for current or successor operators, the final settlement amount of any increase in the property rental rate will first be offset by an amount equal to the impact on final settlement of any rate decrease that would have occurred if the provisions of Subsections 060.01.d.iii. and 060.01.d.iv. of these rules had not been applied. This ~~is~~ intended to allow the postponement of the financial burden to providers of property rental rate decreases and to allow an equal offset of the financial burden to the state of subsequent property rate increases for a current or successor provider.

~~(10-22-93)~~(10-1-96)T

vi. Effective July 1, 1991, for freestanding nursing facilities, and effective October 1, 1996, for ICF/MR facilities. "age of facility" will be a revised age which is the lesser of the age established under other provisions of this Section or the age which most closely yields the rate allowable to existing facilities as of June 30, 1991, under Subsection 060.01 of these rules. This revised age shall not increase over time.

~~(10-22-93)~~(10-1-96)T

02. Grandfathered Rate. A "grandfathered property rental rate" for existing free-standing nursing facilities will be determined by dividing the audited allowable annualized property costs, exclusive of taxes and insurance, for assets on hand as of January 1, 1985, by the total patient days in the period July 1, 1984, through June 30, 1985.

~~(10-22-93)~~(10-1-96)T

a. Prior to audit settlement, the interim rate for property costs allowable as of January 1, 1985, shall be used to approximate the grandfathered rate. (11-4-85)

b. The grandfathered property rental rate shall be adjusted to compensate the facility for the property costs of major repairs, replacement, expansion, remodeling or renovation initiated prior to April 1, 1985, and completed during calendar year 1985. (12-28-89)

c. Beginning July 1, 1989, facilities receiving grandfathered rates may have those rates adjusted for modifications related to major repairs, replacement, expansion, remodeling, or renovation initiated after January 1, 1986, if the cost of these modifications would be sufficient to reduce the age of the facility by one (1) year or more according to Subsection 060.01.d.i. The grandfathered rate shall be revised after completion of modifications and shall be the greater of: (12-31-91)

i. The grandfathered rate previously allowed; or (12-28-89)

ii. The actual per diem property costs of amortization, depreciation and interest not applicable to the modifications for the audit period in which the modifications were completed plus the per diem rate of the first year amortization of the cost of these modifications when amortized over American Hospital Association guideline useful life or lives. However, no change in the grandfathered rate shall be allowed to change that rate by more than three-fourths (3/4) of the difference between the previous grandfathered rate and the property rental rate that would be paid for a new building at the time of the proposed rate revision. (12-28-89)

d. The facility will be reimbursed a rate which is the higher of the grandfathered property rental rate as determined according to provisions of Subsection 060.02 or the property rental rate determined according to Subsections 060.01, 060.03 or 060.05 and Section 061. (12-31-91)

03. Leased Freestanding Nursing Facilities. Freestanding nursing facilities with leases will not be reimbursed in the same manner specified in Subsections 060.01 and 02 of these rules. Provisions in this Section do not apply to reimbursement of home office costs. Home office costs shall be paid based on reasonable cost principles. (~~11-4-85~~)(10-1-96)T

a. Facilities with leases entered into on or after March 30, 1981, are to be reimbursed in the same way as owned facilities with ownership costs being recognized instead of lease costs. (11-4-85)

b. Facilities with leases entered into prior to March 30, 1981, will not be subject to reimbursement according to the provisions of Subsections 060.01 or 060.02 or Section 061. Their property rental rate per day of care will be the sum of the annualized allowed lease costs and the other annualized property costs for assets on hand as of January 1, 1985, exclusive of taxes and insurance when paid separately, divided by total patient days in the period June 30, 1983, through July 1, 1984. (10-22-93)

i. Effective July 1, 1989, the property rental rates of leased nursing facilities (NFs) with leases entered into prior to March 30, 1981, may be adjusted to compensate for increased property costs resulting from facility modifications related to major repairs, replacement, expansion, remodeling, or renovation initiated after January 1, 1985, if the cost would be sufficient to reduce the age of the facility by one (1) year or more according to Subsection 060.01.d.i. The rate shall be revised after the completion of such modifications and shall be the greater of the property rental rate previously allowed under Subsection 060.03, or the actual per diem property costs for the amortization, depreciation, and interest not applicable to the modifications for the reporting period in which the modifications were completed, plus the per diem of the first year amortization of the modification expenses using the American Hospital Association guideline useful life of lives. However, no such rate change shall increase the allowable property rental rate by more than three-fourths (3/4) of the difference between the previous rate and the property rental rate that would be allowed for a new building at the time of the proposed rate revision. (10-22-93)

ii. Where such leases contain provisions that bind the lessee to accept an increased rate, reimbursement shall be at a rate per day of care which reflects the increase in the lease rate. (10-22-93)

iii. Where such leases bind the lessee to the lease and allow the rate to be renegotiated, reimbursement

shall be at a rate per day of care which reflects an annual increase in the lease rate not to exceed the increase in the consumer price index for renters' costs. After April 1, 1985, if such a lease is terminated or if the lease allows the lessee the option to terminate other than by an option to purchase the facility, the property rental rate shall become the amount "R" determined by the formula in Subsection 060.01 as of the date on which the lease is or could be terminated. (10-22-93)

04. Sale of a Facility. In the event of the sale of a facility, or asset of a facility, the buyer shall receive the property rental rate of Subsection 060.01, except in the event of a forced sale or except in the event of a first sale of a facility receiving a "grandfathered rate" after June 30, 1991, whereupon the property rental rate of the new owner shall be computed as if no sale had taken place. (10-22-93)

05. Forced Sale of a Facility. In the event of a forced sale of a facility, or asset of a facility, where the seller has been receiving a grandfathered rate, the buyer will receive a rate based upon his incurred property costs, exclusive of taxes and insurance, for the twelve (12) months following the sale, divided by the facility's total patient days for that period, or the property rental rate, not modified by Section 061, whichever is higher, but not exceeding the rate that would be due the seller. (12-31-91)

061. ~~(RESERVED). PROPERTY RENTAL RATE IMPLEMENTATION SCHEDULE.~~

~~Beginning April 1, 1985, all facilities other than hospital-based facilities will be reimbursed a set rate for each Medicaid day of care. Facilities which have grandfathered rates in excess of the property rental rate "R" determined according to the formula in Subsection 060.01. will be paid the grandfathered rate for each Medicaid day of care unless or until "R" exceeds that grandfathered rate. Facilities with grandfathered rates determined by Subsection 060.02. which are below the property rental rate, will have their rates phased in as follows: (12-31-91)~~

~~01. Period Ending December 31, 1985. For the period ending December 31, 1985, grandfathered rate plus twenty percent (20%) of the difference between grandfathered rate and property rental rate. (11-4-85)~~

~~02. Period Ending December 31, 1986. For the period January 1, 1986, through December 31, 1986, grandfathered rate plus forty percent (40%) of the difference between grandfathered rate and property rental rate. (11-4-85)~~

~~03. Period Ending December 31, 1987. For the period January 1, 1987, through December 31, 1987, grandfathered rate plus sixty percent (60%) of the difference between grandfathered rate and property rental rate. (11-4-85)~~

~~04. Period Ending December 31, 1988. For the period January 1, 1988, through December 31, 1988, grandfathered rate plus eighty percent (80%) of the difference between grandfathered rate and property rental rate. (11-4-85)~~

~~05. Period Beginning January 1, 1989. For the period January 1, 1989 forward, property rental rate. (11-4-85)~~

062. PROPERTY REIMBURSEMENT TO INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (ICF/MR CLASS).

~~Property costs of an ICF/MR shall be reimbursed in accordance with Idaho Code, Section 56-113 and applicable provisions of the Health Insurance Manual 15, as promulgated by the U.S. Department of Health and Human Services (HIM-15). Provided, that facilities in operation as of March 31, 1993, may negotiate with the director a grandfathered rate for property reimbursement of costs previously reimbursed as a rental rate. In no event shall the reimbursement of property costs to this class of facility exceed in the aggregate the amount which would be reimbursed using Medicare payment principles as defined in HIM-15. Beginning October 1, 1996, property costs of an ICF/MR shall be reimbursed in accordance with Section 060 of these rules except as follows: (10-22-93)(10-1-96)T~~

~~01. Rate Setting. Property reimbursement as determined in the preceding Section 062. shall be paid as part of an interim rate as provided in Section 302 of this chapter. Restrictions. No grandfathered rates or lease provisions other than lease provisions in Section 062 of these rules will apply to ICF/MR facilities. (10-22-93)(10-1-96)T~~

02. ~~Negotiated Rate. Any negotiated rate will be implemented by written agreement signed by an authorized agent of the facility. ICF/MR operators with multiple facilities cannot include less than all facilities under negotiated rates. Negotiated rates, if any, apply only to residential units. All other properties, including, but not limited to, active treatment centers and home offices, will be reimbursed in accordance with other provisions of this chapter, and in accordance with HIM-15 principles. Home Office and Day Treatment Property Costs. Distinct parts of buildings containing ICF/MR living units may be used for home office or day treatment purposes. Reimbursement for the property costs of such distinct parts may be allowed if these areas are used exclusively for home office or day treatment services. The portion of property cost attributed to these areas may be reimbursed as part of home office or day treatment costs without a reduction the property rental rate. Reimbursement for home office and day treatment property costs shall not include costs reimbursed by the property rental rate.~~ (10-22-93)(10-1-96)T

03. ~~Change in Ownership. In the event of a change of ownership or the sale of the assets of a facility, any negotiated rates shall terminate. Leases For Property. Beginning October 1, 1996, ICF/MR facilities with leases will be reimbursed as follows:~~ (10-22-93)(10-1-96)T

a. ~~The property costs related to ICF/MR living units will be paid by a property rental rate in accordance with Sections 060 and 062 of these rules.~~ (10-1-96)T

b. ~~Leases for property other than ICF/MR living units will be allowable based on lease cost to the facility not to exceed a reasonable market rate, subject to other provisions of this chapter, and HIM-15 principles including principles associated with related party leases.~~ (10-1-96)T

04. ~~Property Leases. Leases of property not reimbursed under a negotiated rate are subject to other provisions of this chapter and the provisions of Section 56-104(e), Idaho Code.~~ (10-22-93)

(BREAK IN CONTINUITY OF SECTIONS)

110. ALLOWABLE COSTS.

Below is a list of the normally allowable costs, and the related definitions and explanations. ~~The classification used is related to a cost state format. The list, which includes, but is not limited to, the following items:~~ (1-16-80)(10-1-96)T

01. ~~Auto and Travel Expense. Expense of maintenance and operation of a vehicle and travel expense related to patient care are reimbursable. The allowance for mileage reimbursement will not exceed the amount determined reasonable by the Internal Revenue Service for the period being reported on. Meal reimbursement will be limited to the amount that would be allowed by the state for a Department employee, twenty-one dollars (\$21) per day with the allowance for breakfast not to exceed twenty-five percent (25%); the allowance for lunch not to exceed thirty-five percent (35%); and the allowance for dinner not to exceed fifty percent (50%) of the total allowance. Entertainment expense is allowable only if documentation is provided naming the individuals and stating the purpose of the meeting. Entertainment expense is allowable only for patient care related purposes.~~ (12-31-91)(10-1-96)T

02. ~~Bad Debts. Payments for efforts to collect past due Title XIX accounts are reimbursable. This may include the fees for lawyers and collection agencies. Other allowances for bad debt and bad debt write-off are not allowable. However, Title XIX coinsurance amounts are one hundred percent (100%) reimbursable (HIM 15, Section 300).~~ (1-16-80)

03. ~~Bank and Finance Charges. Charges for routine maintenance of accounts are allowable. Penalties for late payments, overdrafts, etc., are not allowable.~~ (1-16-80)

04. ~~Contracted Service. All services which are received under contract arrangements are reimbursable to the extent that they are related to patient care or the sound conduct and operation of the facility.~~ (1-16-80)

05. ~~Depreciation. Depreciation on buildings and equipment is an allowable property expense for hospital-based facilities. Depreciation expense is not allowable for land. Lease-hold improvements may be amortized. Generally, depreciation and amortization must be calculated on a straight line basis and prorated over the estimated~~

useful life of the asset. (10-22-93)

06. Employee Benefits. Employee benefits including health insurance, vacation, and sick pay are allowable to the extent of employer participation. See HIM 15, Chapter 21 for specifics. (1-16-80)

07. Insurance. Premiums for insurance on assets or for liability purposes, including vehicles, are allowable to the extent that they are related to patient care. (1-16-80)

08. Interest. Interest on working capital loans is an allowable administrative expense. When property is reimbursed based on cost, interest on related debt related to the provision of patient care services is an allowable property expense for hospital-based nursing homes. However, interest payable to related entities is not normally an allowable expense, and interest on working capital loans is subject to the interest limitation found in Subsection ~~003-35~~. Penalties are not allowable. ~~(10-22-93)(10-1-96)T~~

09. Lease or Rental Payments. Payments for the property cost of the lease or rental of land, buildings, and equipment are allowable according to Medicare reasonable cost principles ~~for hospital-based nursing homes when property is reimbursed based on cost~~ for leases entered into before March 30, 1981. Leases entered into on or after March 30, 1981, shall be reimbursed in the same manner as an owned asset. The cost of leases related to home offices and ICF/MR day programs shall not be reported as property costs and shall be allowable based on reasonable cost principles. ~~(11-4-85)(10-1-96)T~~

10. Payroll Taxes. The employer's portion of payroll taxes is reimbursable. (1-6-80)

11. Property Costs. Property costs related to patient care ~~for hospital-based nursing homes~~ are allowable subject to other provisions of this chapter. Property taxes and reasonable property insurance are allowable for all facilities; ~~otherwise, property costs will not be reimbursed directly.~~ A property rental rate will be paid to other than hospital-based facilities in lieu of property cost reimbursement. ~~(10-22-93)(10-1-96)T~~

12. Property Insurance. Property insurance per licensed bed is limited to no more than two (2) standard deviations above the mean of the most recently reported property insurance costs, as used for rate setting purposes, per licensed bed of all facilities in the reimbursement class of the end of a facility's fiscal year. (11-4-85)

13. Repairs and Maintenance. Costs of maintenance and minor repairs are allowable when related to the provision of patient care. (1-16-80)

14. Salaries. Salaries and wages of all employees engaged in patient care activities or overall operation and maintenance of the facility, including support activities of home offices, shall be allowable. (1-16-80)

15. Supplies. Cost of supplies used in patient care or providing services related to patient care are allowable. (1-16-80)

16. Taxes. Property taxes on assets used in rendering patient care are allowable. Other taxes may be allowable. Specifics are covered in the Provider Reimbursement Manual, SSA-HIM 15, Chapter 21. Tax penalties are not allowable. (1-1-82)

17. Compensation of Owners. An owner may receive reasonable compensation for services subject to the limitations in this chapter, to the extent the services are actually performed, documented, reasonable, ordinary, necessary, and related to patient care. Allowable compensation shall not exceed the amount necessary to attract non related assistance to perform the same services. The nature and extent of services must be supported by adequate documentation including hours performing the services. Where an average industry wide rate for a particular function can be determined, reported allowable owner compensation shall not exceed the average rate. Compensation to owners, or persons related to owners, providing administrative services is further limited by provisions in Sections 402 and 403 of these rules. In determining the reasonableness of compensation for services paid to an owner or a person related to an owner, compensation is the total of all benefits or remuneration paid to or primarily for the benefit of the owner regardless of form or characterization. It includes, but is not limited to, the following:

~~(10-1-96)T~~

- a. Reasonable compensation for services performed by owners (whether sole proprietors, partners, or stockholders) is an allowable cost, provided the services are actually performed, documented, and are necessary (1-16-80)
- b. For purposes of determining whether the compensation paid to or claimed by an owner is reasonable, the total of all benefits and remuneration, regardless of the form, will be considered. They include, but are not necessarily limited to, the following: (1-16-80)
- ia. Salaries wages, bonuses and benefits which are paid or are accrued and paid for the reporting period within one (1) month of the close of the reporting period. (1-16-80)(10-1-96)T
- ib. Supplies and services provided for the owner's personal use. (1-16-80)
- ic. Compensation paid by the facility to employees for the sole benefit of the owner. (1-16-80)
- id. Fees for consultants, directors, or any other fees paid regardless of the label. (1-16-80)
- ie. Keyman life insurance. (1-16-80)
- if. Living expenses, including those paid for related persons. (1-16-80)
- e. Necessary. The requirement that the function be necessary means that had the owner not rendered the services, the facility would have been required to purchase them from another source. The services must be pertinent to the operation and sound conduct of the long term care facility. (1-16-80)
- d. Reasonable. Requires that compensation be such an amount as would ordinarily be paid for comparable services had they been purchased on the open market. (1-16-80)
- e. Application of Rules Governing Compensation of Owners or Administrators. Owners of proprietary and partnership facilities often render service as managers, administrators, or in other capacities. In such cases, it is equitable that reasonable compensation for such services be an allowable cost. (1-16-80)
- i. Where an owner performs reasonable and necessary services for several facilities, or is also engaged in other unrelated occupations and, therefore, spends part time at each facility, allowable compensation shall reflect an amount the facility would have paid for equivalent services in the open market. (1-16-80)
- ii. In determining the amount of owner or administrator compensation reported, care should be used in differentiating compensation related to duties and that amount related to ownership. (1-16-80)
- iii. The allowable owner administrator compensation will be determined based on the Idaho Administrator Compensation Schedule (Section). Factors which will be evaluated in determining a facility's ranking in the range of allowable administrative compensation are years of work experience, years of health related or management education beyond high school, duties, and geographical location of the facility (Section 403). (12-31-91)
- iv. The maximum allowable administrator compensation for an owner is determined as follows: (1-1-82)
- (a) Total points will be determined for the owner according to the point schedule shown in Section 403. (12-31-91)
- (b) The difference between the low range and the high range of owner administrator compensation for the facility as shown in Section 402 will be taken times the number of points for the owner divided by one hundred (100) and added to the low range. (12-31-91)
- (c) The amount determined in Subsection 110.15.c.iv.(b) will be taken times the percent of time that the owner spent on administrative duties except when the facility for which administrative compensation is being

~~evaluated is fifty (50) beds or less. The amount determined in Subsection 110.17.e.iv.(b) for administrators of facilities of fifty (50) beds or less will be taken times the percent of the total administrative function that is being handled by the owner administrator. In determining the number of beds for which an individual is owner administrator, all beds regardless of whether or not they are in the same facility will be counted. Also, if the individual whose salary is being evaluated is the owner administrator of fifty (50) beds or less as determined above, the salary range to be used from Section 402., will be the range corresponding to the bed range in which the total number of beds over which the individual is the owner administrator falls.~~ (12-31-91)

~~v. Compensation of persons related to the owner will be evaluated in the same manner as an owner. If more than one (1) owner or related person performs administrative functions, the total compensation allowed shall not exceed the maximum allowable as shown in Section 402. The determination of whether a person is related to the provider will be made in accordance with the criteria specified in Subsection 121.02.~~ (12-31-91)

~~vi. The Idaho Administrative Compensation Schedule (Section 402.) shall be adjusted annually to reflect changes in the cost of living. The amount of the change shall be determined based upon the change in the wage and salary component of the Consumer Price Index.~~ (12-31-91)

(BREAK IN CONTINUITY OF SECTIONS)

115. NONALLOWABLE COSTS.

In the absence of convincing evidence to the contrary, expenses listed below will be considered nonreimbursable.

- | | |
|---|------------|
| | (1-16-80) |
| 01. Charity Allowances. Cost of free care or discounted services. | (1-16-80) |
| 02. Nonpatient Care Related Activities. All activities not related to patient care. | (1-16-80) |
| 03. Accelerated Depreciation. Depreciation in excess of straight line except as otherwise provided (see Subsection 354.04.c.ii.). | (12-31-91) |
| 04. Related Party Interest. Interest on related party loans (see HIM-15, Sections 218.1 and 218.2). | (1-16-80) |
| 05. Related Party Nonallowable Costs. All costs not allowable to providers are not allowable to a related party, whether or not they are allocated. | (1-16-80) |
| 06. Acquisitions. Cost of corporate acquisitions, e.g., purchase of corporate stock as an investment. | (1-16-80) |
| 07. Holding Companies. All home office costs associated with holding companies are not allowable (HIM-15, Section 2150.2A). | (1-16-80) |
| 08. Related Party Refunds. All refunds, allowances, terms, etc., shall be deemed to be allocable to the members of related organizations, on the basis of their participation in the related purchases, costs, etc. | (1-16-80) |
| 09. Fund Raising. Certain fund raising expenses (HIM-15, Section 2136.2). | (1-16-80) |
| 10. Vending Machines. Costs of vending machines. Barber and beauty shops. | (1-16-80) |
| 11. Organization. Organization costs (see HIM-15, Section 2134 and subsections of Section 2134 for specifics). | (1-16-80) |
| 12. Fees. Franchise fees (HIM-15, Section 2133.1). | (1-16-80) |
| 13. Medicare-Covered Costs. Any costs incurred by Medicare certified facilities which are covered by | |

Medicare Part A or Part B. (1-1-82)

14. Yellow Pages Advertising. Telephone book yellow page advertising costs in excess of the base charge for a quarter column advertisement for each telephone book advertised in. (1-1-82)

15. Consultant Fees. (12-31-91)

~~a. For nursing facilities consultant fees paid at rates in excess of those specified in Section 406, unless the provider has documented an effort to obtain consultant services at the allowed rate and has been unable to. Documentation would include at a minimum, recruitment advertising for the services. (10-22-93)~~

~~b. For intermediate care facilities for the mentally retarded, e~~Costs related to the payment of consultant fees in excess of the lowest rate available to a facility. ~~(10-22-93)~~(10-1-96)T

~~i.~~ It is the provider's responsibility to make efforts to obtain the lowest rate available to that facility. The efforts may include personally contacting possible consultants and/or advertising. ~~(10-22-93)~~

~~ii.~~ The lowest rate available to a facility is the lower of the actual rate paid by the facility or the lowest rate available to the facility, as determined by departmental inquiry directly to various consultants. Information obtained from consultants will be provided to facilities. ~~(10-22-93)~~

~~iii.~~ Costs in excess of the lowest rate available will be disallowed effective thirty (30) days after a facility is notified pursuant to Subsection 115.15.b, unless the provider shows by clear and convincing evidence it would have been unable to comply with state and federal standards had the lowest rate consultant been retained or that it tried to but was unable to retain the lowest rate consultant. This Subsection in no way limits the Department's ability to disallow excessive consultant costs under other Sections of this chapter, such as 100 or 121, when applicable. ~~(10-22-93)~~(10-1-96)T

16. Goodwill. Costs associated with goodwill as defined in Subsection ~~003.2510~~003.27 of these rules. ~~(12-31-91)~~(10-1-96)T

17. Interest. Interest to finance nonallowable costs ~~and interest amounts over the interest rate limitation as defined in Section 003.~~ ~~(12-31-91)~~(10-1-96)T

18. Property Costs. Property costs other than property insurance and taxes at any facility that are reimbursed based on cost principles according to other provisions of these rules. (9-12-86)

(BREAK IN CONTINUITY OF SECTIONS)

150. RELATED PARTY TRANSACTIONS.

01. Principle. Costs applicable to services, facilities and supplies furnished to the provider by organizations or persons related to the provider by common ownership, control, etc., are allowable at the cost to the related party. Such costs are allowable to the extent that they relate to patient care, are reasonable, ordinary, and necessary, and are not in excess of those costs incurred by a prudent cost-conscious buyer. (1-16-80)

02. Cost Allowability - Regulation. Allowability of costs is subject to the regulations prescribing the treatment of specific items as outlined in ~~425 CFR 450.304~~413.17, et al, and the Providers Reimbursement Manual, SSA-HIM Chapter 10, ~~Section 2150.3.~~ ~~(1-16-80)~~(10-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

204. FILING DATES.

01. Deadlines. Deadlines for filing quarterly cost statements will be sixty (60) days after the close of the quarter so reported. Deadlines for annual cost reports will be the last day of the third month following the fiscal year end or the deadline imposed by Medicare if the provider is required to file a Medicare cost report.

~~(12-28-89)~~(10-1-96)T

02. Waivers. A delay of thirty (30) days may be granted for annual cost reports in unusual circumstances. Requests for such deferrals and reasons therefore must be in writing and should be made prior to the deadline. A written decision will be rendered in writing within ten (10) days.

~~(12-28-89)~~(10-1-96)T

205. FAILURE TO FILE.

Failure to submit timely reports may result in a reduction in the interim rate, as provided for in Section 2409.1A1, SSA HIM-15, "Providers Reimbursement Manual." ~~"Where a provider fails to file a cost report, the intermediary will send the provider a notice of reduction in the interim rate."~~ Failure to file the required cost reports, including required supplemental information, unless a waiver is granted, may will result in a reduction of ten percent (10%) in the provider's interim rate(s) the first day of the month following the deadline date. Continued failure to comply will result in complete payment suspension on the first day of the following month. When suspension or reduction has occurred and the provider has filed the required cost reports, amounts accruing to the provider during the period of suspension or reduction will be restored ~~at the rate determined by the submitted report.~~ Loss of license or certification will result in immediate termination of reimbursement, full scope audit and settlement for the cost period.

~~(1-16-80)~~(10-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

208. REPORTING FORMS.

Unless prior approval is granted, only state forms will be acceptable. Requests for approval of alternate forms must be in writing accompanied by samples. Such requests will not be considered adequate reason for late filing, or granting of a waiver, except in extraordinary circumstances as determined by the intermediary. Following is a partial listing of the account titles used on the state forms. Included also is an explanation of the classification and reporting standards applicable to that account. The report form may be revised periodically to meet changing Department and provider needs and may be in electronic format at the discretion of the Department. Reported costs shall only include allowable costs unless the Department structures the report to remove nonallowable costs by cost groupings, in which case, reported total and subtotal costs shall reflect net allowable costs except for the nonreimbursable section of the report.

~~(1-16-80)~~(10-1-96)T

01. Revenues. The categories are self-explanatory. They are intended to give sufficient breakdown of revenues to effect the reasonable cost principles embodied in the cost reporting system. Facilities may also use the cost center approach of the statement to evaluate the expense of certain cost centers in respect to their revenue.

(1-16-80)

02. Expenses.

(7-1-93)

a. Administrative.

(12-31-91)

i. Salaries: Administrator. Included in this category are salaries paid for administrators and assistant administrators of the facility. Any compensation in excess of the amount allowable under ~~the federal guidelines~~ other provisions of this chapter shall be entered in the nonreimbursable Section of the cost statement (see Subsection ~~110.15~~ 110.17 of these rules).

~~(12-31-91)~~(10-1-96)T

ii. Salaries: Office and Clerical. Salaries and wages paid to clerks, bookkeepers, and others whose duties relate to overall operation of the facility, should be included in this account.

(1-16-80)

iii. Payroll Taxes. The provider's portion of payroll taxes for all employees except those taxes related to the payroll for persons providing day treatment services ~~unique~~ to ICF/MR patients shall be included in Section 208.01.a.iii. of these rules. Payroll taxes for employees providing day treatment services ~~unique~~ to ICF/MR patients shall be reported ~~on~~ in categories provided for these expenses. Self employment taxes related to owners are

nonallowable and should not be included.

~~(12-31-91)~~(10-1-96)T

iv. Employee Benefits. Expenses incurred such as sick pay and vacation pay should be included in this account except for those expenses relating to persons providing day treatment services ~~unique~~ for ICF/MR patients. Employee benefits for these employees should be reported in cost categories provided for those expenses.

~~(1-1-82)~~(10-1-96)T

v. Accounts Collections. The expenses related to collection of past due program accounts such as legal fees, bill collectors, etc., are allowable. Allowances for bad debts and bad debt write-off are not allowable, and should be included in the Section titled Nonreimbursable Expenses.

(4-28-89)

vi. Auto and Travel. These expenses shall be those incurred in the operation of vehicles and other travel expense related to patient care. Normally, entertainment shall not be involved, but shall be recorded in the Section under Nonreimbursable Expenses (see HIM 15, Chapter 21).

(1-16-80)

vii. Bank and Finance Charges. Normally recurring minor charges for handling of accounts shall be included here.

(1-16-80)

viii. Dues, Licenses and Subscriptions. Subscriptions to periodicals related to patient care or for general patient use, license fees (not including franchises), and dues to professional health care organizations are to be included. Dues, tuitions and educational fees to facilitate quality health care services are includable where the provisions of HIM 15, Section 400, are met.

(1-16-80)

ix. Employee Recruitment. Costs of advertising for new employees shall be recorded in this account including applicable entertainment costs.

(1-16-80)

x. Home Office Costs. Costs allocated by related entities for various services shall be included in this account.

(1-16-80)

xi. Malpractice/Public Liability Insurance. Premiums for malpractice and public liability insurance shall be included in this account.

(1-16-80)

xii. Purchased Services. Costs of legal, accounting, and management services (not including related entities) for overall operations shall be included in this account.

(1-16-80)

xiii. Supplies and Rentals. Cost of supplies, postage, ledger sheets, and rental of minor office equipment shall be included in this account.

(1-16-80)

xiv. Telephone and Communications. Cost of telephone and related communications shall be included in this account.

(1-16-80)

xv. Interest, Working Capital. Allowable interest expense for loans not related specifically to the purchase of the real or personal property of the provider shall be reported here.

(1-1-82)

xvi. Miscellaneous. Any expense not properly allocable to other cost centers and not properly classified in other classification of administration expenses shall be included here.

(1-16-80)

b. Property. Property costs shall be reported by all facilities including those facilities which are reimbursed a property rental rate.

(11-4-85)

i. Amortization. Amortization of leasehold improvements shall be included here. Certain others may be included here also.

(1-16-80)

ii. Depreciation on Fixed Assets. Depreciation expenses for buildings and fixtures should be included here. Any depreciation in excess of straight line AHA or IRS guideline lives shall not be included unless otherwise waived by the Department. Such excess shall be included in the Section of Nonreimbursable Expenses.

~~(1-4-85)~~(10-1-96)T

- iii. Depreciation of Equipment. Depreciation expense for moveable equipment shall be included here. Excess depreciation as defined above shall be included in the Nonreimbursable Section (see Subsection 354,04.c.). (12-31-91)
- iv. Interest Expense. Interest expense related to purchase of land, buildings and equipment related to patient care shall be included here only if it is payable to unrelated entities. Generally, interest payable to related entities shall be included in the Nonreimbursable Section (HIM-15, Section 202.3). (11-4-85)
- v. Insurance. Insurance premiums for property insurance such as fire and glass shall be includable here. (1-16-80)
- vi. Lease and Rental Payments. Payments for lease or rental of buildings, land and for equipment shall be includable here. (1-16-80)
- vii. Taxes. Taxes on property related to patient care shall be recorded in this account. (1-16-80)
- c. Patient Care Service. (1-16-80)
- i. Nursing Care. (1-16-80)
- (a) Salaries. Director of Nursing. Salaries or wages of the Director of Nursing shall be included here. (1-16-80)
- (b) Registered Nurse. Salaries and wages of registered nurses shall be included in this account. Payroll taxes shall not be included but overtime shall be. (1-16-80)
- (c) Licensed Professional Nurses. Wages for licensed professional nurses shall be included in this account including overtime, but not including payroll taxes. (1-16-80)
- (d) Aides/Orderlies. Normal overtime and wages for aides and orderlies, not to include payroll taxes, shall be included in this account. (1-16-80)
- (e) Contracted Services. Payments for patient health care services under contract shall be entered here. (1-16-80)
- ii. Therapy Services. (1-16-80)
- (a) Salaries. Salaries for all therapy personnel shall be recorded here. (1-16-80)
- (b) Professional Services. Payments for contracted therapy services shall be recorded here. (1-16-80)
- (c) Supplies and Miscellaneous. Expenses for supplies and miscellaneous expenses related to therapy and recreational therapy services shall be recorded here. (1-16-80)
- iii. Social Services. (1-16-80)
- (a) Salaries. Wages and salaries for activity directors and social services personnel shall be recorded here. (1-16-80)
- (b) Contracted Services. Payments under contract arrangement for activities director or other social services personnel shall be included here. (1-16-80)
- iv. Services Payroll Taxes and Supplies Unique to ICF/MR Patient Care Employee Benefits. The payroll taxes and cost of employee benefits related to the salaries reported in Section 208 of these rules should be reported here. (10-22-93)(10-1-96)T

- ~~(a) Salaries. Wages and salaries for persons providing care unique to ICF/MR patients should be reported here. (10-22-93)~~
- ~~(b) Payroll Taxes and Employee Benefits. The payroll taxes and cost of employee benefits related to the salaries reported in Section 208 should be reported here. (12-31-93)~~
- ~~(c) Contracted Services. The cost of contracted services unique to ICF/MR patients should be included here. (10-22-93)~~
- ~~(d) Supplies. The cost of supply items unique to ICF/MR patients should be included here. (10-22-93)~~
- v. Costs Not Subject to the Percentile Cap. (12-31-91)
- (a) Special Needs. Those costs determined by the Department and authorized under Section 56-117, Idaho Code, will be excluded from other reported costs and will be reported here (see Subsection 254.08). (12-31-91)
- (b) Excluded Costs. Increases in costs otherwise subject to the percentile cap incurred by facilities in the ICF/SNF Freestanding class as a result of changes in legislation or regulations will be excluded from costs reported in categories subject to the percentile cap and will be reported here (see Subsection 254.09). (12-31-91)
- d. Facility Operations and Services. (1-16-80)
- i. Central Supply. (1-16-80)
- (a) Salaries: Pharmacist. Salaries and wages of pharmacists who are regular employees of the facility shall be included here, but are not reimbursable. (1-16-80)
- (b) Salaries. Salaries and wages of others, such as stock clerks, shall be recorded here. (1-16-80)
- (c) Contracted Services. Payments for services under contract will be recorded in this category, not including pharmaceutical services. (1-16-80)
- (d) Supplies and Miscellaneous. Miscellaneous expenses and routine nursing supplies such as laxatives, aspirin, and dressings shall be recorded here; the cost of oxygen concentrators may also be recorded here. Cost of prescription drugs must not be included. (12-28-89)
- ii. Laundry and Linen. (1-16-80)
- (a) Salaries. Salaries and wages for personnel involved in laundry operations shall be recorded here. (1-16-80)
- (b) Purchased Services. Costs of contracted linen services shall be recorded here. (1-16-80)
- (c) Linens and Bedding. Purchase of sheets, mattress pads, blankets, towels, etc., shall be entered here. Costs of beds and mattresses are capitalizable and should be treated accordingly. (1-16-80)
- (d) Miscellaneous Expenses. Miscellaneous expenses not properly classified in other areas of Section 208 should be included in this account. (12-31-91)
- e. Dietary. (1-16-80)
- i. Salaries: Dietitian. Wages of a dietitian who is a regular employee shall be included here. (1-16-80)
- ii. Salaries: Other. Salaries of cooks and other dietary personnel should be recorded here. (1-16-80)
- iii. Purchased Services. Payments for contracted dietary services, or dietitians, shall be included here. (1-16-80)

iv. Food. Cost of food used for the period will be included here not including vending machine items. For purposes of reasonable cost evaluation, revenues from meals sold to nonpatients will reduce food costs and should be reported in the revenue Section. (1-16-80)

v. Supplies. Cost of dietary supplies other than food should be recorded here. Do not include vending machine items. (1-16-80)

f. Plant Operations and Maintenance. (1-16-80)

i. Salaries. Wages of all housekeeping and maintenance employees shall be included in this account. (1-16-80)

ii. Repairs and Maintenance. Cost of minor repairs to buildings and equipment shall be recorded here. (1-16-80)

iii. Purchased Services. Costs of maintenance and repair services purchased under contract arrangements shall be recorded here. (1-16-80)

iv. Utilities. Expenses for heat, electricity, water and sewer shall be included in this account. (9-15-84)

v. Supplies and Miscellaneous. Expense of supplies and other unclassified expenses should be included here. (1-16-80)

g. Nonreimbursable Expenses. This classification of expenses is provided to reconcile your cost statement to books of record. It will also help the facility to determine its reasonable costs and anticipate its revenues. Routine business expenses not includable in the reasonable cost formula are to be recorded in Section 208. The account titles are indicative of these costs which are commonly found. (12-31-91)

03. Home Office Reporting. The purpose of the provisions of Section 208, is to support the costs allocated to the provider facility. ~~The statement is brief but adequate. Used in conjunction with the principles of owners' equity and reasonable cost, payments for Title XIX beneficiaries may be estimated. A report is required for each level of organization which allocates costs to the provider, directly or indirectly.~~ (12-31-91)(10-1-96)T

a. ~~It should be noted that a report is required for each level of organization which allocates costs to the provider, directly or indirectly.~~ (12-31-91)

b. ~~The account titles are self-explanatory and structured to provide usable information.~~ (1-16-80)

209. -- 2439. (RESERVED).

240. PROSPECTIVE RATES FOR ICF/MR.

Sections 240 through 246 of these rules provide procedures and specifications necessary to implement the provisions and accomplish the objectives of the payment system for ICF/MR providers. Total payment will include the following components: Property reimbursement, capped costs, an efficiency increment, exempt costs, excluded costs.

(10-1-96)T

241. PRINCIPLE.

Providers of ICF/MR facilities will be paid a per diem rate which, with certain exceptions, is not subject to an audit settlement. The per diem rate for a fiscal period will be based on audited historical costs adjusted for inflation. The provider will report these cost items in accordance with other provisions of this chapter or the applicable provisions of HIM-15 to the extent not inconsistent with this chapter.

(10-1-96)T

242. PROPERTY REIMBURSEMENT.

Beginning October 1, 1996, ICF/MR property costs are reimbursed by a rental rate or based on cost. The following shall be reimbursed based on cost as determined by the provisions of this chapter and applicable provisions of HIM-15 to the extent not inconsistent with this chapter: ICF/MR living unit property taxes, ICF/MR living unit property

insurance, and major movable equipment not related to home office or day treatment services. Reimbursement of other property costs is included in the property rental rate. Any property cost related to home offices and day treatment services are not considered property costs and shall not be reported in the property cost portion of the cost report. These costs shall be reported in the home office and day treatment section of the cost report. Property costs, including costs which are reimbursed based on a rental rate, shall be reported in the property cost portion of the cost report. The Department may require and utilize an appraisal to establish those components of property costs which are identified as an integral part of an appraisal. Property costs include the following components: (10-1-96)T

01. Depreciation. Allowable depreciation based on straight line depreciation. (10-1-96)T
02. Interest. All allowable interest expense which relates to financing depreciable assets. Interest on working capital loans is not a property cost and is subject to the cap. (10-1-96)T
03. Property Insurance. All allowable property insurance. Malpractice insurance, workmen's compensation and other employee-related insurances are not property costs. (10-1-96)T
04. Lease Payments. All allowable leases or rental payments. (10-1-96)T
05. Property Taxes. All allowable property taxes. (10-1-96)T
06. Costs of Related Party Leases. Costs of related party leases are to be reported in the property cost categories appropriate to owner's costs. (10-1-96)T

243. ICF/MR CAPPED COST.

Beginning October 1, 1996, this cost area includes all allowable costs except those specifically identified as property costs in Section 242 and exempt costs in Section 246 of these rules. This Section defines items and procedures to be followed in determining this limit and provides the procedures for extracting cost data from historical cost reports, applying a cost forecasting market basket to project cost forward, procedures to be followed to project costs forward, and procedures for computing the median of the range of costs and the ICF/MR cap. (10-1-96)T

01. Costs Subject to the Cap. Items subject to the cap include all allowable costs except property costs identified in Section 242 and exempt costs identified in Section 246 of these rules. Property costs related to a home office are administrative costs, shall not be reported as property costs, and are subject to the cap. (10-1-96)T
02. Per Diem Costs. Costs to be included in this category will be divided by the total patient days for the facility for the cost reporting period to arrive at allowable per diem costs. If costs for services provided some or all non-Medicaid residents are not included in the total costs submitted, the provider must determine the costs and combine them with the submitted costs in order that a total per diem cost for that facility can be determined both for the purpose of determining the ICF/MR cap and for computing final reimbursement. (10-1-96)T
03. Cost Data to Determine the Cap. Cost data to be used to determine the cap for ICF/MR facilities will be taken from each provider's most recent final cost report available sixty (60) days before the beginning of the period for which the cap is being set. Cost reports are final when the final audit report is issued, the final desk review report is issued, or if the Department informs the facility the report is final without review. The selected final cost report will be used to establish the facility's prospective reimbursement rate. However, the final cost reports covering a period of less than twelve (12) months will be included in the data for determining the cap at the option of the Department. (10-1-96)T
04. Projection. Per diem allowable costs will be inflated forward using a cost forecasting market basket and forecasting indices according to the same table as used for free standing facilities in Subsection 254.04.a. of these rules.
 - a. The projection method used in this Section to set the cap will also be used to set non property portions of the prospective rate which are not subject to the cap. (10-1-96)T
 - b. Forecasting indices as developed by Data Resources, Incorporated, will be used unless they are unavailable. In such case, indices supplied by some other nationally recognized forecaster will be used. (10-1-96)T

05. Costs Which Can Be Paid Directly by the Department to Non ICF/MR Providers. Costs which can be paid directly by the Department to non ICF/MR providers are excluded from the ICF/MR prospective rates and ICF/MR cap: (10-1-96)T

a. Direct physician care costs. Physicians who provide these services must bill the Medicaid program directly using their own provider numbers. (10-1-96)T

b. Costs of services covered under the Early and Periodic Screening Diagnosis and Treatment (EPSDT) portion of the Medicaid Program. These services are enumerated in IDAPA 16 Title 03, Chapter 09, Rules Governing Medical Assistance, and include such items and services as eyeglasses, hearing aids, and dental services provided to Medicaid recipients under the age of twenty-one (21). The cost of these services is not includable as a part of ICF/MR costs. Reimbursement can be made to a professional providing these services through his billing the Medicaid Program on his own provider number. (10-1-96)T

c. Costs of services covered by other parts of the Medicaid Program. Examples of these items include legend drugs and ambulance transportation. These items must be billed to the Medicaid Program directly by the provider using his own provider number. (10-1-96)T

06. Cost Projection. Allowable per diem costs will be projected forward from the midpoint of the Base Period to the midpoint of the Target Period. "Base Period" is defined as the last available final cost report period. "Target Period" is defined as the effective period of the prospective rate. Procedures for inflating these costs are as follows: (10-1-96)T

a. The percentage change for each cost category in the market basket will be computed from the beginning to the end of the Base Period. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward allowable per diem costs for each cost category from the midpoint to the end of the Base Period. (10-1-96)T

b. The percentage change for each cost category in the market basket will be computed for the period from the end of the Base Period to the beginning of the Target Period. These percentages will then be used to project forward the allowable per diem costs for each cost category, as determined in Subsection 243.06.a. of these rules, from the end of the Base Period to the beginning of the Target Period. (10-1-96)T

c. The percentage change for each cost category in the market basket will be computed for the beginning to the end of the Target Period. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward the allowable per diem costs as determined in Subsection 243.06.b. of these rules from the beginning to the midpoint of the Target Period. (10-1-96)T

07. Cost Ranking. Prior to October 1 of each year the Director will determine that per cent above the median which will assure aggregate payments to ICF/MR providers will approximate but not exceed amounts that would be incurred using Medicare cost principles of reimbursement. That percentage will apply to caps and rates set after September 30 of each year. Projected per diem costs as determined in this Section and subject to the cap will be ranked from the highest to the lowest. The cap will be set at a percent of the bed-weighted median for each rate period. The initial cap will be set as of October 1, 1996. (10-1-96)T

a. The median of the range will be computed based on the available data points being considered as the total population of data points. (10-1-96)T

b. The cap for each ICF/MR facility with a fiscal year beginning October 1, 1996, will be computed prior to the beginning of that year. For those facilities with a fiscal year ending on a date other than September 30, the first cap will be computed for the period beginning October 1, 1996, and ending on the fiscal year end date. (10-1-96)T

c. Facilities with cost reports that transcend the period from October 1, 1996, through September 30, 1997, will be retrospectively settled using the previous reimbursement system for the period of the report up to September 30, 1996. There will not be a retrospective settlement on the portion of these cost reports attributed to

October 1, 1996 through the end of the cost report period unless provisions of Section 245 of these rules apply. (10-1-96)T

d. Cost reports for periods beginning on or after October 1, 1996, will not be subject to retrospective settlement except as required by other provisions of this chapter. (10-1-96)T

e. A new cap and rate will be set for each facility's fiscal year after September 30, 1996. (10-1-96)T

f. The cap and prospective rate will be determined and set for each facility's upcoming fiscal year prior to that year and it will not be changed by any subsequent events or information with the exception that if the computations were found to contain mathematical or clerical errors, these errors will be corrected and the cap will be adjusted using the corrected figures. (10-1-96)T

g. Payment of costs subject to the cap will be limited to the cap unless the Department determines the exclusions found in Section 247 of these rules apply. (10-1-96)T

h. A facility which commences to offer patient care services as an ICF/MR on or after October 1, 1996, shall be subject to retrospective settlement until the first prospective rate is set. Such facility shall be subject to the ICF/MR cap as determined in this chapter. The first prospective rate for this provider will be set by the Department based on quarterly cost statements and final cost reports submitted for periods following the first three (3) months of operation. This first prospective rate may be set after the beginning of the second fiscal year of the provider. For the second year the provider will be paid the higher of the prospective rate or retrospective audited costs. (10-1-96)T

244. EFFICIENCY INCREMENT.

An efficiency increment will be included as a component of the prospective rate, or retrospective settlement if the allowable capped per diem costs are less than the cap. (10-1-96)T

01. Computing Efficiency Increment. The efficiency increment will be computed by subtracting the projected or, for facilities subject to retrospective settlement the actual allowable per diem costs incurred by the provider, from the applicable cap. This difference will be divided by five (5). The allowable increment is twenty cents (\$.20) per one dollar (\$1) below the cap up to a maximum increment of three dollars (\$3) per patient day. (10-1-96)T

02. Determining Reimbursement. Total reimbursement determined by adding amounts determined to be allowable, shall not exceed the provider's usual and customary charges for these services as computed in accordance with this chapter and HIM-15. In computing patient days for the purpose of determining per diem costs, in those cases where the Medicaid Program or the patient is making payment for holding a bed in the facility, the patient will not be considered to be discharged and thus those days will be counted in the total. (10-1-96)T

245. RETROSPECTIVE SETTLEMENT.

When retrospective settlement is applicable, it is based on allowable reimbursement in accordance with this chapter and based on an audited cost report. Retrospective settlement will be subject to the same caps and limits determined for prospective payments. Providers subject to retrospective settlement shall be required to submit payment of estimated amounts owed to the Department, if any, based on the as submitted cost report. Recoupments including statutory interest will be initiated within thirty (30) days from the due date of the cost report where a provider fails to remit amounts due. Interest will be assessed beginning thirty (30) days after the cost report is due excluding extensions. The Department will issue payouts for undisputed amounts due to the provider, if any within thirty (30) days of the submission of the cost report. A provider may be subject to final settlement based on an audit of the cost report. (10-1-96)T

01. A Provider's Failure to Meet Any of the Conditions. A provider's failure to meet any of the conditions of participation set forth in 42 CFR 483.400 may subject that provider to retrospective reimbursement for the fiscal year, or any portion thereof, during which the condition is not met. The provider's projected per diem rate may be adjusted to reflect actual reimbursable costs subject to cost limits. (10-1-96)T

02. A First Time Provider. A first time provider operating a new ICF/MR living unit will be subject to a retrospective settlement for the first fiscal year and until the first subsequent period wherein a prospective rate is set in

accordance with Sections 203, 204, and 243 and this chapter. A budget based on the best available information is required prior to opening for patient care so an interim rate can be set. (10-1-96)T

03. New ICF/MR Living Unit. A new ICF/MR living unit for an existing operator is subject to first time facility requirements. (10-1-96)T

04. Change of Ownership of Existing ICF/MR Living Unit. Where there is a change of ownership of an existing ICF/MR living unit, the provider operating the ICF/MR living unit will not receive an adjustment of the provider's prospective rate. The property rental rate will be adjusted subject to this chapter. However, new facility reporting requirements and the cap will apply. (10-1-96)T

05. Fraudulent or False Claims. Providers who have made fraudulent or false claims are subject to retrospective settlement as determined by the Department. (10-1-96)T

06. Excluded Costs. Excluded costs may be retrospectively settled according to the provisions of Section 247 of these rules. (10-1-96)T

246. EXEMPT COSTS.

Exempt costs are not subject to the ICF/MR cap. (10-1-96)T

01. Day Treatment Services. Day treatment services are habilitative services provided regularly during normal working hours during weekdays by, or on behalf of, the provider. As specified in this Section, the cost of day treatment services may be reimbursed in this category and may not be subject to the ICF/MR cap. (10-1-96)T

a. This category includes the direct costs of labor, benefits, contracted services, property, utilities and supplies for such services up to the limitations provided in this Subsection. (10-1-96)T

b. When a school or another agency or entity is responsible for or pays for services provided to a patient regularly during normal working hours on weekdays, no costs will be assigned to this category for such services. The Department will not reimburse for the cost of services which are paid for or should be paid for by an other agency. (10-1-96)T

c. When ICF/MR day treatment services are performed for patients in a licensed Developmental Disability Center, the allowable cost of such services shall be included in this category, but not more than the amount that would be paid according to the Department's fee schedule for individual or group therapy for similar services. Amounts incurred or paid by the ICF/MR in excess of what would be paid according to the Department's fee schedule for like services are not allowable costs and shall be reported as nonreimbursable. (10-1-96)T

d. For day treatment services provided in a location other than a licensed developmental disability center, the maximum amount reportable in this category shall also be limited. Total costs for such services reported by each provider in this category shall be limited to the number of hours, up to thirty (30) hours per week per client, of individual or group developmental therapy times the hourly rate that would be paid according to the most recent Department fee schedule for the same services if provided in a developmental disability center. Costs in excess of the limits determined in this Subsection shall be classified and reported as subject to the ICF/MR cap. Initial rates established under the prospective system effective October 1, 1996, and not later than October 1, 1997, will not include a limitation of day treatment costs based on the hourly rate, when the hours of individual or group therapy were not obtained or audited by the Department at the time the rate was published. However, if a provider believes that the day treatment cost used to establish the day treatment portion of its prospective rate was misstated for rates set for periods beginning October 1, 1996, through rates beginning October 1, 1997, revisions to the prospective rate may be made to the extent the provider demonstrates, to the satisfaction of the Department, that the cost used was misstated. Such a revision will be considered only if the provider requests a revision and provides adequate documentation within sixty (60) days of the date the rate was set. (10-1-96)T

e. Financial data including expenses and labor hours incurred by or on behalf of the provider in providing day treatment services, must be identifiable and separate from the costs of other facility operations. Reasonable property costs related to day treatment services and not included in the property rental rate, shall be separately identified, shall be reported as day treatment services costs, and shall not include property costs otherwise

reimbursed. Property costs related to day treatment services shall be separately identified as not related to living unit costs by a final audit determination issued prior to October 1, 1996, or shall be separate and distinct from any property used for ICF/MR services which are or were day treatment services. (10-1-96)T

f. In the event a provider has a change in the number of patients requiring day treatment services, the prospective rate may be adjusted by the Department to reflect a change in costs related to such a change. Providers receiving such changes may be required to provide added documentation to the Department to assure that further changes can be identified and the prospective rate adjusted accordingly. (10-1-96)T

02. Major Movable Equipment. Costs related to major movable equipment, as defined in this chapter shall be exempt from the ICF/MR cap and shall be reimbursed prospectively based on Medicare principles of cost reimbursement. (10-1-96)T

247. COSTS EXCLUDED FROM THE CAP.

Certain costs may be excluded from the ICF/MR cap, may be subject to retrospective settlement at the discretion of the Department, and may result in changes to the prospective rate as provided in this Section to assure equitable reimbursement: (10-1-96)T

01. Increases of More Than One Dollar (\$1) Per Patient Day in Costs. Increases of more than one dollar (\$1) per patient day in costs otherwise subject to the cap incurred by a facility as a result of changes in State or Federal laws or rules will be reported separately on the cost report for reports filed less than thirty (30) months, or a greater length of time if so directed by the Department, from the date such increases were first required. Such costs will be subdivided into the component parts of wages, benefits, contracted services and other costs in the amounts equal to costs removed from the respective cost categories subject to the cap. The Department may adjust the forecasted rate to include the projected per diem related to such costs. (10-1-96)T

a. The provider shall report these costs on a separate schedule or by notations on the cost report so that these costs can be identified and reconciled to the provider's general ledger. (10-1-96)T

b. If more than one (1) increase occurs as a result of one (1) or more law or rule change, the costs from each event are to be reported separately. (10-1-96)T

c. The computation of the cost increase amount or amounts is to be presented in detail on a supplementary schedule or schedules unless the Department states otherwise. (10-1-96)T

d. For interim rate purposes the provider's prospective rate may be granted an increase to cover such cost increases. A cost statement covering a recent period shall be submitted with the justification for the increased costs. The actual amount reimbursed for such increases will be determined at audit and may be retrospectively settled. (10-1-96)T

e. After the initial deadline has passed for all providers to file cost reports for reporting periods beginning on or after the date certain cost increases were first required, the Department will, at its option, include all of the previously excluded costs related to those increases with costs subject to the cap when setting rates or increase the cap and individual facility prospective rates following such cost increases. If a cap is set with these particular costs included in the cap category, providers subject to that cap will not have these costs excluded from the cap for prospective rate purposes. The intent of this provision is for costs to be exempt from the cap until these costs are able to be fully and equitably incorporated in the data base used to project the cap and for these costs to be exempt only when they are not included in the data base. In those cases, when costs are not incurred immediately after a change in rule or law, delays in incorporating the new costs in the cap are warranted. (10-1-96)T

f. When cost increases which have been excluded from the cap are incorporated in the inflation indices used to set the cap, the cost indices will be adjusted to exclude the influence of such changes if the amount is included in the index is identified. When the cap is set to include previously excluded amounts, any adjustments previously made to the indexes related to the previously excluded costs will be removed. (10-1-96)T

02. Reimbursement of Costs. Reimbursement of costs subject to the cap will be limited to the cap unless the Department determines the inflation indices used to set the prospective rates for a reporting period

understated actual inflation by more than seven (7%) percentage points. In such case, prospective rates and the cap will be increased by the amount which actual inflation indices exceeded projected inflation indices and may be retrospectively adjusted by the department. (10-1-96)T

03. Cost Increases Greater than Three Percent (3%). Cost increases greater than three percent (3%) of the projected interim rate which result from disasters such as fire, flood, or earthquake, epidemic or similar unusual and unpredictable circumstances over which a provider has no control. In such case, prospective rates will be increased and will not be subject to the cap, by the amount which actual inflation indices exceeded projected inflation indices and may be retrospectively adjusted by the Department. for purposes if this Subsection, disaster do not include personal or financial problems. (10-1-96)T

04. Decreases. In the event of state or federal law, rule, or Policy changes which result in clearly identifiable reductions in required services, the Department may reduce the prospective rate to reflect the identified per diem amount related to such reductions. (10-1-96)T

248. -- 249. (RESERVED).

250. PROSPECTIVE CAPS.

~~IDAHA 16.03.10: Sections 250 through IDAPA 16.03.10: 256 of these rules,~~ provide procedures and specifications necessary to implement the provisions and accomplish the objectives of the nursing home reimbursement system as specified in Sections 56-101 through 56-135, Idaho Code. (12-31-91)(10-1-96)T

251. PRINCIPLE.

Providers of nursing home services will be paid at the allowed amount determined in accordance with Section 56-101 to 56-135, Idaho Code. Total payment will be made up of the total of the following components: (1-1-82)

01. Property and Utility Costs. All allowable property and utility costs; (9-15-84)
02. Nonproperty, Nonutility Costs. Nonproperty nonutility costs as determined in accordance with the above mentioned Sections of the Idaho Code. (9-15-84)
- ~~03. ICF/MR Unique costs. All allowable patient care costs unique to the care of ICF/MR residents. (1-1-82)~~
- ~~04. Efficiency Increment. An efficiency increment determined in accordance with the above mentioned Sections of the Idaho Code. (1-1-82)~~
- ~~05. Exempt Costs. Other allowable costs exempt from the percentile cap under Sections 56-110(b) and 56-117, Idaho Code, as specified in Subsection 254.08 and 254.09. (12-31-91)~~

252. PROPERTY AND UTILITY COSTS.

The allowability of each of these cost items will be determined in accordance with other provisions of this chapter, ~~including, but not limited to, the interest rate limitation and the investment limitation,~~ or the Social Security Administration Health Insurance Manual - 15 (HIM-15) in those cases where this the rules of this chapter are silent or not contradictory. Total property and utility costs are defined as being made up of the following cost categories. The Department may require and utilize an appraisal to establish those components of property costs which are identified as an integral part of an appraisal. (12-31-91)(10-1-96)T

01. Depreciation. All allowable depreciation expense. (1-1-82)
02. Interest. All allowable interest expense relating to financing building and equipment purchases. Interest on working capital loans will be included as administrative costs. (1-1-82)
03. Property Insurance. All allowable property insurance. Malpractice insurance, workmen's compensation and other employee-related insurances will not be considered to be property costs. (1-1-82)
04. Lease Payments. All allowable lease or rental payments. (1-1-82)

05. Property Taxes. All allowable property taxes. (1-1-82)
06. Utility Costs. All allowable expenses for heat, electricity, water and sewer. (9-15-84)

253. ~~(RESERVED). PATIENT CARE COSTS UNIQUE TO THE CARE OF ICF/MR RESIDENTS.~~ This cost area is limited to the cost centers specifically identified in this Section, and applies only to intermediate care facilities for the mentally retarded. (10-22-93)

01. Unique Costs. Unique costs are defined as follows: (10-22-93)
- a. Salaries of nursing staff, psychologists, social workers, and therapeutic recreation specialists; (10-22-93)
 - b. Payroll taxes and employee benefits associated with the salaries of Nursing staff, psychologists, social workers, and therapeutic recreation specialists. (10-22-93)
 - e. Costs of physical, occupational, and speech therapists; (10-22-93)
 - d. Costs of nursing supplies, central nursing supplies, and supplemental nutritional products such as Ensure. (10-22-93)
02. Capped Cost. All other costs are subject to percentile cap disallowances with the exception of the following costs which are billed directly by the care provider: (10-22-93)

a. Direct physician care costs. These costs are not includable as a part of the nursing home costs. Physicians providing these services must bill the Medicaid Program direct on their own provider number. (1-1-82)

b. Costs of services covered under the Early and Periodic Screening Diagnosis and Treatment (EPSDT) portion of the Medicaid Program. These services are enumerated in Idaho Department of Health and Welfare Rules and Regulations, Title 3, Chapter 9, "Rules Governing Medical Assistance Manual," and include such items and services as eyeglasses, hearing aids, and dental services provided to Medicaid recipients under the age of twenty-one (21). The cost of these services is not includable as a part of nursing home costs. Reimbursement can be made to a professional providing these services through his billing the Medicaid Program on his own provider number. (12-31-91)

e. Costs of services covered by other parts of the Medicaid Program. Examples of these items include legend drugs and ambulance transportation. These items must be billed to the Medicaid Program direct by the provider on his own provider number. (1-1-82)

254. ~~NONPROPERTY AND NONUTILITY COSTS NOT UNIQUE TO THE CARE OF ICF/MR RESIDENTS. COSTS SUBJECT TO A CAP FOR NURSING FACILITIES.~~

Final reimbursement of these costs will be limited to the amount allowed as determined in accordance with Sections 56-101 through 56-135, Idaho Code. This Section defines items and procedures to be followed in determining this limit. Specifically, this Section provides the procedures for: (9-15-84)(10-1-96)T

01. Determining Costs. Extracting cost data from historical cost reports, cost forecasting market basket to project cost forward, procedures to be followed to project costs forward, and procedures for computing the standard deviation of the range of costs and the percentile cap. (1-1-82)

02. Allowable Costs. Allowable costs to be included in this Section, as determined in accordance with this chapter or HIM-15, will be divided by the total patient days for the facility for the cost reporting period to arrive at allowable per diem costs. If costs for services provided some or all non-Medicaid patients are not included on the total submitted costs for those services, the provider must determine the amount of those costs and combine them with the submitted costs in order that a total per diem cost for that facility can be determined both for the purpose of determining the percentile cap and for computing final reimbursement. (12-31-91)

~~03. Cost Data For ICF/MR Facilities. Cost data to be used to determine the percentile cap for ICF/MR and ICF freestanding facilities shall be taken from each provider's most recent twelve (12) month cost report received by the Department of Health and Welfare prior to ninety (90) days before the beginning of the period for which the percentile cap is being determined unless: (9-28-90)~~

~~a. The most recent finalized audit report shows disallowances in excess of five percent (5%) of the total costs submitted; or (1-1-82)~~

~~b. The costs reported on the most recent cost report have increased at over two percent (2%) above what inflation has increased according to an all item consumer price index as determined by Data Resources, Incorporated or, if unavailable, some other nationally recognized forecaster. (1-1-82)~~

~~04. Source of Data. For the purposes of Subsection 254.03.a. or 254.03.b., data to be used in developing the percentile cap shall be taken from that provider's latest audit report finalized prior to ninety (90) days before the beginning of the period for which the percentile cap is being determined. (12-31-91)~~

~~053. Cost Data for Hospital Based Facilities. Cost data to be used to determine the percentile cap for facilities in the hospital facilities based class shall be taken from each provider's most recent twelve (12) month audit report finalized by the Department prior to ninety (90) days before the beginning of the period for which the percentile cap is being determined. (9-28-90)~~

~~064. Cost Data for Freestanding Nursing Facilities. Cost data to be used to determine the percentile cap for facilities in the Freestanding Nursing Facilities class shall be taken from each provider's most recent fiscal period closing cost report received by the Department prior to one hundred and twenty (120) days before the beginning of the period for which the percentile cap is being determined. For cost reports covering a period of less than twelve (12) months the reports will be annualized for purposes of cost projections of Subsection 254.10 by extending the reporting period used to one (1) year from the beginning of the cost reporting period. (12-31-91)(10-1-96)T~~

~~075. Projection. Per diem allowable costs will be inflated forward using a cost forecasting market basket and forecasting indices according to the table in Subsection 254.04.a. (12-31-91)~~

~~a. Cost Forecasting Market Basket:~~

Cost Category and Description	Forecaster
Payroll Expense - all wages and salaries excluding benefits	Average hourly earnings in nursing homes and personal care facilities homes
Employee Benefits	Skilled nursing facility employee benefits
Food - Wholesale Price Index	Processed foods and feeds component of the producers price index
Supplies - Include nursing, dietary, laundry, housekeeping and maintenance supplies	All Item Consumer Price Index
Other Business Services - include dues, subscriptions, accounting and legal services, employee recruitment, telephone, office supplies and home office costs.	Service component of the Consumer Price Index
Fuel Oil and Coal	Fuel oil component of the Consumer Price Index
Electricity	Electricity component of the Consumer Price Index
Natural Gas	Utility gas component of the Consumer Price Index
Miscellaneous	All Item Consumer Price Index

b. Forecasting indices as developed by Data Resources, Incorporated, will be used unless they are unavailable. In such case, indices supplied by some other nationally recognized forecaster will be used. (1-1-82)

086. Special Rates. Section 56-117, Idaho Code, provides for authority to the Director to pay facilities at special rates for care given to patients who have long term care needs beyond the normal scope of facility services. Patients with such needs who are otherwise unable to be placed in a nursing facility may include, but are not limited to, ventilator assisted patients, certain pediatric patients, certain comatose patients, and certain patients requiring nasogastric or intravenous feeding devices. In the event that the Director exercises this authority: (12-28-89)

a. A determination to approve or not approve a special rate will be made on a patient by patient basis. No rate will be allowed if reimbursement for these needs is available from a non-Medicaid resource. (12-28-89)

b. A rate for each approved Medicaid patient will be set by the Department for extra costs the patient is expected to incur in excess of the cost of normal facility services. (12-28-89)

c. Costs equivalent to payments at the special rate will be removed from the category of costs subject to the percentile cap, will be reported separately, and will be fully reimbursed. (12-28-89)

d. The reimbursement rate paid will not exceed the provider's charges to other patients for similar services. A provider's charges to non-Medicaid patients for similar needs beyond the normal scope of nursing facility services will be the maximum reimbursable amount related to the special rate. If the provider has no other patients who receive such services in the reporting period, the provider's published charges applicable to non-Medicaid patients for such needs will be the maximum reimbursable amount for the special rate. (12-28-89)

097. Costs Excluded From The Percentile Cap. For cost reports filed on or after July 1, 1989, identifiable increases in costs with an expected impact of two cents (\$.02) or more per patient day otherwise subject to the percentile cap incurred by facilities in the ICF/SNF Freestanding class as a result of changes in state or federal laws or rules will be reported separately on the cost report for reports filed less than thirty (30) months, or a greater length of time if so directed by the Department, from the date such increases were first required. Such costs will be subdivided into the component parts of wages, benefits, contracted services and other costs in the amounts equal to costs removed from the respective cost categories subject to the percentile cap. (12-28-89)

a. A separate schedule or notations on the cost report are to be included so these excluded costs can be identified and so reported costs can be reconciled to the provider's general ledger. (12-28-89)

b. If more than one (1) increase occurs as a result of one (1) or more law or rule change, the costs from each event are to be reported separately. (12-28-89)

c. The computation of the cost increase amount or amounts is to be presented in detail on a supplementary schedule or schedules unless the Department provides otherwise. (12-28-89)

d. For interim rate purposes the provider may be granted an increase in interim rates to cover such cost increases as allowed for in Section 303. A cost statement covering a recent period should be submitted with the justification for the increased costs. (12-31-91)

e. After the initial deadline has passed for all providers to file cost reports for reporting periods beginning on or after the date certain cost increases were first required, the Department will, at a time of its choosing, include all of the previously excluded costs related to those increases with costs subject to the percentile cap when setting rates. If a percentile cap is set with these particular costs included in the percentile cap category, providers subject to that percentile cap will not have these costs excluded from the percentile cap for interim rate or final settlement purposes. The intent of this provision is for costs to be exempt from the percentile cap until these costs are able to be fully and equitably incorporated in the data base used to set the percentile cap and for these costs to be exempt only when they are not included in the data base. In those cases, when costs are not incurred immediately after a change in rule or law, delays in incorporating the new costs in the cap are warranted. (12-28-89)

f. When cost increases are to be excluded from the percentile cap and the effect of these cost increases would also be incorporated in the inflation indexes used to set the percentile cap, the cost indexes will be adjusted to

exclude the influence of such changes if the amount included in the index is identified. When the percentile cap is set to include previously excluded amounts, any adjustments previously made to the indexes related to the previously excluded costs will be removed. (12-28-89)

~~408.~~ **Cost Projection.** Allowable per diem costs will be projected forward from the midpoint of the cost reporting period from which they were derived to the midpoint of the period for which the reimbursement and the limitation of these costs is being calculated. Procedures for inflating these costs are as follows: (1-1-82)

a. The percentage change for each cost category in the market basket will be computed for the beginning to the end of the period from which the per diem costs were derived. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward allowable per diem costs for each cost category from the midpoint of the period from which the costs were derived to the end of that period. (1-1-82)

b. The percentage change for each cost category in the market basket will be computed for the period beginning at the end of the period from which the per diem costs were derived and ending at the beginning of the period for which the reimbursement and the limitation of these costs is being calculated. These percentages will then be used to project forward the allowable per diem costs for each cost category, as determined in Subsection 254.10.a. from the end of the period from which they were derived to the beginning of the period for which the reimbursement and the limitation is being determined. (12-31-91)

c. The percentage change for each cost category in the market basket will be computed for the beginning to the end of the period for which the reimbursement and the limitation is being computed. These percentages will then be divided by two (2) and the resultant percentages will be used to project forward the allowable per diem costs as determined in Subsection 254.10.b. from the beginning to the midpoint of the period for which the reimbursement and the limitation is being computed. (12-31-91)

~~409.~~ **Cost Ranking.** Projected per diem costs as determined by Subsection 254.10 and subject to the percentile cap will be ranked from highest to lowest within each class of providers. Costs for providers will be grouped in classes according to the type of provider with the classes being Freestanding Nursing Facilities, Hospital Based Facilities, and ICF/MR. (12-31-91)

a. The standard deviation of the range will be computed based on the available data points being considered the total population of data points. (1-1-82)

b. The standard deviation figure will then be used to determine the percentile cap in accordance with the Idaho Code as follows:

If Two Times the Standard Deviation is	Then the Percentile Cap Will be
\$2.99 or less	100%ile
\$3.00 to \$5.99	90%ile
\$6.00 to \$11.99	80%ile
\$12.00 or greater	75%ile

(1-1-82)

c. The percentile cap will be computed based on the assumption that the range of costs is a statistically normal distribution unless the cap is to be at the one hundred (100) percentile. In that case, the highest cost in the range will become the percentile cap. (1-1-82)

d. The percentile cap for each facility's fiscal year following January 1, 1982, will be computed prior to the beginning of that fiscal year in accordance with the Idaho Code. For those facilities with a fiscal year ending on a date other than December 31, the first percentile cap will be computed for the period beginning January 1, 1981, and

ending on their fiscal year end date. (1-1-82)

e. The percentile cap will be determined and set for each facility's upcoming fiscal year prior to that year and it will not be changed by any subsequent events or information with the exception that if the computations were found to contain mathematical type errors, these errors will be corrected and the percentile cap adjusted to what it would compute to be using the corrected figures. (1-1-82)

f. Reimbursement of costs in this cost center will be limited to the percentile cap unless the provider can demonstrate to the Department of Health and Welfare that his facility was operated efficiently during the cost reporting period and that the costs incurred in excess of the percentile cap were beyond his control. In such case, costs in excess of the cap will be allowed to the extent that they are justified by this process. (1-1-82)

g. Facilities which for the first time offer patient care services in the hospital-based facilities class on or after April 1, 1985, shall be subject to the same limitation on nonproperty nonutility reimbursement as is applied to the freestanding nursing facilities class with the same fiscal year as the hospital-based provider. The efficiency increment for such facilities shall be computed based on the fraction applicable to the freestanding nursing facilities class. Cost reports for such facilities shall be included in the hospital-based facilities class. (9-28-90)

255. EFFICIENCY INCREMENT.

~~An~~ A nursing facility efficiency increment will be included as a component of the total reimbursement if the allowable per diem costs incurred by the nursing facility provider for those cost categories subject to the percentile cap addressed in Section 254, are less than percentile cap for the class in which the facility belongs.

~~(12-31-91)~~(10-1-96)T

01. Computing Efficiency Increment. The efficiency increment will be computed by subtracting the actual allowable per diem costs incurred by the provider from the applicable percentile cap and multiplying the resultant figure by the fraction applicable to the cost center according to the following table: (1-1-82)

EFFICIENCY INCREMENT	
Percentile Cap Applicable to The Class of Facilities	Fraction to be Used in Determining the Efficiency Increment
100%ile	One-half (1/2)
90%ile	One-third (1/3)
80%ile	One-fourth (1/4)
75%ile	One-sixth (1/6)

02. Allowable Increment. The allowable increment cannot exceed one dollar and fifty cents (\$1.50) per Medicaid patient-day. (1-1-82)

03. Determining Reimbursement. Total reimbursement determined by adding amounts determined allowable in accordance with Sections 252, 253, 254, and 255, shall not exceed the provider's usual and customary charges for these services as computed in accordance with this chapter and HIM-15. In computing patient days for the purpose of determining per diem costs, in those cases where the Medicaid Program or the patient is making payment for holding a bed in the facility, the patient will not be considered to be discharged and thus those days will be counted in the total. (12-31-91)

(BREAK IN CONTINUITY OF SECTIONS)

300. RATE SETTING.

The objectives of the rate setting mechanism for nursing facilities are: ~~(1-1-82)~~(10-1-96)T

01. Interim Payments. To make payments to ~~providers~~ nursing facilities on an interim basis, which approximate as close as possible, the amount which will be received by the provider on final settlement. ~~(1-1-82)~~(10-1-96)T

02. Rate Adjustment. To set interim rates based on projected cost data so that the rates will not need to be adjusted more than once per year except in cases where a provider experiences uncontrollable unanticipated cost increases. (1-1-82)

301. PRINCIPLE.

Interim reimbursement rates will be set based on projected cost data from cost reports and audit reports. ~~Providers~~ Nursing facilities desiring a higher reimbursement rate may submit evidence to the Department substantiating their need for a higher rate and based on this evidence, adjustments may be made to the rate allowed. A provider may request a rate lower than his projected costs if he expects his costs to be less than projections show. ~~(1-1-82)~~(10-1-96)T

302. DEVELOPMENT OF THE RATE.

Projected data used to develop the interim reimbursement rate for nursing facilities will be made up of the following components: ~~(1-1-82)~~(10-1-96)T

01. Property Reimbursement. Per diem property costs as shown on the latest twelve (12) month cost report or audit report whichever is to be used in accordance with the cost reporting standards specified in Subsections 254.03.a. and 254.03.b. and the property rental rate as determined by Section 060, for facilities which receive this rate in lieu of property costs. No inflationary increase will be considered for property costs for the purpose of developing the interim rate. (12-31-91)

02. Utility Costs. Projected utility costs for the facility's upcoming fiscal year may be submitted to the Department not less than ninety (90) days prior to the beginning date of the facility's upcoming fiscal year. In the absence of such submission the Department will project the facility's utility costs utilizing the methodologies found in Subsection 254.06. (12-31-91)

~~03. ICF/MR Patient Care Costs. Patient care costs unique to the care of ICF/MR residents as determined from the same cost report or audit report as is used for the property cost element inflated forward to the midpoint of the provider's upcoming fiscal year by an all item consumer price index. (1-1-82)~~

~~04. Nonproperty Costs. Nonproperty costs not unique to the care of ICF/MR residents as determined in accordance with the provisions of Section 254. (12-31-91)~~

~~053. Efficiency Increment. An efficiency increment as determined in accordance with the provisions of Section 255. (12-31-91)~~

~~064. Maximum Rate. In no case will the interim reimbursement rate be set higher than the charge for like services to private pay patients in effect for the period for which payment is being made as computed in accordance with Section 256. (12-31-91)~~

303. CHANGES TO THE NURSING FACILITY RATE.

01. Rate Waiver. A nursing facility provider desiring a higher interim rate than that rate determined in accordance with Section 302, may submit to the Department evidence and documentation substantiating the rate being requested. The Department will review this information and if it adequately documents the need for a higher rate, the rate will be adjusted upward. ~~(12-31-91)~~(10-1-96)T

02. Lower Rate. If a provider desires a lower rate than that rate determined in accordance with Section 302, in order to avoid being overpaid when final settlement for the period is being computed, he may request a lower rate. The lower rate will be set at the level desired by the provider. (12-31-91)

03. Frequency. The interim rate as determined in accordance with this Section will be set for each provider's upcoming fiscal year. The rate may be adjusted a maximum of two (2) times per year at the initiation of either the Department or the provider; however, an adjustment will only be made in those cases where it can be shown that: (1-1-82)

- and
- a. Cost increases or decreases were unforeseen and not compensated for by the inflation indices used; (1-1-82)
 - b. In the case of cost increases, changes were outside the control of the provider. (1-1-82)

(BREAK IN CONTINUITY OF SECTIONS)

354. STANDARDS AND REQUIREMENTS.

01. Review of New Provider Fiscal Records. Before any program payments can be made to a prospective provider the intermediary will review the provider's accounting system and its capability of generating accurate statistical cost data. Where the provider's record keeping capability does not meet program requirements the intermediary will offer limited consultative services or suggest revisions of the provider's system to enable the provider to comply with program requirements. (1-16-80)

02. Requirements. Section 2404.3 of the August, 1973 revision of the Providers Reimbursement Manual (SSA-HIM-15) states: "Examination of Pertinent Data and Information -- Providers asking to participate as well as those currently participating must permit the intermediary to examine such records and documents as are deemed necessary." (1-16-80)

03. Examination of Records. Examination of records and documents may include, but not be limited to: (1-16-80)
- a. Corporate charters or other documents of ownership including those of a parent or related companies. (1-16-80)
 - b. Minutes and memos of the governing body including committees and its agents. (1-16-80)
 - c. All contracts. (1-16-80)
 - d. Tax returns and records, including workpapers and other supporting documentation. (1-16-80)
 - e. All insurance contracts and policies including riders and attachments. (1-16-80)
 - f. Leases. (1-16-80)
 - g. Fixed asset records (see audit section - Capitalization of Assets). (1-16-80)
 - h. Schedules of patient charges. (1-16-80)
 - i. Notes, bonds and other evidences of liability. (1-16-80)
 - j. Capital expenditure records. (1-16-80)
 - k. Bank statements, cancelled checks, deposit slips and bank reconciliations. (1-16-80)
 - l. Evidence of litigations the facility and its owners are involved in. (1-16-80)
 - m. Documents of ownership including attachments which describe the property. (1-16-80)

- n. All invoices, statements and claims. (1-16-80)
- o. "Providers Accounting Firm. Where a provider engages an accounting firm to maintain its fiscal records, the financial audit workpapers prepared by the accounting firm are considered to be the property of the provider and must be made available to the intermediary upon request." (SSA HIM 15, paragraph 2404.4(Q) of the Providers Reimbursement Manual) (1-16-80)
- p. Ledgers, journals, all working papers, subsidiary ledgers, records and documents relating to financial operation. (1-16-80)
- q. All patient records, including trust funds and property. (1-16-80)
- r. Time studies and other cost determining information. (1-16-80)
- s. All other sources of information needed to form an audit opinion. (1-16-80)
04. Adequate Documentation. (1-16-80)
- a. Adequacy of Cost Information. Cost information as developed by the provider must be current, accurate, and in sufficient detail to support payment made for services rendered to beneficiaries. This includes all ledgers, books, records and original evidences of cost (purchase requisitions, purchase orders, vouchers, requisitions for material, inventories, labor time cards, payrolls, bases for apportioning costs, etc.) which pertain to the determination of reasonable cost, capable of being audited (SSA HIM-15, Section 2304). (1-16-80)
- b. Expenses. Adequate documentation would normally include: an invoice, or a statement with invoices attached which support the statement. All invoices should meet the following standards: (1-16-80)
- i. Date of service or sale; (1-16-80)
- ii. Terms and discounts; (1-16-80)
- iii. Quantity; (1-16-80)
- iv. Price; (1-16-80)
- v. Vendor name and address; (1-16-80)
- vi. Delivery address if applicable; (1-16-80)
- vii. Contract or agreement references; and (1-16-80)
- viii. Description, including quantity, sizes, specifications brand name, services performed, etc.;; (1-16-80)
- c. Capitalization of Assets. Major movable equipment shall be capitalized. Minor movable equipment shall not be capitalized. The cost of fixed assets and major movable equipment must be capitalized and depreciated over the estimated useful life of the asset (SSA HIM 15, Section 108.1). This rule shall apply except as to the provisions of Section 106 of HIM-15 for small tools, etc. (11-4-85)
- i. Completed depreciation records must meet the following criteria for each asset: (1-16-80)
- (a) Description of the asset including serial number, make, model, accessories, and location. (1-16-80)
- (b) Cost basis should be supported by invoices for purchase, installation, etc. (1-16-80)
- (c) Estimated useful life. (1-16-80)

- (d) Depreciation method such as straight line, double declining balance, etc. (1-16-80)
- (e) Salvage value. (1-16-80)
- (f) Method of recording depreciation on a basis consistent with accounting policies. (1-16-80)
- (g) Report additional information, such as additional first year depreciation, even though it isn't an allowable expense. (1-16-80)
- (h) Reported depreciation expense for the year and accumulated depreciation shall tie to the asset ledger. (1-16-80)
- ii. Depreciation Methods and Lives. (12-31-91)
- (a) Methods. Straight line depreciation is always acceptable. Methods of accelerated depreciation are acceptable only upon authorization by the Office of Audit or its successor organization. Additional first year depreciation is not allowable. (4-28-89)
- (b) Depreciable Lives. The life of any asset may not be shorter than the ~~IRS~~ or American Hospital Association Guidelines Lives. Deviation from these guidelines will be allowable only upon authorization from the Office of Audit or its successor organization. A copy of the American Hospital Association Guidelines is included in Section 401. Where ~~IRS~~ guidelines do not provide a materially similar life for technical equipment, AHA guidelines will be used. ~~(12-31-91)~~(10-1-96)T
- iii. Lease Purchase Agreements. Lease purchase agreements may generally be recognized by the following characteristics: (1-16-80)
- (a) Lessee assumes normal costs of ownership, such as taxes, maintenance, etc.; (4-28-89)
- (b) Intent to create security interest; (1-16-80)
- (c) Lessee may acquire title through exercise of purchase option which requires little or no additional payment or, such additional payments are substantially less than the fair market value at date of purchase; (1-16-80)
- (d) Noncancellable or cancellable only upon occurrence of a remote contingency; and (1-16-80)
- (e) Initial loan term is significantly less than the useful life and lessee has option to renew at a rental price substantially less than fair rental value. (1-16-80)
- iv. Assets acquired under such agreements will be viewed as contractual purchases and treated accordingly. Normal costs of ownership such as depreciation, taxes and maintenance will be allowable as determined in this chapter. Rental or lease payments will not be reimbursable. (12-31-91)
- d. Personnel. Complete personnel records normally contain the following: (1-16-80)
- i. Application for employment. (1-16-80)
- ii W-4 Form. (1-16-80)
- iii. Authorization for other deductions such as insurance, credit union, etc. (1-16-80)
- iv. Routine evaluations. (1-16-80)
- v. Pay raise authorization. (1-16-80)
- vi. Statement of understanding of policies, procedures, etc. (1-16-80)

- vii. Fidelity bond application (where applicable). (1-16-80)
- 05. Internal Control. (1-16-80)
 - a. A system of internal control is intended to provide a method of handling all routine and nonroutine tasks for the purpose of: (1-16-80)
 - i. Safeguarding assets and resources against waste, fraud, and inefficiency. (1-16-80)
 - ii. Promoting accuracy and reliability in financial records. (1-16-80)
 - iii. Encouraging and measuring compliance with company policy and legal requirements. (1-16-80)
 - iv. Determining the degree of efficiency related to various aspects of operations. (1-16-80)
 - b. An adequate system of internal control over cash disbursements would normally include: (1-16-80)
 - i. Payment on invoices only, or statements supported by invoices. (1-16-80)
 - ii. Authorization for purchase such as a purchase order. (1-16-80)
 - iii. Verification of quantity received, description, terms, price, conditions, specifications, etc. (1-16-80)
 - iv. Verification of freight charges, discounts, credit memos, allowances, and returns. (1-16-80)
 - v. Check of invoice accuracy. (1-16-80)
 - vi. Approval policy for invoices. (1-16-80)
 - vii. Method of invoice cancellation to prevent duplicating payment. (1-16-80)
 - viii. Adequate separation of duties between ordering, recording, and paying. (1-16-80)
 - ix. System separation of duties between ordering, recording, and paying. (1-16-80)
 - x. Signature policy. (1-16-80)
 - xi. Prenumbered checks. (1-16-80)
 - xii. Statement of policy regarding cash or check expenditures. (1-16-80)
 - xiii. Adequate internal control over the recording of transactions in the books of record. (1-16-80)
 - xiv. An imprest system for petty cash. (1-16-80)
- 06. Accounting Practices. Sound accounting practices normally include the following: (1-16-80)
 - a. Written statement of accounting policies and procedures, including policies of capitalization, depreciation and expenditure classification criteria. (1-16-80)
 - b. Chart of accounts. (1-16-80)
 - c. A budget or operating plan. (1-16-80)

(BREAK IN CONTINUITY OF SECTIONS)

402. IDAHO OWNER-ADMINISTRATIVE OR COMPENSATION SCHEDULE FOR THE YEAR ENDED DECEMBER 31, 1982.

Allowable compensation to owners and persons related to owners who provide any administrative services shall be limited based on the schedule in this Section. (10-1-96)T

01. Allowable Owner Administrative Compensation. The following schedule shall be used in determining the maximum amount of owner administrative compensation allowable for the calendar year ending December 31, 1996.

Licensed Bed Range	Low	High
0-5	6,000	10,000
6-10	10,000	15,000
11-15	14,000	20,000
16-25	17,000	24,000
26-50	18,500	27,000
51-100	21,500	30,000
101-150	24,000	33,000
151-up	26,000	36,000

(1-1-82)

Licensed Bed Range	Upper limit
51-100	67,300
101-150	74,025
151-250	100,525
251-up	144,300

(10-1-96)T

02. The Administrative Compensation Schedule. The administrative compensation schedule in this Section shall be adjusted annually based upon the change in average hourly earnings in nursing and personal care facilities as published by Data Resources Incorporated, its successor organization or, if unavailable, another nationally recognized forecasting firm. (10-1-96)T

03. The Maximum Allowable Compensation. The maximum allowable compensation for an owner providing administrative services is determined from the schedule in Subsection 402.01. Allowable compensation will be determined as follows: (10-1-96)T

a. In determining the number of beds applicable on the schedule, all licensed beds for which the individual provides administrative services shall be counted, regardless of whether they are in the same facility. (10-1-96)T

b. For an owner providing services to more than fifty (50) beds, the amounts shown on the schedule for the applicable number of beds will determine the upper limit for allowable compensation. (10-1-96)T

c. For owners providing services to less than fifty-one (51) beds, such services related to administrative duties will be reimbursed at the hourly rate allowable if the owner was providing services to fifty-one (51) beds. Additionally, services other than administrative services may be performed by the owner and shall be allowable at the reasonable market rate for such services. To be allowable, hours for each type of service shall be documented. In no event shall the total compensation for administrative and non-administrative duties paid to an owner or related party to an owner of a facility or facilities with fifty (50) licensed beds or less exceed the limit that would be applicable to an owner with the same number of points providing administrative services to facilities with fifty-one (51) beds as set forth in the schedule of Subsection 402.01 of these rules. (10-1-96)T

04. Compensation for Persons Related to an Owner. Compensation for persons related to an owner will be evaluated in the same manner as for an owner. (10-1-96)T

05. When an Owner Provides Services to More Than One (1) Provider. When an owner provides services to more than one (1) provider compensation will be distributed on the same basis as costs are allocated for non-owners. (10-1-96)T

06. More Than One (1) Owner or Related Party May Receive Compensation for Hours Actually Worked. Services must be actually performed, documented and necessary. Total compensation must be reasonable, and not greater than the amount for which the same services could be obtained on the open market. The standard by which full time compensation is measured shall be two thousand, eighty (2,080) hours. Compensation of an owner or a party related to an owner is subject to other provisions of this chapter, and shall not exceed the compensation determined from the Administrative Compensation Schedule, and, on an hourly basis, shall not exceed the compensation determined in the Administrative Compensation Schedule divided by two thousand, eighty (2,080). (10-1-96)T

~~403. POINT SYSTEM FOR PLACING OWNER ADMINISTRATOR OF EXTENDED CARE FACILITY WITHIN RANGE OF REASONABLE COMPENSATION.~~

~~Years of work experience in health care field. Four experience points for each year up to a maximum of 40 points.~~

~~Years of health related or management education beyond high school. Five education points for each year to a maximum of 30 points.~~

~~**Duties other than administration actually performed:**~~

~~Accounting
Nursing Supervision
Special Program Administration
Four duty points for each -- maximum of 12 points~~

~~**Geographical location served by home:**~~

~~Rural, under 10,000 population -- 12 points
Urban, 10,000-100,000 population, 15 points
Metropolitan, over 100,000 population, 18 points
Geographic points~~

~~(7-1-93)~~

403. -- 404. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

406. ~~(RESERVED). CONSULTANT FEE LIMITATIONS FOR COST INCURRED ON OR AFTER JULY 1, 1991.~~

PROVIDER	HOURLY RATE
Physician M.D., D.O.	\$68.00
Dentist	\$52.00
Optometrist	\$52.00
Podiatrist	\$52.00
Pharmacist	\$26.00 or \$5.00 per patient per month, whichever is less
Psychologist P.H.D.	\$33.50
Psychologist MA/MS	\$21.50
Social Worker M.S.W.	\$21.50
Social Worker B.S.W.	\$14.50
Audiologist	\$18.50
Physical Therapist	\$21.00
Registered Respiratory Therapist	\$17.00
Certified Respiratory Therapist Nonregistered, Nonecertified	\$15.50
Respiratory Therapist	\$13.50
Occupational Therapist	\$19.50
Speech Therapist	\$18.46
Physical Therapy Assistant	\$12.00
Medical Records Librarian R.R.A.	\$19.00
Accredited Records Technician	\$12.00
Activities Director	\$12.00
Dietician	\$18.50
Certified Nurse Practitioner	\$27.00
Registered Nurse, Masters Level	\$21.50
Registered Nurse, Bachelors Degree	\$19.00
Registered Nurse, Associate Degree	\$16.50
Licensed Practical Nurse	\$14.50

(11-15-91)

(BREAK IN CONTINUITY OF SECTIONS)

408. QUALITY INCENTIVES.

Nursing facility providers that are recognized for providing high quality care, based on determinations by the agency of the Department that inspects and certifies such facilities for participation in the Medicaid program, shall be eligible for incentive payments. The amount of such payments and the basis therefore will be determined by the Director and will be paid in addition to any other payments for which the facility is eligible under other provisions of this chapter, including provisions related to limitations related to customary charges. However, such payments will be subject to available State and federal funds and will be postponed or omitted in the event that such payments along with other payments made to Nursing Facilities under this chapter would, in aggregate, exceed the estimated payments that would be made utilizing Medicare principles of cost reimbursement. (10-1-96)T

408~~2~~. -- 448. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.04.11 - RULES AND MINIMUM STANDARDS FOR DEVELOPMENTAL DISABILITIES CENTERS
DOCKET NO. 16-0411-9601
NOTICE OF PROPOSED RULES

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4601 through 39-4608, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking are scheduled under docket number 16-0411-9602, published in this bulletin.

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

Under this docket number, the chapter is proposed to be repealed in its entirety. This chapter is being rewritten under docket number 16-0411-9602.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Paul Swatsenbarg at (208) 334-5512.

Anyone can submit written comments regarding these rules. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before October 23, 1996.

DATED this 2nd day of October, 1996.

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

THIS RULE IS REPEALED IN ITS ENTIRETY.

**It Is Replaced By A New Rule That Is Published In This
Bulletin Under Docket 16-0411-9602
Immediately Following This Notice.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES

DOCKET NO. 16-0411-9602

NOTICE OF PROPOSED RULES

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 39-4601 through 39-4608, Idaho Code.

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

October 8, 1996, at 7:00 p.m.
Holiday Inn Express
2209 E. Sherman, Coeur d'Alene, Idaho

October 9, 1996, at 7:00 p.m.
Boise State University, Student Union Building, Farnsworth Room
1910 University Dr., Boise, Idaho

October 10, 1996, at 7:00 p.m.
Quality Inn, Executive Room
1555 Pocatello Creek Rd., Pocatello, Idaho

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 proposed rules:

The Department has participated in negotiated rulemaking with parents, advocates, providers and staff since May 1995. A Notice of Intent to Promulgate Rules was published in the February 1, 1995 Idaho Administrative Bulletin, Volume 95-2, under docket number 16-0411-9501, page 245. The rewrite of the rules under the new docket number is a combined effort of this group. Changes to format and content were extensive enough to justify rewriting the existing chapter.

The term "Developmental Disabilities Centers" has been changed throughout the rules to "Developmental Disabilities Agencies".

The Policy section was rewritten to reflect the change in emphasis from center-based to home and community-based services to promote independence, participation and inclusion of people with developmental disabilities in their neighborhoods and communities.

New rules clarify the Department's role in prior authorization and advisory review. Prior authorization is not required for consumers who do not use Targeted Service Coordination or develop Individual Support Plans to coordinate all services, including Developmental Disabilities Agency services; however, Developmental Disabilities Agencies are required to submit consumer plans to the Department for an advisory review. Developmental Disabilities Agency responsibility for intake is rewritten in more detail when Targeted Service Coordination is used by consumers to coordinate all services. Agencies are required to develop Implementation Plans for consumer goals but are not required to develop Individual Service Plans when an Individual Support Plan exists.

Requirements for vehicle maintenance have been added to ensure safety during transportation.

16.04.11.922, Community Sites, is a new section with requirements for accessibility, safety, appropriate environments, and group size limitations when services are delivered in community settings.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Paul Swatsenbarg at (208) 334-5512.

Anyone can submit written comments regarding these rules. All written comments and data concerning the rule must

be directed to the undersigned and delivered on or before October 23, 1996.

DATED this 2nd day of October, 1996.

STACI WELSH
Administrative Procedures Coordinator
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450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 334-5548 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0411-9602

IDAPA 16
TITLE 04
CHAPTER 11

16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES

000. LEGAL AUTHORITY.

The following rules for the licensure of developmental disabilities agencies and the provision of services to persons with developmental disabilities in Idaho are adopted under the statutory authority vested in the Board of Health and Welfare, pursuant to the Developmental Disabilities Services and Facilities Act, Sections 39-4601 et seq., Idaho Code. ()

001. TITLE AND SCOPE.

These rules govern the licensing of providers of rehabilitative and habilitative services to persons with developmental disabilities and the provision of services to eligible persons. These rules are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16, Title 04, Chapter 11, Rules Governing Developmental Disabilities Agencies. ()

002. POLICY.

It is the policy of the Department of Health and Welfare to make developmental disability rehabilitative and habilitative services available through community agencies, throughout the state, as authorized or mandated by law only to the extent of funding and available resources as may be appropriated by the Idaho legislature. It is the responsibility of the Department to assure developmental disability rehabilitative and habilitative services are available to those persons diagnosed as having a developmental disability. Services shall be provided in community-based settings in natural environments such as home, work, leisure or center-based settings, based on consumer needs, interests or choices. Services provided by DDA's promote independence, participation and inclusion of people with developmental disabilities in their neighborhoods and communities. ()

003. DEFINITIONS.

For the purpose of these rules the following terms are used, as herein defined. ()

01. ACCESS Unit. Access to Care Coordination, Evaluation, Services and Supports. A regional

multidisciplinary, transdivisional unit that has the responsibility of determining eligibility, authorizing services, and assuring quality services and supports for individuals with developmental disabilities. ()

02. Annual. Every three hundred and sixty-five (365) days except during a leap year which equals three hundred and sixty-six (366) days. ()

03. Audiologist. A person qualified to conduct hearing evaluation and therapy, who possesses a certificate of clinical competency in audiology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech, Language and Hearing Association (ASHA). ()

04. Baseline. Current level of ability to complete a task independently, as a basis for initiating therapeutic intervention. ()

05. Board. The Idaho State Board of Health and Welfare. ()

06. Bureau of Developmental Disabilities. The section of the Department responsible for community programs for persons with developmental disabilities and which serves as the state developmental disability authority. ()

07. Consumer. A person who has been identified as having a developmental disability as defined in this chapter and who is receiving services through a DDA. ()

08. Department. The Idaho Department of Health and Welfare. ()

09. Developmental Disabilities Agency (DDA). A developmental disabilities facility designated in accordance with these rules to provide (outpatient) rehabilitative or habilitative services to children or adults with developmental disabilities. ()

10. Developmental Disabilities Facility. Any public or private organization or agency which provides developmental disabilities services on an inpatient, outpatient, residential, clinical or other programmatic basis, including community rehabilitation programs and developmental disabilities agencies. ()

11. Developmental Disabilities Professional (DDP). A physician, psychologist, social worker, audiologist, speech and language pathologist specialist, developmental specialist, occupational therapist, physical therapist, or therapeutic recreation specialist employed by the developmental disabilities agency to provide evaluation and services as defined by the Department. ()

12. Developmental Disability. A chronic disability of a person which appears before the age of twenty-two (22) years of age and: ()

a. Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments, which requires similar treatment or services or is attributable to dyslexia resulting from such impairments; and ()

b. Results in substantial functional limitations in three (3) or more of the following areas of major life activity; self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and ()

c. Reflects the need for a combination or sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and individually planned and coordinated. ()

13. Developmental Specialist. A person qualified to conduct developmental evaluation and therapy, who possesses a bachelor's or master's degree in special education or a related field including early childhood education, speech and language pathologists, adult special education, psychology, physical therapy, occupational therapy, social work, or therapeutic recreation and who has had one (1) year of training or one (1) year of experience in the field of developmental disabilities, or a combination of training and work experience. Persons employed as

developmental specialists prior to October 6, 1988 will be exempted from the requirements of these rules, as long as there is not a gap of more than three (3) years of employment as a developmental specialist. Persons hired after October 6, 1988 are subject to the requirements of these rules. ()

14. Director. The Director of the Idaho Department of Health and Welfare or his designee. ()
15. Division of Family and Community Services. The division of the Department with responsibility for both community and institutional services for persons with developmental disabilities and mental illness. ()
16. Evaluation. A process by which the need for services or progress toward identified goals is determined. It may include a comprehensive assessment or a specific skill assessment for the purpose of determining baseline or the need for further intervention for the discipline area being assessed. ()
17. Habilitation. The process of developing skills and abilities. ()
18. Initial License. A license issued to a DDA upon application when the Department determines that all application requirements have been met. An initial license can be issued for a period not to exceed one hundred and eighty (180) days from the initiation of services. This license allows the Department time to evaluate the agency's ongoing capability to provide services and to meet these rules. ()
19. Normalization. The process of providing services which promote a life as much as possible like that of other citizens of the community, including living in the community and access to community resources. These services are designed to enhance the social image and personal competence of those being served. ()
20. Objective. A behavioral statement of outcome developed to address an identified need of an individual. The need is identified by the consumer and guardian where applicable, and others the consumer has chosen to participate on his planning team, to be incorporated into the consumer's repertoire of functional behaviors. The objective is written in measurable terms which specify a target date for completion, no longer than two (2) years in duration, and criteria for successful attainment of the objective. ()
21. Occupational Therapist. A person qualified to conduct occupational therapy evaluations and therapy, who is certified by the American Occupational Therapy Certification Board and licensed to practice in Idaho, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. ()
22. Paraprofessional. A person such as an aide or therapy technician who is qualified to assist DDP's in providing services. ()
23. Person Centered Planning Process. The means by which the consumer and those individuals selected by the consumer to be team members, identify the consumer's talents, skills, strengths, needs and desires. ()
24. Physical Therapist. A person qualified to conduct physical therapy evaluations and therapy, who is registered to practice in Idaho, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. ()
25. Physician. A person licensed to practice medicine in Idaho in accordance with the provisions of the Medical Practice Act, Sections 54-1801 et seq., Idaho Code. ()
26. Provider. Any individual or organization furnishing services through the provisions of these rules. ()
27. Provider Agreement. An agreement between a provider and third-party payor whereby the third-party payor agrees to pay the provider for furnishing developmental disabilities rehabilitative and habilitative services in accordance with these rules. ()
28. Provisional License. A license issued to a DDA which is found not to be in substantial compliance

with these rules but not to have deficiencies which jeopardize the health or safety of consumers. A provisional license can be issued for a specific period of time, not to exceed one hundred and eighty (180) days, while corrections are being completed. ()

29. **Psychologist.** A person licensed by the State of Idaho in accordance with the provisions of Sections 54-2301 et seq., Idaho Code, to independently practice psychology, or who is exempt from such requirements and meets the minimum qualifications established by the Idaho Personnel Commission to perform the duties assigned in classified service as defined by the Department, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. ()

30. **Psychology Assistant.** An individual who practices psychology under the supervision of a licensed psychologist as required by Title 54, Chapter 23, Idaho Code, and as outlined by IDAPA 24, Title 12, Chapter 01, Rules of the Idaho State Board of Psychologist Examiners. ()

31. **Rehabilitation.** The process of improving skills or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning. ()

32. **Rehabilitative and Habilitative Services.** Evaluation and diagnostic services which include medical, social, developmental, psychological/psychiatric services, occupational therapy, physical therapy, and speech and hearing therapy. Treatment services which include individual, group and family-centered psychotherapy; individual and group speech and hearing therapy; individual and group physical therapy; individual and group developmental therapy, and individual and group occupational therapy. Evaluation, diagnostic and treatment services are to be provided on an outpatient basis and may be community-based, home-based, or center-based as consistent with the requirements of this chapter. ()

33. **Service.** Evaluation, diagnosis, therapy, training, assistance, or support provided to a person with a developmental disability by a DDA. ()

34. **Social Worker.** A person licensed in accordance with the Social Work Licensing Act, Sections 54-3201 et seq., Idaho Code, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. ()

35. **Speech and Language Pathologist.** A person qualified to conduct speech/language evaluation and therapy, who possesses a certificate of clinical competency in speech-language pathology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech Language and Hearing Association (ASHA). ()

36. **State Developmental Disability Authority.** The Division of Family and Community Services, Bureau of Developmental Disabilities, within the Department which has statewide responsibility for planning, coordinating and monitoring developmental disabilities services. ()

37. **Substantial Compliance.** Deficiencies identified at the time of the survey by the licensing agency that do not present a serious risk to consumers' health or safety or seriously impede the agency's ability to provide habilitative or rehabilitative services. ()

38. **Supervision.** Initial direction and procedural guidance by a DDP and periodic inspection of the actual work performed at the site of service delivery. ()

39. **Targeted Service Coordinator.** A regionally enrolled provider of the Department who is qualified by training and experience to develop and coordinate individual supports and services for eligible consumers of the Department, as defined in IDAPA 16, Title 03, Chapter 09, Rules Governing Medical Assistance, Section 118. ()

40. **Temporary Developmental Disabilities Site Approval.** A location, established by a fully licensed agency, to provide additional services for ninety (90) or less consecutive days. ()

41. **U.L. Underwriters Laboratories.** ()

004. -- 099. (RESERVED).

100. LICENSING OF OTHER LICENSED FACILITIES.

Hospitals, skilled nursing facilities, intermediate care facilities for persons with mental retardation, community rehabilitation programs or other facilities or agencies licensed or certified under state law to provide medical, residential, professional or other services to persons with developmental disabilities need not be licensed under these rules unless the facility is seeking to provide rehabilitative and habilitative services to persons with developmental disabilities as described under Subsection 003.33 of these rules. ()

101. REQUIRED LICENSING.

All agencies providing or seeking to provide rehabilitative or habilitative services to persons with developmental disabilities described in Subsection 003.33 of these rules shall be licensed unless exempt from licensing requirements described in Section 100 of these rules. ()

102. -- 199. (RESERVED).

200. THE ROLE OF DDA'S.

Services shall be directed toward persons identified as having a developmental disability as defined in these rules. Agencies shall provide services to eligible consumers with developmental disabilities. ()

201. -- 299. (RESERVED).

300. LICENSURE OF DDA'S.

01. Application for Licensure. Any DDA shall apply for licensure under these rules. ()

02. Eligibility to Contract. Any program not licensed under these rules is ineligible to enter into a contract with, or receive funds through, the Department for the purpose of providing rehabilitative and habilitative services to persons with developmental disabilities as outlined in Subsection 003.33 of these rules. ()

03. Obligation to Contract. Licensure of an agency by the Department does not constitute an obligation by the state to enter into a contract with that agency or otherwise provide state or federal funding or services. ()

301. APPLICATION FOR LICENSURE.

01. License Required. Before any agency, private or public, profit or nonprofit, can provide rehabilitative and habilitative services to persons with developmental disabilities under these rules, it shall make application for licensure. No consumer shall receive services through an agency until the licensing agency has approved the application for licensure. No funding for services will be paid by the Department until the agency is licensed. ()

02. Conformity. Licensed agencies shall conform to all applicable rules and rules of the Department, such as Medicaid reimbursement procedures, background checks and fingerprinting requirements. ()

03. Accessible Records. The DDA and records required under these rules shall be accessible during normal operations of the agency to the licensing agency for the purpose of inspection, with or without prior notification, pursuant to Sections 39-4605(4) and 39-108, Idaho Code. ()

04. Open Application. Application for new agencies will be accepted on an open and continuous basis in accordance with Subsection 301.02. ()

05. National Accreditation. The Department may adopt the policy of accepting national accreditation in lieu of state licensure for developmental disabilities agencies. ()

06. Content of Application. Application shall be made to the licensing agency of the Department on a form provided by the Department. The application and supporting documents shall be received by the Department at least sixty (60) days prior to the planned opening date. The application shall include: ()

- a. Name, address and telephone number of the agency; and ()
 - b. Types of services to be provided by the agency and the anticipated capacity of each service; and ()
 - c. The service area of the agency; and ()
 - d. The target population to be served and the service area to be covered by the program; and ()
 - e. The anticipated date for the initiation of services; and ()
 - f. A statement indicating the need for the agency's services; and ()
 - g. A statement which identifies the ownership and describes the management structure of the agency, including a copy of the corporation's articles of incorporation with designation as nonprofit or profit, public or private, and a copy of the bylaws; and ()
 - h. A statement that the agency is in compliance with these rules and all other applicable local, state and federal requirements, including an assurance that the agency is in compliance with the provisions of Subsection 925.02 governing nondiscrimination; and ()
 - i. A copy of the proposed organizational chart or plan for staffing of the agency; and ()
 - j. Staff qualifications including resumes, job descriptions and copies of state licenses for staff when applicable; and ()
 - k. When center-based services are to be provided, evidence of a local fire safety inspection; and ()
 - l. When center-based services are to be provided, evidence of compliance with local building and zoning codes; and ()
 - m. When center-based services are provided, written policy and procedures regarding emergency evacuation procedures; and ()
 - n. Staff and consumer illness policy, communicable disease policy and other health and hygiene policies and procedures; and ()
 - o. Written admission and transition policy; and ()
 - p. Program records system including completed examples of individual service plans, intervention techniques, and monitoring records; and ()
 - q. Fiscal record system including program billings and documentation of services provided consumers; and ()
 - r. Written description of the agency's quality assurance program; and ()
 - s. Any other information requested by the Department for determining the agency's compliance with these rules or the agency's ability to provide the services for which licensure is requested. ()
 - t. If the agency intends to seek a waiver or variance of any rule, then the application shall include a written request for a waiver or variance request and shall specify the particular rule and provide an explanation of the reasons for requesting the waiver or variance. ()
07. Agency Review. Upon receipt of the application form and initial application materials, the licensing

agency will review the materials to determine if the agency has in place systems, which if properly implemented, would result in regulatory compliance. ()

08. Written Decision. A written decision with regard to licensure will be submitted to the agency by the licensing agency within thirty (30) days of the date the completed application packet is received in the licensing agency's office. ()

302. ISSUANCE OF TEMPORARY LICENSE.

If an initial application for licensure is approved by the licensing agency, the agency will be issued a temporary license. Prior to the expiration of the temporary license, the licensing agency will conduct an on-site review of the agency to determine if the agency is in substantial compliance with the requirements of this chapter. A provisional license shall not be issued immediately following a temporary license. ()

303. TEMPORARY SITE LIMITATION.

Only fully licensed developmental disabilities agencies may apply for a temporary developmental disabilities site approval. ()

304. CHANGE OF PHYSICAL LOCATION.

01. Notification of Change. Prior to changing physical locations, agencies providing center-based services shall notify the licensing agency of the plans to relocate and the address of the new program site thirty (30) days prior to the actual move. ()

02. Evidence of Review. For the new physical location, agencies shall provide evidence of review and approval by the local fire and building authorities and a statement verifying that the new location is accessible to persons with developmental disabilities. ()

305. ISSUANCE OF A PROVISIONAL LICENSE, DENIAL OR REVOCATION OF LICENSE.

The Department will issue a provisional license, or deny or revoke the license if, after investigation of the agency, it finds that the agency is not in substantial compliance with these rules. ()

01. Intent to Issue Provisional License. At the time of a survey, the applicant will be notified of the intent to issue a provisional license, or deny or revoke the license and the reasons for the intended action. ()

02. Applicant Notification. Within fifteen (15) days of the site review, the applicant will be notified in writing of the Department's decision and the reason(s) for the intended action, pursuant to Sections 307 and 308 of these rules. ()

03. Request for Hearing. Within fifteen (15) days of the receipt date of the notice to issue a provisional license or deny or revoke the license, the applicant may request, in writing, a hearing with the Director and subsequently may appeal to the District Court. ()

04. Contested Case Provisions. Upon receipt of the written request, a hearing will be scheduled and conducted in accordance with IDAPA 16, Title 05, Chapter 03, Rules Governing Contested Case Proceedings and Declaratory Rulings. A review decision will be sent to the applicant within thirty (30) days of the date of the conclusion of hearing. ()

306. ISSUANCE AND TRANSFER OF LICENSE.

01. Issuance of License. A notice of licensure shall be issued by the Department when it determines, in accordance with the provisions of this section, that the agency requesting licensure is in substantial compliance with these rules. Agencies found to be in substantial compliance with these rules but failing to comply with every detail may be issued a license when failure to comply does not present a serious risk to the consumers' health or safety or seriously impede the agency's ability to provide rehabilitative or habilitative services. A license issued on the basis of substantial compliance is contingent upon the correction of deficiencies in accordance with a plan developed by the agency and approved by the Department. ()

02. License Return. The license is the property of the state and shall be returned to the state if it is revoked or suspended in accordance with Sections 307 and 308 of these rules. ()

03. License Not Transferable. The license is issued only to the agency named thereon and may not be transferred or assigned to any other person or entity without the written permission of the Department. ()

04. Availability of License. The license shall be available. ()

307. EXPIRATION AND RENEWAL OF LICENSE.

All licenses issued under the provisions of these rules, except for those facilities exempted pursuant to Section 100 of these rules, shall continue for a period of no greater than two (2) years unless revoked. No later than ninety (90) days before expiration, an agency may apply for renewal of the license. Applicants for renewal will also require a site review by the licensing agency. Licensing will be reviewed no less than every two (2) years. An agency shall be found to be in substantial compliance with these rules in order to receive renewal of the license. An application for renewal received less than ninety (90) days before expiration of the license shall be treated as an application to be acted upon after timely applications of renewal and initial applications. ()

308. PROVISIONAL LICENSE.

If a new applicant or applicant for renewal is found not to be in substantial compliance with these rules but does not have deficiencies which jeopardize the health or safety of consumers, a provisional license may be issued by the Department for a one hundred and eighty (180) day period. At that time, the licensing agency will determine whether areas of concern have been corrected. If so, then the regular license will be issued. If not, the license will be denied or revoked. ()

309. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

After a provisional license has been issued, if areas of concern have not been corrected, an application for relicensure may be denied or a license revoked. ()

310. EMERGENCY REVOCATION.

An agency's license may be immediately revoked when there is evidence of life-threatening danger or harm to consumers served. If, following investigation, the issue of the safety of consumers is resolved, then a license may be granted. ()

311. VARIANCE OR WAIVER.

A variance or waiver to these rules in whole or in part may be granted if good cause is shown for such waiver; the health, welfare, or safety of consumers will not be endangered by granting such a waiver; the agency's ability to provide services will not be impeded by granting such a waiver; and precedent shall not be set by the granting of such a waiver. The waiver may be renewed if sufficient written justification is presented to the licensing agency. ()

312. -- 599. (RESERVED).

600. MANAGEMENT INFORMATION SYSTEM.

All licensed DDA's seeking funding from the Department shall maintain a data base on consumer services. The agencies must be capable of providing the Department with basic consumer information such as, but not limited to, the number of persons with developmental disabilities served, diagnostic category, level of mental retardation, age, sex and hours of services. This information may be hand-tabulated or part of the agency's computerized information system. ()

601. -- 699. (RESERVED).

700. REPORTING.

Agencies funded by the Department shall furnish progress and other reports as the Department may require, such as age by disability reports and annual consumer progress reports. ()

701. -- 749. (RESERVED).

750. QUALITY ASSURANCE.

Each DDA defined under these rules shall develop and implement a quality assurance program. ()

01. Purpose. The quality assurance program is an ongoing proactive internal review of the DDA designed to ensure: ()

a. Services provided to consumers are high quality and consistent with individual choices, interests, and needs and current standards of practice; and ()

b. Sufficient staff and material resources are available to meet the needs of each person served; and ()

c. The environment in which center-based services are delivered is safe and conducive to learning; and ()

d. Skill training activities are conducted in the natural setting where a person would commonly learn and utilize the skill, whenever appropriate; and ()

e. The rights of a person with disabilities are protected and each person is provided opportunities and training to make informed choices. ()

02. Program Components. The quality assurance program shall be described in writing and include: ()

a. Goals and procedures by which the purpose of the quality assurance program as described in Subsection 750.01 of these rules will be achieved; and ()

b. Person, discipline or department responsible for each goal; and ()

c. A system to ensure the correction of problems identified within a specified period of time; and ()

d. A method for assessing consumer satisfaction. ()

03. Additional Requirements. The quality assurance program shall ensure that services provided: ()

a. Are developed with consumer and guardian where applicable, and actively promote participation, personal choice and preference; and ()

b. Are age appropriate; and ()

c. Promote normalization; and ()

d. Provide opportunities for community participation and inclusion; and ()

e. Offer opportunities for consumers to exercise their rights; and ()

f. Are observable in practice. ()

751. -- 759. (RESERVED).

760. CONSUMER RIGHTS.

Each person receiving services through an agency designated under these rules shall be ensured the following rights: ()

01. Idaho Code. Sections 66-412 and 66-413, Idaho Code, provides the following rights. ()

- a. Humane care and treatment; and ()
- b. Not be put in isolation; and ()
- c. Be free of mechanical restraints, unless necessary for the safety of that person or for the safety of others; and ()
- d. Be free of mental and physical abuse; and ()
- e. Communicate by telephone or otherwise and to have access to private area to make telephone calls and receive visitors; and ()
- f. Receive visitors at all reasonable times and to associate freely with persons of his own choice; and ()
- g. Voice grievances and to recommend changes in policies or services being offered; and ()
- h. Practice his own religion; and ()
- i. Wear his own clothing and to retain and use personal possessions; and ()
- j. Be informed of his medical and habilitative condition, of services available at the agency and the charges for the services; and ()
- k. Reasonable access to all records concerning himself; and ()
- l. Refuse services; and ()
- m. Exercise all civil rights, unless limited by prior court order. ()
- 02. Additional Consumer Rights. The agency shall also ensure the following rights. The right to:
 - a. Privacy and confidentiality; and ()
 - b. Be treated in a courteous manner; and ()
 - c. Receive a response from the agency to any request made within a reasonable time frame; and ()
 - d. Receive services which enhance the consumer's social image and personal competencies and, whenever possible, promote inclusion in the community; and ()
 - e. Refuse to perform services for the agency. If the consumer is hired to perform services for the agency the wage paid shall be consistent with state and federal law; and ()
 - f. Review the results of the most recent survey conducted by the Department and the accompanying plan of correction; and ()
 - g. All other rights established by law; and ()
 - h. Be protected from harm. ()
- 03. Method of Informing Consumers of Their Rights. Each agency shall ensure that each person receiving services is informed of his rights in the following manner: ()

a. Upon initiation of services, each consumer and guardian, where applicable, shall be provided with a packet of information which outlines rights, access to grievance procedures, and the names, addresses, and telephone numbers of protection and advocacy services. This packet shall be written in easily understood terms. ()

b. When providing center-based services, agencies shall prominently post a list of the rights contained in this chapter. ()

c. Each consumer and guardian, where applicable, shall be provided with a verbal explanation of their rights in a manner that will best promote individual understanding of these rights. ()

761. APPLICANT SCREENING

The agency shall develop policies and procedures which ensure that individuals hired do not have a conviction or prior employment history of abuse, neglect, mistreatment, or exploitation of a child or vulnerable adult. ()

762. OBLIGATION TO REPORT

All confirmed or suspected incidents of mistreatment, neglect, exploitation or abuse of consumers shall be reported to the adult or child protection authority. ()

763. DEVELOPMENT OF POSITIVE SOCIAL BEHAVIORS.

Each DDA shall develop and implement written policies and procedures that address the development of positive social behaviors and the management of inappropriate behavior. These policies and procedures shall include: ()

01. Positive Social Skills. Focusing on increasing positive social skills; and ()

02. Positive Approaches/Least Restrictive Alternatives. Ensuring and documenting the use of positive approaches and least restrictive alternatives; and ()

03. Protected Rights. Ensuring that the safety, welfare and human and civil rights of consumers are adequately protected; and ()

04. Underlying Causes. Addressing the evaluation or assessment of the possible underlying causes of the inappropriate behavior and what the consumer may be attempting to communicate by the behavior; and ()

05. Objectives and Plans. Ensuring that objectives and intervention techniques are developed or obtained and implemented to address self-injurious behavior, aggressive behavior, inappropriate sexual behavior and any other behaviors which significantly interfere with the consumer's independence or ability to participate in the community; and ()

06. Training Alternate Behavior. Ensuring that programs to manage inappropriate consumer behavior include training of the appropriate alternative behavior(s); and ()

07. Consumer Involvement. For plans developed by the agency ensuring the consumer is involved, whenever possible, in developing the plan to manage inappropriate behavior. When plans used by the agency are developed by another service provider the agency shall not be held accountable for ensuring consumer involvement in the development of the plan; and ()

08. Written Informed Consent. Ensuring that programs developed by the agency to manage inappropriate consumer behavior are conducted only with the written informed consent of the consumer and guardian where applicable. When programs used by the agency are developed by another service provider the agency shall obtain a copy of the informed consent; and ()

09. Review and Approval. Ensuring that programs developed by the agency to manage inappropriate behavior are only implemented after the review and written approval of a DDP. If the program contains restrictive or aversive components, the agency psychologist will also review and approve, in writing, the plan prior to implementation. When programs implemented at the agency are developed by another service provider the agency shall obtain a copy of these reviews and approvals; and ()

10. Appropriate Use of Interventions. Ensuring that interventions used to manage inappropriate consumer behavior are never used: ()
- a. For disciplinary purposes; or ()
 - b. For the convenience of staff; or ()
 - c. As a substitute for a needed training program; or ()
 - d. By untrained or unqualified staff. ()

764. -- 799. (RESERVED).

800. STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITH AUTHORIZED INDIVIDUAL SUPPORT PLANS.

Each DDA shall provide the following rehabilitative and habilitative services consistent with the needs of persons with developmental disabilities who have developed an Individual Support Plan with a Targeted Service Coordinator through a person centered planning process. ()

01. Intake. ()
- a. To ensure the health and safety of the consumer, a medical profile sheet which contains relevant medical and identifying information about the consumer and family, and accurately reflects the current status and needs of the consumer shall be obtained or completed prior to the delivery of services. ()
 - b. Prior to the delivery of services current and accurate comprehensive evaluations or specific skill assessments shall be completed or obtained, as necessary, to effectively plan the consumer's program. To be considered current, evaluations and assessments shall accurately reflect the current status of the consumer. ()
02. Evaluations. ()
- a. Comprehensive assessments which are completed by the agency shall: ()
 - b. Be conducted by qualified professionals for the respective disciplines as defined in this chapter; ()
 - c. Be identified as a service on the Individual Support Plan. ()
03. Specific Skill Assessments. Specific skill assessments which are completed by the agency shall: ()
- a. Be completed by qualified professionals for the respective disciplines as defined in this chapter; and ()
 - b. Be identified as a service or need on the Individual Support Plan; and ()
 - c. Be conducted for the purposes of determining baselines, or the need for further interventions. ()
04. Individual Support Plan. Any services provided by the DDA must be included on the plan and authorized by the Regional ACCESS Unit before a consumer can receive the service from the agency. ()
05. Implementation Plan. The DDA shall be required to develop an Implementation Plan for each service or support which is included on the consumer's Individual Support Plan provided by the agency as outlined in these rules. The Implementation Plan shall include: ()
- a. The consumer's name; and ()

- b. The specific skill area; and ()
- c. A baseline statement addressing the consumer's specific skills and abilities related to the specific skill to be learned; and ()
- d. Measurable, behaviorally stated objectives which are developed from an identified service or support in the Individual Support Plan; and ()
- e. Written instructions to staff such as curriculum, lesson plans, locations, activity schedules, type and frequency of reinforcement and data collection, directed at the achievement of each objective. These instructions may be standardized, however, shall be individualized and revised as necessary to promote consumer progress toward the stated objective. ()
- f. Identification of the specific environment(s) where services shall be provided. ()
- g. These implementation plans shall be initiated within fourteen (14) calendar days of the initiation of services. ()
- h. The target date for completion. ()
- 06. ACCESS Unit Authorization. ACCESS Unit prior authorization is required in the following circumstances: ()
 - a. When revisions in the Implementation Plan change the type and amount of services listed on the Individual Support Plan; and ()
 - b. At the consumer's annual review of DDA services as part of the annual update of the Individual Support Plan. ()
- 07. Program Documentation. Each consumer's record shall include documentation of the consumer's participation in and response to services provided. This documentation shall include at a minimum: ()
 - a. Daily entry of all activities conducted toward meeting consumer objectives; and ()
 - b. Sufficient progress data to accurately assess the consumer's progress toward each objective; and ()
 - c. A review of the data and, when indicated, changes in the daily activities or specific implementation procedures by a DDP. The review shall include the DDP's dated initials; and ()
 - d. Documentation of notification of the consumer and when applicable, the consumer's guardian. ()
- 08. Program Changes. ()
 - a. DDA shall coordinate the consumer's DDA program with other service providers to maximize learning. ()
 - b. Documentation of Implementation Plan Changes. Documentation of Implementation Plan changes will be included in the consumer's record. This documentation shall include at a minimum, the reason for the change, documentation of coordination with other service providers, where applicable, the date the change was made and the signature of the person making the change complete with date and title. A copy of an ISP will suffice for compliance to this requirement. ()
- 09. Records. Each DDA licensed under these rules shall maintain accurate, current and complete consumer and administrative records. Each record of consumers with Targeted Service Coordinators shall contain the

following information: ()

a. Documentation which verifies that the services provided are recommended by a physician. A copy of an Individual Support Plan will suffice for compliance to this requirement; and ()

b. When evaluations are completed or obtained by the agency the consumer's record shall include the evaluation forms and narrative reports, signed and dated by the respective evaluators; and ()

c. A copy of the Individual Support Plan authorized by the ACCESS Unit; and ()

d. Implementation Plans. Program documentation and monitoring records which comply with all applicable sections of these rules; and ()

e. The case record shall be divided into program/discipline areas identified by tabs, such as, Individual Support Plan, medical, social, psychological, speech, and developmental. ()

801. STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITHOUT TARGETED SERVICE COORDINATORS.

Each DDA shall provide the following rehabilitative and habilitative services consistent with the needs of persons with developmental disabilities who have chosen not to access a Targeted Service Coordinator, to be available and accessible throughout its service area. ()

01. Eligibility Documentation. Prior to the delivery of services, current and accurate comprehensive evaluations or specific skills assessments shall be completed or obtained, as necessary to determine eligibility as defined in Section 66-402, Idaho Code, and the Department's current interpretive guidelines, and to effectively plan the consumer's program. ()

02. Intake. To ensure the health and safety of the consumer, medical information which accurately reflects the current status and needs of the consumer shall be obtained prior to the delivery of services. When this information is not available, a comprehensive medical evaluation shall be completed prior to the provision of services. ()

03. Evaluations. ()

a. Comprehensive evaluations which are completed by the agency shall be conducted by qualified professionals for the respective disciplines as defined in this chapter, recommended by a physician, identify accurate, current and relevant consumer strengths, needs and interests as applicable to the respective discipline, and recommend the type and amount of therapy necessary to address the consumer's needs. ()

b. Prior to the delivery of ongoing services in a specific discipline a comprehensive medical, medical/social assessment shall be completed or obtained. ()

c. Evaluation or specific skill assessments from additional disciplines such as speech and language pathologists or physical therapists, shall also be completed or obtained as necessary to meet the consumer's needs. ()

d. All evaluations shall be completed within forty-five (45) calendar days of the date recommended by the physician. If not completed within this time frame, the consumer's records must contain consumer based documentation justifying the delay. ()

e. A current psychological or psychiatric evaluation shall be completed or obtained when the consumer is receiving a behavior modifying drug(s), or prior to the initiation of restrictive interventions to modify inappropriate behavior(s), or an evaluation is necessary to determine eligibility for services or establish a diagnosis, or the consumer has a primary or secondary diagnosis of mental illness, or when otherwise required in this chapter. ()

f. Comprehensive evaluations and specific skill assessments completed or obtained by the DDA shall

be current. To be considered current, evaluations and assessments shall accurately reflect the current status of the consumer. ()

04. Individual Program Plan. When a consumer has not developed an Individual Support Plan with a Targeted Service Coordinator through a person centered planning process, the DDA is required to complete an Individual Program Plan and the following shall apply: ()

a. The Individual Program Plan shall be developed following obtainment or completion of all applicable evaluations consistent with the requirements of this chapter. ()

b. The planning process shall include the consumer and guardian, if applicable, and others the individual chooses to have in attendance. The consumer and guardian where applicable, will be provided a copy of the completed individual program plan. If the consumer and guardian where applicable, is unable to participate, the reason shall be documented in the consumer's record. ()

05. Program Plan Components. The Individual Program Plan shall promote self-sufficiency, the consumer's choice in program objectives and activities and encourage the consumer's participation and inclusion in the community. The Individual Program Plan shall include: ()

a. The consumer's name and medical diagnosis; and ()

b. The name of the DDP, the date of the planning meeting, and the name and titles of those present at the meeting; and ()

c. Documentation that the plan is recommended by a physician; and ()

d. The type, amount and duration of therapy to be provided such as individual speech therapy, thirty (30) minutes two (2) times per week; group developmental therapy, two and one-half (2 1/2) hours, five (5) days per week; and ()

e. A list of the consumer's current personal goals, interests and choices; and ()

f. An accurate, current and relevant list of the consumer's specific developmental and behavioral strengths; and ()

g. An accurate, current and relevant list of the consumer's specific developmental and behavioral needs. This list will identify which needs are a priority based on the consumer's choices and preferences. An Individual Program Plan objective shall be developed for each priority need; and ()

h. A list of the measurable, behaviorally stated objectives, which correspond to the list of priority needs. An Implementation Plan shall be developed for each objective. ()

i. The discipline or DDP responsible for each objective; and ()

j. The target date for completion; and ()

k. The review date; and ()

l. An individual transition plan designed to facilitate independence, personal goals and interests. The transition plan may include vocational goals/objectives directed toward paid employment. The transition plan shall specify criteria for transition into alternative settings, vocational training, supported or independent employment, volunteer opportunities, community based organizations and activities, or less restrictive settings. The implementation of some components of the plan may necessitate decreased hours of service or discontinuation of services from a DDA. ()

06. Support Documentation. The Individual Program Plan shall be supported by documentation included in the consumer's record. ()

07. Frequency of Plan Development. Members of the planning team shall meet at least annually, or more often if necessary, to review and update the plan to reflect any changes in the needs or status of the consumer. ()

08. Physician Recommendation. There shall be documentation that the plan is recommended by a physician prior to implementing the Individual Program Plan and when revisions in the plan change the type, amount, or duration of the service provided, and at the annual review. ()

09. Regional Advisory Review. The Individual Program Plans shall be submitted to the Regional ACCESS Units for an advisory review to ensure that services are reimbursable and within the scope and duration of DDA services. Services may begin prior to advisory review. Agencies will work to resolve concerns identified in the advisory review. Notification of findings of the advisory review will become part of the consumer's record. ()

10. Implementation Plan. The DDA shall be required to develop an Implementation Plan for each objective listed on the Individual Program Plan. The implementation Plan shall include: ()

a. The consumer's name; and ()

b. The measurable, behaviorally stated Individual Program Plan objective; and ()

c. Baseline assessment to determine the consumer's specific skills and abilities related to the specific skill to be learned; and ()

d. Written instructions to staff such as curriculum, lesson plans, activity schedules, type and frequency of reinforcement and data collection, directed at the achievement of each objective. These instructions may be standardized, however, shall be individualized and revised as necessary to promote consumer progress towards the stated objective; and ()

e. Identification of the specific location where services shall be provided; and ()

f. These implementation plans shall be completed within fourteen (14) calendar days of the initiation of services; and ()

g. The target date for completion. ()

11. Program Documentation. Each consumer's record shall include documentation of the consumer's participation in and response to services provided. This documentation shall include at a minimum: ()

a. Daily entry of all activities conducted toward meeting consumer objectives; and ()

b. Sufficient progress data to accurately assess the consumer's progress toward each objective; and ()

c. A review of the data and, when indicated, changes in the daily activities or specific implementation procedures by a DDP. The review shall include the DDP's dated initials. ()

12. Documentation of Program Changes. Documentation of all changes in the Individual Program Plan or Implementation Plan shall be included in the consumer's record. This documentation shall include at a minimum; ()

a. The reason for the change; and ()

b. The date the change was made; and ()

c. Signature of the person making the change complete with date and title; and ()

- d. Documentation of notification of the consumer and, when applicable, the consumer's guardian. ()

13. Records. Each DDA licensed under these rules shall maintain accurate, current and complete consumer and administrative records. Each consumer record shall support the individual's choices, interests and needs which result in the type and amount of each service provided. Each agency shall have an integrated consumer records system to provide past and current information and to safeguard consumer confidentiality pursuant to these rules. Each record of consumers without a Targeted Service Coordinator shall contain the following information: ()

- a. Profile sheet containing necessary identifying information about the consumer and family; and ()
- b. Medical/social history containing relevant medical and social history and information on the consumer and family; and ()
- c. Documentation which verifies that the services provided are recommended by a physician; and ()
- d. When evaluations are completed or obtained by the agency the consumer's record shall include the evaluation forms and narrative reports, signed and dated by the respective evaluators; and ()
- e. Individual Program Plan, when developed by the agency; and ()
- f. Implementation Plans, program documentation and monitoring records which comply with all applicable sections of these rules; and ()
- g. The case records shall be divided into program/discipline areas identified by tabs, such as, Individual Program Plan, medical, social, psychological, speech, and developmental. ()

802. FUNDS.

Agencies which receive funds under these rules shall maintain accurate records of the receipt, obligation and disbursement of funds. Reimbursement for services is contingent upon documentation in consumer records which supports the need for the type and amount of each service. ()

803. ACCESSIBILITY.

Records shall be accessible during normal operation of the agency to the Department for the purpose of inspection, with or without prior notification, pursuant to Section 39-108, Idaho Code. ()

804. REQUIRED SERVICES.

Services provided shall be sufficient in quantity and quality to meet the needs of each person receiving services, and shall be provided by qualified professionals for the respective disciplines defined in this chapter. The following services, individual, group, community-based and home-based shall be available as recommended by the physician and based on consumer needs, interests, or choices to eligible consumers either by employees of the agency or through formal written agreement and shall comply with all applicable rules of this chapter: ()

- 01. Psychotherapy. Psychotherapy services when provided by a physician, psychiatrist, psychologist, psychology assistant, or social worker in accordance with the objectives specified. Psychotherapy services available shall include the following: ()
 - a. Individual psychotherapy; and ()
 - b. Group psychotherapy in which there shall be a minimum ratio of one (1) qualified staff person for every twelve (12) individuals in group therapy; and ()
 - c. Family-centered psychotherapy which shall include the consumer and one (1) other family member at any given time. ()

02. Speech and Hearing Therapy. Speech and hearing therapy services provided in accordance with the specified objectives. ()
03. Physical Therapy. Physical therapy services provided by a licensed physical therapist in accordance with the specified objectives. ()
04. Developmental Therapy. Developmental therapy services: ()
- a. Shall be provided by qualified developmental disabilities staff in accordance with objectives specified; and ()
- b. Therapy shall be directed toward the rehabilitation/habilitation of physical or mental disabilities in the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency. ()
05. Occupational Therapy. Occupational therapy services provided by a licensed occupational therapist in accordance with the specified objectives. ()
06. Optional Services. ()
- a. Consultation for the purpose of prescribing, monitoring, or administering medications. These consultations shall be provided by a physician or licensed nurse practitioner in direct face-to-face contact with the consumer and incorporated into the individual plan with the type, amount, and duration of the service specified. ()
- b. Psychiatric evaluations and services for the purpose of establishing a diagnosis, identifying consumer strengths and needs, and recommending or implementing interventions to address each need. These evaluations and services shall be conducted by a physician in direct face-to-face contact with the consumer and incorporated into the consumer's individual plan with the type, amount, and duration of service specified. ()

805. -- 809. (RESERVED).

810. STAFFING REQUIREMENTS FOR AGENCIES.

01. Physician. The agency shall have a physician available a sufficient amount of time to: ()
- a. Review medical/social history information for the purpose of ordering appropriate evaluations; and ()
- b. Perform necessary medical assessments; and ()
- c. Review and recommend the services identified in the Individual Program Plans; and ()
- d. Participate in annual reviews of consumer services to determine continued appropriateness of the plan if applicable. ()
02. Professionals. The agency shall have available, at a minimum, the qualified DDP as employees of the agency or through formal written agreement: ()
- a. Audiologist or speech and language pathologist; and ()
- b. Developmental specialist; and ()
- c. Occupational therapist; and ()
- d. Physical therapist; and ()

- e. Physician; and ()
- f. Psychologist; and ()
- g. Social worker. ()

811. -- 819. (RESERVED).

820. PAYMENT PROCEDURES.

Payment for agency services shall be in accordance with rates, forms, policies and procedures established by the Department. Payment for services is contingent upon documentation in each consumer's record which supports the type and amount of each service based on the agency's integrated records system and compliance with the requirements specified under Section 802 of this chapter. ()

821. COOPERATION OF SERVICES.

Each DDA shall act in cooperation with other agencies providing services to consumers to maximize learning. Services with which coordination and integration shall occur include: ()

01. Children's Services. DDA's shall refer a child of mandatory school attendance age, seven (7) through sixteen (16), to the local school district for consideration for education and related services found in Public Law 101-476. The DDA may provide services beyond those that the school is obligated to provide during regular school hours. These related services include audiology, psychotherapy services, physician's services, developmental therapy, occupational therapy, physical therapy and speech pathology. The consumer's record shall contain an Individualized Education Plan for each child of school age, including any recommendations for Extended School Year. The DDA shall send a current copy of the child's Individual Program Plan to his school. ()

02. Services through School District. Services provided through a school district contract and reimbursed by the school district are not required to meet DDA rules, nor are they reimbursable as DDA services. ()

822. -- 899. (RESERVED).

900. ADDITIONAL STANDARDS FOR PERSONNEL PROVIDING DEVELOPMENTAL DISABILITY SERVICES.

01. Professionals. Except as provided in Subsection 900.02 of this section, all personnel employed by an agency for the purpose of providing developmental disabilities services after October 6, 1988, shall be DDP's. ()

02. Paraprofessionals. Paraprofessionals, such as aides or therapy technicians, may be used by an agency to provide developmental disabilities services if they are under the supervision of a DDP. ()

a. The agency shall assure adequate professional supervision during its service hours; and ()

b. There shall be a minimum of one (1) qualified staff, who may be a paraprofessional or a DDP, providing direct services for every twelve (12) individuals. Additional staff shall be added, as necessary, to meet the needs of each individual served; and ()

c. Aides or therapy technicians utilized to assist in the provision of physical therapy services may do so only when a physical therapist is present at the site of service delivery; and ()

d. Paraprofessionals shall not conduct consumer evaluations or establish the Implementation Program Plan. These activities shall be conducted by a DDP; and ()

e. A professional shall, on a weekly basis or more often if necessary, give instructions, review progress and provide training on the program(s) and procedures to be followed; and ()

f. A professional shall, on a monthly basis or more often if necessary, observe and review the work performed by the paraprofessional to assure the paraprofessional has been trained on the program(s) and demonstrates the necessary skills to correctly implement the program(s). ()

03. Specified Service Providers. In accordance with Section 800 of these rules, only specified developmental disabilities service providers may provide service within the designated element of service. ()

04. Administrative Staffing. The program administrator shall be accountable for all service elements of a developmental disabilities program and shall be employed on a continuous regularly scheduled basis. ()

a. The program administrator shall be a DDP as defined in these rules. ()

b. If the administrator is not a DDP, a DDP shall be employed on a continuous regularly scheduled basis and shall be responsible for the service elements of the developmental disabilities program; ()

c. Either the program administrator or the DDP shall have two (2) years of supervisory or management experience providing developmental disabilities services to individuals with developmental disabilities. ()

901. VOLUNTEERS.

If volunteers are utilized, the program shall establish policies and procedures governing the screening, training and utilization of volunteer workers for delivery of services. ()

902. TRAINING.

Each agency designated under these rules shall provide ongoing training for staff and volunteers. ()

01. Annual Training. A minimum of twelve (12) hours of formal training shall be provided. ()

a. Within ninety (90) days of employment, each staff member will be certified in first aid and CPR; and ()

b. In addition, a minimum of twelve (12) hours of training areas including fire safety, behavior management, and skill development in the area of rehabilitation or habilitation of persons with developmental disabilities on an annual basis. ()

02. Sufficient Training. Training of staff and volunteers shall be sufficient to ensure the following as applicable to their work assignments and responsibilities: ()

a. Correct and consistent implementation of consumer individual program plans and implementation plans, to achieve individual objectives; and ()

b. Optimal independence of all individuals receiving services is encouraged, supported and reinforced through appropriate activities, opportunities, and training; and ()

c. Correct and appropriate use of assistive technology used by individuals obtaining services; and ()

d. Accurate record keeping and data collection procedures; and ()

e. Consistent use of behavioral and developmental programming principles and the use of positive behavioral intervention techniques; and ()

f. Adequate observation, review and monitoring of staff, volunteer and consumer performance to promote the achievement of consumer objectives; and ()

g. Each consumer's rights, confidentiality, safety and welfare; and ()

- h. The proper implementation of all policies and procedures developed by the agency. ()

903. -- 919. (RESERVED).

920. PHYSICAL PLANT.

The requirements under this section apply when an agency is providing center-based services. ()

01. Accessibility. Agencies designated under these rules shall be responsive to the needs of the service area and persons receiving services and accessible to persons with disabilities as defined in 504 of the Federal Rehabilitation Act, the Americans with Disabilities Act, and the uniform federal accessibility standard. ()

02. Environment. The agency shall be designed and equipped to meet the needs of each consumer including, but not limited to, factors such as sufficient space, equipment, lighting and noise control. ()

03. Capacity. Agencies shall serve no more than forty (40) persons with developmental disabilities on site at a given time. Agencies may apply to the Director for a waiver pursuant to these rules. The decision of the Director may be reviewed by the Board. Agencies are encouraged to include persons without disabilities in their programs or to integrate persons with disabilities into community activities for part of the day. ()

04. Fire and Safety Standards. ()

a. Buildings on the premises used as facilities shall meet all local and state codes concerning fire and life safety that are applicable to a DDA. The owner/operator shall have the facility inspected at least annually by the local fire authority. In the absence of a local fire authority, such inspections shall be obtained from the Idaho State Fire Marshall's office. A copy of the inspection shall be made available to the licensing agency upon request and shall include documentation of any necessary corrective action taken on violations cited; and ()

b. The facility shall be structurally sound and shall be maintained and equipped to assure the safety of consumers, employees and the public; and ()

c. On the premises of all facilities where natural or man-made hazards are present, suitable fences, guards or railings shall be provided to protect consumers; and ()

d. The premises and all buildings used as facilities shall be kept free from the accumulation of weeds, trash and rubbish; and ()

e. Portable heating devices shall be prohibited except units that have heating elements that are limited to not more than two hundred and twelve (212) degrees Fahrenheit. The use of unvented, fuel-fired heating devices of any kind shall be prohibited. All portable space heaters must be U.L. approved as well as approved by the local fire or building authority. ()

f. Quantities of flammable or combustible materials deemed hazardous by the licensing agency shall not be stored in the facility; and ()

g. All hazardous or toxic substances shall be properly labeled and stored under lock and key; and ()

h. Water temperatures in areas accessed by consumers shall not exceed one hundred and twenty (120) degrees Fahrenheit; and ()

i. Portable fire extinguishers shall be installed throughout the facility. Numbers, types and location shall be directed by the applicable fire authority noted in Subsection 920.04.a. of these rules; and ()

j. Electrical installations and equipment shall comply with all applicable local or state electrical requirements. In addition, equipment designed to be grounded shall be maintained in a grounded condition and extension cords and multiple electrical outlet adapters shall not be utilized unless U.L. approved and the numbers, location, and use of them are approved, in writing, by the local fire or building authority. ()

k. There shall be a telephone available on the premises for use in the event of an emergency. Emergency telephone numbers shall be posted near the telephone; and ()

l. Furnishings, decorations or other objects shall not obstruct exits or access to exits. ()

05. Evacuation Plans. Evacuation plans shall be posted throughout the building. Plans shall indicate point of orientation, location of all fire extinguishers, location of all fire exits, and designated meeting area outside of building. ()

a. Emergency plans and training requirements: ()

b. There shall be written policies and procedures covering the protection of all persons in the event of fire or other emergencies; and ()

c. All employees shall participate in fire and safety training upon employment and at least annually thereafter; and ()

d. All employees and consumers shall engage in quarterly fire drills. At least two (2) of these fire drills shall include evacuation of the building; and ()

e. A brief summary of the fire drill and the response of the employees and consumers shall be written and maintained on file. The summary shall indicate the date and time the drill occurred, problems encountered and corrective action taken. ()

06. Food Preparation and Storage. ()

a. If foods are prepared in the agency, they shall be prepared by sanitary methods. ()

b. Except during actual preparation time, cold perishable foods shall be stored and served under forty-five (45) degrees Fahrenheit and hot perishable foods shall be stored and served over one hundred and forty (140) degrees Fahrenheit. ()

c. Refrigerators and freezers used to store consumer lunches and other perishable foods used by consumers, shall be equipped with a reliable, easily-readable thermometer. Refrigerators shall be maintained at forty-five (45) degrees Fahrenheit or below. Freezers shall be maintained at zero (0) to ten (10) degrees Fahrenheit or below. ()

d. When meals are prepared or provided for by the agency, meals will meet the nutritional, dietary and individual needs of each consumer. ()

07. Housekeeping and Maintenance Services. ()

a. The interior and exterior of the agency shall be maintained in a clean, safe and orderly manner and shall be kept in good repair; and ()

b. Deodorizers cannot be used to cover odors caused by poor housekeeping or unsanitary conditions; and ()

c. All housekeeping equipment shall be in good repair and maintained in a clean, safe and sanitary manner; and ()

d. The agency shall be maintained free from infestations of insects, rodents and other pests; and ()

e. The facility shall maintain the temperature and humidity within a normal comfort range by heating, air conditioning or other means. ()

08. Vehicle Safety. If the DDA provides transportation, a preventive maintenance program will be in place for each agency owned or leased vehicle, including but not limited to: ()

- a. Inspections, liability insurance, licensed drivers, and other maintenance to insure safety; and ()
- b. Coordination with transportation providers when the DDA does not provide the transportation. ()

921. HEALTH.

01. Policies and Procedures. The agency shall develop policies and procedures which describe how the agency will assure that staff is free from communicable disease and how it will protect consumers from exposure to other individuals exhibiting symptoms of illness. ()

02. Employees. Each employee with direct contact with consumers shall be free of communicable disease and infected skin lesions while on duty. ()

03. Handling of Consumer's Medications. Personnel of the agency shall not administer medications unless legally authorized to do so. Personnel may assist the consumer to take his own medication under the following conditions: ()

a. The medication shall be brought by the consumer in a prepackaged container which is appropriately labeled with the name of the medication, dosage and time and amount to be taken. Each medication shall be packaged separately to avoid mistakes in identification unless packaged in Medisets or a similar system. ()

b. Only licensed nurses and other professionals legally authorized to administer medications may give consumers injectable medications. ()

c. No medications shall be given except under the verbal or written orders of a physician. Evidence of the written or verbal order shall be maintained in the consumer's record. Medisets labeled by a pharmacist and supplied to the consumer on a weekly basis may serve as written evidence of a physician's order. An original prescription bottle labeled by a pharmacist describing the current physician's orders/instructions for use, may also serve as written evidence of a physician's orders. ()

d. The agency shall be responsible for the safeguarding of the consumer's medications while he is at the agency or in the community. ()

e. Medications which are no longer used by the consumer shall not be retained by agency staff. These shall be returned to the pharmacist, the consumer, or person responsible for the consumer's home care. ()

f. Medications shall not be borrowed between consumers. ()

04. Accident/Injury Reports. Accident/injury reports shall be completed for all such incidents experienced by consumers receiving services. ()

922. COMMUNITY SITES.

The requirements under this section apply when an agency is providing community-based services. ()

01. Accessibility. The community-based setting shall be accessible, safe and appropriate for each consumer. ()

02. Environment. The community-based setting shall be designed and equipped to meet the needs of each consumer including, but not limited to, factors such as sufficient space, equipment, lighting, and noise control. ()

03. Training Group Size Sessions. The community-based services shall occur in integrated inclusive settings and with no more than three (3) consumers per trainer at each training session. ()

923. ANNUAL PROGRESS REPORT AND PLAN.

By June 30 of each year, each DDA shall submit an annual progress report and plan covering the current fiscal year to the state developmental disability authority. ()

924. STATE PLAN.

Each agency shall be required, as needed, to participate in the state developmental disabilities plan development by completing an annual needs assessment survey or public hearing on services for Idahoans with disabilities. ()

925. AFFIRMATIVE ACTION.

01. Equal Employment Opportunity. It is the policy of the Department to promote the objectives of equal employment opportunity and fair labor practice laws of the United States and the state of Idaho. ()

02. Nondiscrimination. No employee of a agency designated under these rules will, in the course of serving consumer needs, discriminate against any individual on the basis of race, color, national origin, religion, sex, age, or physical/mental disability. ()

926. -- 997. (RESERVED).

998. ADMINISTRATIVE PROVISIONS.

Contested case hearings shall be governed according to the provisions of IDAPA 16, Title 05, Chapter 03, Rules Governing Contested Case Proceedings and Declaratory Rulings. ()

999. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in IDAPA 16, Title 05, Chapter 01, Rules Governing the Protection and Disclosure of Department Records. In addition: ()

01. Storage of Records. All consumer information including, but not limited to, consumer records shall be maintained and stored in a manner which ensures consumer confidentiality. ()

02. Written Consent. Consumer information and records shall not be provided to individuals or agencies not legally authorized to receive it without the informed written consent of the consumer and guardian where applicable. ()

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.04.14 - RULES GOVERNING LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

DOCKET NO. 16-0414-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 56-202 and 56-203, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the January 3, 1996 Administrative Bulletin, Volume 96-1, pages 270 through 278.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Neva Kaufman at (208) 334-5732.

DATED this 2nd day of October, 1996.

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

IDAPA 16
TITLE 04
Chapter 14

RULES GOVERNING LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-1, January 3, 1996, pages 270 through 278.**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.01 - RULES GOVERNING FAMILY AND CHILDREN'S SERVICES
DOCKET NO. 16-0601-9604
NOTICE OF PROPOSED RULES

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. The action is authorized pursuant to Section(s) 16-1624, 16-1822, 16-1827, 16-2001, 16-2102, 39-105, 39-106, 39-7501, 56-202, 56-203b, 56-204, 56-204a, 56-803, Idaho Code.

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

October 1, 1996, at 7:00 p.m.
Coeur d'Alene Inn, Garnett Room
414 W. Appleway Ave., Coeur d'Alene, Idaho

October 2, 1996, at 7:00 p.m.
Sacajawea Motor Inn, Nez Perce Room
1824 Main Street, Lewiston, Idaho

October 7, 1996, at 7:00 p.m.
Boise State University, Student Union Building, Hatch Room A
1910 University Dr., Boise, Idaho

October 7, 1996, at 7:00 p.m.
Albertson College of Idaho, International Center - Room 106
2112 Cleveland Blvd., Caldwell, Idaho

October 8, 1996, at 7:00 p.m.
Littletree Inn, Teton Room
888 N. Holmes, Idaho Falls, Idaho

October 9, 1996, at 7:00 p.m., Quality Inn,
1555 Pocatello Creek Rd., Pocatello, Idaho;

October 10, 1996, at 7:00 p.m.
Best Western Canyon Springs Inn, Pine Room
1357 Blue Lakes Blvd. North, Twin Falls, Idaho

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 proposed rules:

New rules were originally published temporary under docket number 16-0601-9602. The temporary rules were subject to negotiated rulemaking. In February 1996, a questionnaire was sent to approximately 5,000 individuals throughout the state seeking input on the most problematic areas of the child welfare rules. From that survey, four areas were identified for negotiated rulemaking. Those four areas were: out of home care, priority response guide for responding to child protection referrals, risk assessment and registration of individuals in the Child Abuse Registry. Beginning in March 1996 meetings were held throughout the state with individuals interested in working on changes to these four areas of rules. Interested citizens worked in small groups around the state to suggest rule changes. In August 1996, 29 Idaho citizens, representing each area of the state, came to Boise to draft rules in each designated area. Those rule changes are represented in these proposed rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Roseanne Hardin at (208) 334-5700.

Anyone can submit written comments regarding these rules. All written comments and data concerning the rule must

be directed to the undersigned and delivered on or before October 23, 1996.

DATED this 2nd day of October, 1996.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0601-9604

030. FAMILY SERVICES PROVIDED.

The services and treatment provided by Family and Children's Services shall be based upon regional needs and resources, and include at least the following elements: ~~(11-16-95)F()~~

01. Crisis Response. Family and Children's Services shall ~~have the capacity to~~ respond, on a twenty-four (24) hour per day seven (7) day per week basis, to family crises associated with child protective and severe emotional disturbances in children. ~~(11-16-95)F()~~

02. Case Management. Family services shall include case management to assure and coordinate family assessment, case planning, treatment and other services, protection of children, permanency planning, advocacy, review and reassessment, documentation and timely closure of cases. ~~(11-16-95)F()~~

03. Multi-disciplinary Family Services. Family services shall be multi-disciplinary and shall be oriented toward resolution of issues associated with child protective, substance abuse and adoptive situations; training and employment issues; including parenting skills and severe behavioral and emotional disorders. ~~(11-16-95)F()~~

04. Education, Training and Employment Programs. Family services shall be available to support the education, training and employment programs of the Job Opportunities and Basic Skills Training Program (JOBS) for public assistance recipients and the Job Search Assistance Program (JSAP) for Food Stamp recipients. ~~(11-16-95)F()~~

05. Community Based. Family services shall be aimed at bringing the family to a the minimum level of functioning that demonstrates a safe environment and an ability to provide a safe environment acceptable in the community and make maximum use of normal environments such as the home, other home-like settings, and other community services and resources. ~~(11-16-95)F()~~

06. Preventative Services. ~~()~~

(BREAK IN CONTINUITY OF SECTIONS)

101. ELIGIBILITY REQUIREMENTS.

01. Application. An application is filed by a parent. If both parents are absent, refuse to cooperate in supporting the child or are unwilling to apply on behalf of the child, another adult relative or the Family and Children's Services social worker may file the application on behalf of the child. If the child is in the legal custody of the Department, the social worker may file the application on behalf of the child. (11-16-95)F(____)

02. Eligible Child. The family contains a needy child under the age of ~~twenty-one~~ eighteen (2118); (11-16-95)F(____)

03. Residence with Relative. The child is living with one (1) or both parents, or within six (6) months prior to the month in which such assistance is requested, has been living with a relative (parent, grandparent, adoptive parent, stepparent, sibling, aunt, uncle, or cousin); (11-16-95)F(____)

04. Income. The applicant family has a monthly income below the AFDC Gross Income Limit and does not have the ability to meet the emergent need or, if the family is above the AFDC Gross Income Limit, the family is unable to meet the emergent need because of circumstances beyond their control. In the case where both parents are absent, refuse to cooperate in supporting the child or are unwilling to apply on behalf of the child, the child's income alone is considered; (11-16-95)F(____)

05. Necessity for Assistance. The emergency assistance is necessary to avoid destitution of such child or to provide living arrangements for him/her in a home; and (11-16-95)F(____)

06. Parent's Refusal of Employment or Training. The child's destitution or need for living arrangements did not arise because the child or such relative refused without good cause to accept employment or training for (11-16-95)F(____)

(BREAK IN CONTINUITY OF SECTIONS)

150. CHILD PROTECTION SERVICES.

Sections 56-204A, 56-204B, 16-1601, 16-1623 and 16-2001, Idaho Code, make the Department an official child protection agency of state government with a duty to intervene in situations of child neglect, abuse, or abandonment. The Department is the state agency to which a citizen shall report circumstances of harm or threatened harm of children, with a right to expect appropriate action. They authorize and direct the Department to undertake activities to eliminate the causes of such neglect, abuse or abandonment, and they enable the Department to invoke the authority of the courts in those situations where other efforts have failed. A respectful, non-judgmental approach should be the policy for assessments, especially during the initial contact with the family. Training in communication would include multicultural and diversity issues and interest based conflict resolution. (11-16-95)F(____)

(BREAK IN CONTINUITY OF SECTIONS)

154. RESPONSE PRIORITIES.

The Department shall use the following statewide standards for responding to allegations of abuse, neglect or abandonment, using the determination of risk to the child as the primary criterion. Any variance from these response standards shall be documented in the family's case file with a description of action taken, which shall be reviewed and signed by the Child Protective Supervisor. (11-16-95)F(____)

01. Priority I. ~~A child is in immediate danger involving a life-threatening or emergency situation; the Department shall respond immediately. The Department shall respond immediately if a child is in immediate danger involving a life-threatening or emergency situation. Emergency situations include sexual abuse when a child may have contact with the alleged perpetrator and circumstances indicate a need for immediate response.~~ Law enforcement shall be notified and requested to respond or to accompany a family services worker. Every attempt should be made to coordinate the Department's assessment with law enforcement's investigation. The child must be seen by a Department family services worker, law enforcement, and medical personnel if applicable, immediately unless written regional protocol agreements direct otherwise. All allegations of physical abuse of a child ~~age five (5) and under~~ through the age of six (6) or with profound developmental disabilities should be considered under Priority

I unless there is reason to believe that the child is not in immediate danger. (11-16-95)F()

02. Priority II. A child is not in immediate danger but allegations of abuse, including physical or sexual abuse, or serious physical or medical neglect are clearly defined in the referral. Law enforcement shall be notified within twenty-four (24) hours. The child shall be seen by the family services worker within forty-eight hours (48) two (2) working days of the Department's receipt of the referral. Law enforcement must be notified within twenty-four (24) hours of receipt of all Priority II referrals which involve issues of abuse or neglect. (11-16-95)F()

~~03. Priority III. A child is without parental care necessary for safety, health, and well-being. A family services worker shall respond within five (5) working days and the child must be seen by the worker within ten (10) working days of the Department's receipt of the referral. (11-16-95)F()~~

03. Priority III. A child may be in a vulnerable situation because of services needs, which if left unmet, may result in harm, or a child is without parental care for safety, health and well being. The child and parents will be interviewed for substantiation of the facts, and to assure that there is no parental abuse or neglect. A family services worker shall respond within three (3) calendar days and the child must be seen by the worker within five (5) calendar days of the Department's receipt of the referral. ()

~~04. Priority IV. A child may be in a vulnerable situation because of service needs, which if left unmet, may result in harm. The child and parents may be interviewed for substantiation of the facts, and to assure that there is no parental abuse or neglect. The Department may provide information and referral to community resources or may offer preventive services to the family as capacity allows. (11-16-95)F~~

04. Notification to Referent. The Department of Health and Welfare, Family and Children's Services, shall notify the reporting individual of the receipt of the referral within five (5) days. ()

155. SUPERVISORY REVIEW - CERTAIN PRIORITY I AND II CASES.

In all Priority I and II cases where the alleged victim of neglect, abuse or abandonment is through the age of six (6) five (5) and under, review by supervisory or team of all case documentation and other facts shall be conducted within forty-eight (48) hours of initiation of the risk assessment. Such review shall be documented in the file with the signature of the supervisor or team leader, time and date, whether additional risk related issues will be pursued and by whom, and any planning for initiation of services. (11-16-95)F()

(BREAK IN CONTINUITY OF SECTIONS)

158. COMMUNITY RESOURCES.

The Department shall provide information and referral to community resources or may offer preventative services to the family. ()

158. -- 169. (RESERVED).

170. RISK ASSESSMENT OF REPORTS.

The Department's risk assessment shall be conducted in ~~the~~ a standardized format of a risk assessment and shall utilize multi-disciplinary team protocols. (11-16-95)F()

171. ASSESSMENT.

The assessment shall include contact with the child or children involved, ~~and~~ the immediate family and a records check for history with respect to child protection issues. (11-16-95)F()

01. Interview of a Child. The interview of a child concerning a child protective report shall be conducted: (11-16-95)F()

a. In a manner that protects all children involved from undergoing any unnecessary traumatic experience, including but not limited to multiple interviews; (11-16-95)F()

b. By a professional with specialized training in using techniques that consider the natural communication modes and developmental stages of children; and (11-16-95)F()

c. In a neutral, non-threatening environment, such as a specially equipped interview room, if available. (11-16-95)F()

02. Interview of Family. Interview of the child's immediate family is mandatory in every case and may require the participation of law enforcement. The family services worker conducting the interview shall: ()

a. Immediately notify the parents being interviewed of the purpose and nature of the assessment. At the initial contact with family, the name and work phone numbers of the case worker and his/her supervisor shall be given to ensure the family has a contact for questions and concerns that may arise following the visit; (11-16-95)F()

b. Interview siblings who are identified as being at risk; and (11-16-95)F()

c. Not divulge the name of the person making the report during the course of the assessment. (11-16-95)F()

03. Collateral Interviews. Any assessment of an abuse or neglect report shall include at least one (1) collateral interview with a person who is familiar with the circumstances of the child or children involved. Collateral interviews shall be conducted with discretion and preferably with the parents' permission. (11-16-95)F()

04. Role of Law Enforcement. Section 16-1625, Idaho Code, specifies that the Department may enlist the cooperation of peace officers for phases of the risk assessment for which they have the expertise and responsibility. Such areas include, but are not limited to: (11-16-95)F()

a. Interviewing the alleged perpetrator; (11-16-95)F()

b. Removing the alleged perpetrator from the child's home in accordance with Section 39-6301, Idaho Code, the "Domestic Violence Act"; and (11-16-95)F()

c. Taking a child into custody in accordance with Section 16-1612, Idaho Code, where a child is endangered and prompt removal from his or her surroundings is necessary to prevent serious physical or mental injury. (11-16-95)F()

05. Notification of Referrant. Upon completion of the Risk Assessment, the referrant shall be notified. ()

172. DISPOSITION OF REPORTS.

Within five (5) days after completion of risk assessments, the Department shall determine whether the reports are ~~substantiated or unsubstantiated~~ valid or not valid. The validity of reports shall be determined using the following definitions, with consideration given to the age of the child, extenuating circumstances, prior history, parental attitude toward discipline, and severity of abuse or neglect: (11-16-95)F()

01. Valid. Child abuse and neglect reports are confirmed by one (1) or more of the following: when the allegations are confirmed, witnessed by a worker, determined or evaluated by a court, ~~involve~~ a confession, or are substantiated through the presence of significant evidence that establishes a clear factual foundation for the determination of "valid." (11-16-95)F()

02. Verifiable. Child abuse and neglect reports are confirmed by one (1) or more of the following: witnessed by a worker, determined or evaluated by a court, a confession, or are substantiated through the presence of significant evidence, but where the act was unintentional. ()

023. Indicated. Child abuse and neglect reports are indicated when the allegations cannot be confirmed or refuted; however, the worker has a reasonable belief the abuse or neglect occurred. (11-16-95)F()

034. Unable to Determine. A determination of child abuse and neglect cannot be made and the worker has no firm belief that abuse or neglect occurred. This category includes reports relating to families the worker is unable to locate. (11-16-95)F(____)

045. Invalid. Child abuse and neglect reports that are clearly unfounded, erroneous or otherwise incorrect. The worker is reasonably sure that the abuse or neglect did not occur. (11-16-95)F(____)

173. SUBSTANTIATED VALID REPORTS.

For reports determined to be "valid," ~~shall be considered substantiated and~~ the appropriate information shall be entered into the Department's Central Registry for the reporting of child abuse, abandonment and neglect, and the families ~~alleged perpetrator~~ so advised in writing. Notification will include how the individual can appeal to have his name removed from the list ~~disposition status changed~~. (11-16-95)F(____)

174. UNSUBSTANTIATED ALL OTHER REPORTS.

If it is determined through the risk assessment that reports are "~~unable to determine~~" or "~~invalid,~~" "not valid," the reports ~~shall be considered unsubstantiated and~~ the families shall be so advised. (11-16-95)F(____)

01. Request for Statement. Upon ~~the alleged perpetrator's~~ the individual's request, the field office shall issue written statements indicating that: (11-16-95)F(____)

a. The Department has not obtained sufficient information to warrant further assessment of or action on that specific report; and (11-16-95)F(____)

b. The Department shall fulfill its legal responsibility to investigate and take appropriate action on any further reports that elaborate on the previous allegations or relate new allegations. (11-16-95)F(____)

02. Removal of Identifying Information. Upon written request of ~~the alleged perpetrator, the individual,~~ the Department ~~shall~~ may remove identifying information relevant to that ~~alleged perpetrator individual~~ regarding an ~~unsubstantiated invalid~~ report from the Department's ~~Central Registry Data Base~~. (11-16-95)F(____)

(BREAK IN CONTINUITY OF SECTIONS)

241. CITIZEN REVIEW PANELS.

The Department shall have Citizen Review Panels in each region to review child protection cases. (____)

~~242.~~ -- 399. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

401. CONSIDERATIONS FOR PLACEMENT IN ALTERNATIVE CARE.

The Department shall make meaningful reasonable attempts, both verbally and in writing, to inform in priority order as identified below of the potential imminent placement and the requirements for consideration as a placement resource. The Department shall place children in a safe and trusted environment consistent with the best interest and special needs of the children as required by P.L.96-272, Section 475(5). Ideally, placement priority shall be given in the following order: a) Immediate family; b) Extended family members; c) Non-family members with a significant established relationship with the child; d) Other licensed foster parent. Upon immediate contact with persons in categories a through d above, and after preliminary screening, within seventy-two (72) hours of decision to place, Departmental staff shall make reasonable attempts to inform immediate family members of policies to follow in order to become a placement resource. The Department shall place children in the least restrictive (most family like) setting available and in close proximity to the parent's home consistent with the best interests and special needs of the child as required by P.L. 96-272, Section 475(5). Alternate care placement shall in all cases include consideration of: (11-16-95)F(____)

01. Family Assessment. The family assessment conducted in accordance with the provisions of Section

022. (11-16-95)F(____)

032. Ability of Providers. The ability of potential alternate care providers to address and be sensitive to the varied race, color, religion and ~~or~~ national origin needs of the child; (11-16-95)F(____)

023. Family Involvement. The involvement of the family in planning and selecting the placement, ~~and~~ The Department shall use a family unity meeting concept making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments. (11-16-95)F(____)

04. ICWA. All requirements of the Indian Child Welfare Act. (11-16-95)F(____)

05. MEPA. All requirements of the Multiethnic Placement Act. (11-16-95)F(____)

(BREAK IN CONTINUITY OF SECTIONS)

404. ALTERNATE CARE CASE MANAGEMENT.

Case management shall continue while the child is in alternate care and shall ensure the following: (11-16-95)F(____)

01. Preparation for Placement. Preparing a child for placement in alternate care shall be the joint responsibility of the child's family, the child (when appropriate), the family services worker and the alternate care provider. (11-16-95)F(____)

of: 02. Information for Provider. The Department and the family shall inform the alternate care provider (11-16-95)F(____)

a. Any medical, health and dental needs of the child; (11-16-95)F(____)

b. The name of the child's doctor; (11-16-95)F(____)

c. The child's current functioning and behaviors; (11-16-95)F(____)

d. The child's history and past experiences; (11-16-95)F(____)

e. The child's cultural and racial identity needs; (11-16-95)F(____)

f. Any educational, developmental, or special needs of the child; (11-16-95)F(____)

g. The child's interest and talents; (11-16-95)F(____)

h. The child's attachment to current caretakers; (11-16-95)F(____)

i. Procedures to follow in case of emergency; (11-16-95)F(____)

provider. j. Any additional information that may be required by the terms of the contract with the alternate care (11-16-95)F(____)

03. Parental Responsibilities. Parents shall sign a Departmental form of consent for medical care and keep the family services worker advised of where they can be reached in case of an emergency. Any refusal to give medical consent shall be documented in the family case record. (11-16-95)F(____)

04. Financial Arrangements. The family services worker shall assure that the alternate care provider understands the financial and payment arrangements and that necessary Department forms are completed and

submitted. (11-16-95)F()

05. Contact with Child. The family, the family services worker, the alternate care provider and the child, if of appropriate developmental age, shall establish a schedule for frequent and regular visits to the child by the family and by the family services worker or designee. (11-16-95)F()

a. Face-to-face contact in the alternate care setting with the child by the family services worker must occur at least monthly or when necessary for the observable needs of the child. (11-16-95)F()

b. ~~For children in group homes, the family services workers or designees must initiate contact at least monthly with each child on their case loads; and must assure face-to-face contact at least once every three (3) months with each child on their case loads. The Department shall have strategies in place to detect abuse or neglect of children in alternate care.~~ (11-16-95)F()

c. Regular contact with children placed in intensive treatment facilities, in or out-of-state, shall occur in accordance with Idaho Department of Health and Welfare policy on "Placement in Intensive Treatment Facilities." (11-16-95)F()

d. Frequent and ~~R~~regular contact between the child and parents and other family members shall be encouraged and facilitated unless it is specifically determined not to be in the best interest of the child. Such contact will be face-to-face if possible, with this contact augmented by telephone calls, written correspondence, pictures and the use of video and other technology as may be relevant and available. (11-16-95)F()

06. Discharge Planning. Planning for discharge from alternate care into family services that follow alternate care shall be developed with all concerned parties. Discharge planning shall be initiated at the time of placement and completed prior to the child's return home or to the community. (11-16-95)F()

07. Transition Planning. Planning for discharge from alternate care into a permanent placement shall be developed with all concerned parties. Discharge planning shall be initiated at the time of placement and completed prior to the child's return home or to the community. (11-16-95)F()

08. Financial and Support Services. As part of the discharge planning, Departmental resources shall be coordinated to expedite access to Department financial and medical assistance and community support services. ()

(BREAK IN CONTINUITY OF SECTIONS)

424. REQUIREMENTS FOR THE ALTERNATE CARE PLAN (SECTION 422 COMPLIANCE).

Section 422 of P.L. 96-272, the federal "Adoption Assistance and Child Welfare Act of 1980," requires states to implement a case review system to protect children who are in alternate care under the supervision of the state. The system must meet certain requirements for the contents of the alternate care plan, for periodic case review and for dispositional hearings. (11-16-95)F()

01. Contents. The alternate care plan shall include the following eight (8) requirements (seven (7) requirements of P.L. 96-272 and one (1) requirement subsequently added by P.L. 101-239): (11-16-95)F()

a. A description of the type of home or institution in which the child is to be placed; (11-16-95)F()

b. A discussion of the appropriateness of the placement; (11-16-95)F()

c. A statement of how the plan is designed to achieve placement in the least restrictive (most family-like) setting available, consistent with the best interest and special needs of the child; (11-16-95)F()

d. A statement of how the plan is designed to achieve placement in close proximity to the parents'

home, consistent with the best interest and special needs of the child; (11-16-95)F(____)

e. Discussion of how the family and the Department plan to carry out the judicial determination made (court order) with respect to the child in accordance with Section 472(a)(1), P.L. 96-272. The Department shall use a family unity meeting concept making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments; (11-16-95)F(____)

f. A plan for assuring that the child receives proper care; (11-16-95)F(____)

g. A plan for assuring that identified services are provided to the child parents and family to improve the conditions in the parents' home, in order to facilitate recommend to the court return of the child to that home or to arrange for other permanent placement for the child. All case plans shall include specific time frames of obtaining the family's measurable outcomes and defined frequency of communication, review and reassessment of risk; (11-16-95)F(____)

h. A plan for assuring that identified services are provided to the child and foster parents to address the needs of the child while in foster care; (11-16-95)F(____)

i. A discussion of the appropriateness of the services provided to the child under the plan; and (11-16-95)F(____)

j. To the extent available and accessible, current health and education records, including: (11-16-95)F(____)

i. The names and addresses of the child's health and educational providers; (11-16-95)F(____)

ii. The child's grade level performance; (11-16-95)F(____)

iii. The child's school record; (11-16-95)F(____)

iv. Assurances that the child's alternate care arrangements take into account proximity to the school in which the child is enrolled at the time the alternate care plan is developed; (11-16-95)F(____)

v. A record of the child's immunizations; (11-16-95)F(____)

vi. The child's known medical problems; (11-16-95)F(____)

vii. Any other pertinent health and education information concerning the child. (11-16-95)F(____)

k. A statement explaining why the child has been placed in a foster family home or child-care institution a substantial distance from the home of the parents of the child, or in a state different from the state in which such home is located, and why such placement is in the best interests of the child; (11-16-95)F(____)

l. A plan for assuring that if a child has been placed in foster care outside the state in which the home of the parents of the child is located, periodically but not less frequently than every twelve (12) months, a caseworker on the staff of the state agency of the state in which the home of the parents of the child is located, or of the state in which the child has been placed, visit such child in such home or institution and submit a report on such visit to the state agency of the state in which the home of the parents of the child is located. (11-16-95)F(____)

02. Periodic Review. By the provision of Section 475(5)(b), P.L. 96-272, the status of each child placed in alternate care must be reviewed periodically, but no less frequently than every six (6) months from the date of the original alternate care placement and every six (6) months thereafter until the child has been in placement for eighteen (18) months (see Subsection 424.03.c.), by either a court or an administrative review. The periodic reviews shall meet the following six (6) requirements: (11-16-95)F(____)

a. The periodic reviews have determined the continuing necessity for an appropriateness of the

- placement. (11-16-95)F()
- b. The periodic reviews have determined the extent of compliance with the alternate care plan. (11-16-95)F()
 - c. The periodic reviews have determined the extent of progress which has been made toward alleviating or mitigating the causes necessitating the placement. (11-16-95)F()
 - d. The periodic reviews have projected a likely date by which the child may be returned to his or her own home or placed for adoption or in legal guardianship. (11-16-95)F()
 - e. The periodic reviews are open to the participation of the parents and the children involved. (11-16-95)F()
 - f. The periodic reviews are conducted by a panel of appropriate persons, at least one (1) of whom is not responsible for the case management of, or delivery of, services to either the child or the parents who are the subject of the review. (11-16-95)F()
03. Dispositional Hearings. By the provisions of Section 475(5)(b), P.L. 96-272, every child in alternate care under state supervision must be afforded a permanency planning dispositional hearing. (11-16-95)F()
- a. Dispositional hearings shall meet the following three (3) requirements: (11-16-95)F()
 - i. Procedural safeguards were applied with respect to parental rights pertaining to the removal of the child from the home of his or her parents. (11-16-95)F()
 - ii. Procedural safeguards were applied with respect to parental rights pertaining to a change in the child's placement. (11-16-95)F()
 - iii. Procedural safeguards were applied with respect to parental rights pertaining to any determination affecting visitation rights. (11-16-95)F()
 - b. Procedural safeguards shall assure fundamental fairness to the family including the following: (11-16-95)F()
 - i. Opportunity for a hearing prior to any change of disposition or of the status quo; (11-16-95)F()
 - ii. Adequate notice of such hearings, with time to prepare and right to be present; (11-16-95)F()
 - iii. Their right to know the allegations against them and to confront those allegations; and (11-16-95)F()
 - iv. Their right to have legal counsel appointed if requested and eligible. (11-16-95)F()
 - c. Permanency planning dispositional hearings shall be held no later than eighteen (18) months after the date of the original alternate care placement and no later than every twelve (12) months thereafter. Some hearings, not dispositional hearings, are required more frequently according to the following guidelines: (11-16-95)F()
 - i. Hearings are required each time any child is moved to a more restrictive alternate care setting; (11-16-95)F()
 - ii. Every twelve (12) months for any child in the care of the Department under Section 16-1610, Idaho Code, the "Child Protective Act," a renewal of custody hearing is needed. This hearing shall meet dispositional hearing requirements if the judge makes, and the resulting court order contains, required findings. (11-16-95)F()
 - iii. Hearings are required in accordance with Section 16-2010(c), Idaho Code, at least each eighteen

(18) months from the date guardianship was granted, until a final court order of adoption is issued and placed in the adoptive family's case record. (11-16-95)F(____)

d. The administrative or judicial hearing for permanency planning disposition must include, at a minimum: (11-16-95)F(____)

i. Written notice to all parties at least two (2) weeks in advance specifying: (11-16-95)F(____)

(a) The date, time, and place of the review; (11-16-95)F(____)

(b) Action to be taken; (11-16-95)F(____)

(c) Opportunity for face-to-face discussion including attending, asking questions, and making statements; (11-16-95)F(____)

(d) Opportunity for recourse in the form of a petition for review by the magistrate division of the District Court or, more generally, by the request for a review hearing in underlying court action under the appropriate Act. (11-16-95)F(____)

ii. Determination of: (11-16-95)F(____)

(a) Continuing necessity for, and appropriateness of, the child's placement; and (11-16-95)F(____)

(b) Future status of the child (whether the child should be returned to the family, should continue in foster care for specified period, should be placed for adoption or should continue in foster care on a permanent, long term basis, and in the case of a child in care out of state, whether the out-of-state placement continues to be appropriate and in the best interest of the child). (11-16-95)F(____)

e. The eighteen (18) month permanency planning dispositional hearing may be held by the court having jurisdiction in the underlying case if that is the preference of the court. If the court does not wish to conduct this hearing, it may be held administratively by a hearing officer appointed by the regional director. (11-16-95)F(____)

i. The hearing officer shall not be an employee of the Division of Family and Community Services or a regional Family and Children's Services Program. (11-16-95)F(____)

ii. The hearing officer shall be certified as having completed the training program provided by the Deputy Attorney General assigned to the region or the Division that will enable him to understand the review process and his role as participant and hearing officer. This requirement of certification does not include hearing officers with legal background or judges, although both are encouraged to attend training sessions. (11-16-95)F(____)

f. A written record of the administrative or judicial hearing shall be maintained: (11-16-95)F(____)

i. Indicating the time, date, and place of the review and all the participants; (11-16-95)F(____)

ii. Stating the recommendations and conclusions and the reasons therefore; (11-16-95)F(____)

iii. Filed in the family's case record; and (11-16-95)F(____)

iv. Provided to all participants, subject to the safeguards regarding confidentiality in accordance with the provisions of ~~Idaho Department of Health and Welfare~~ IDAPA 16, Title 05, Chapter 01, Rules Governing the Protection and Disclosure of Department Records. (11-16-95)F(____)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.06.12 - RULES GOVERNING THE IDAHO CHILD CARE PROGRAM

DOCKET NO. 16-0612-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 56-201 through 56-233, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the June 5, 1996 Administrative Bulletin, Volume 96-6, pages 139 through 145.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Ellen Welch at (208) 334-0661.

DATED this 2nd day of October, 1996.

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

IDAPA 16
TITLE 06
Chapter 12

RULES GOVERNING THE IDAHO CHILD CARE PROGRAM

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-6, June 5, 1996, pages 139 through 145.**

**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 17 - INDUSTRIAL COMMISSION
17.02.07 - PROCEDURES TO OBTAIN COMPENSATION
DOCKET NO. 17-0207-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rules become final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67- 5442 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Sections 72-432, 72-448, 72-508, 72-602, 72-701, 72-702, 72-703, and 72-704, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 78 through 81.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these pending rules, contact Maureen Bock at (208) 334-6000.

DATED this 12th day of August 1996.

P. Maureen Bock, Administrator
Benefits Administration
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-2321

IDAPA 17
TITLE 02
Chapter 07

PROCEDURES TO OBTAIN COMPENSATION

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 78 through 81.**

**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 17 - INDUSTRIAL COMMISSION
17.04.04 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING
DOCKET NO. 17-0404-9601
NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the repeal IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging. The proposed rules are being replaced in their entirety by IDAPA 17.08.01 through 17.08.16 for the state's minimum safety standards and practices dealing with logging and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26rd day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THIS RULE IS REPEALED IN ITS ENTIRETY.

**IT IS REPLACED BY A NEW RULE THAT IS PUBLISHED IN THIS
BULLETIN UNDER DOCKETS 17.08.01 THROUGH 17.08.16
FOLLOWING THIS NOTICE.**

IDAPA 17 - INDUSTRIAL COMMISSION

17.04.07 - ELEVATOR SAFETY RULES

DOCKET NO. 17-0407-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the repeal of IDAPA 17.04.07, Elevator Safety Rules. The proposed rules are being replaced in their entirety by IDAPA 17.07.01 through 17.07.04 for the state's minimum safety standards and practices dealing with elevators and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THIS RULE IS REPEALED IN ITS ENTIRETY.

**IT IS REPLACED BY A NEW RULE THAT IS PUBLISHED IN THIS
BULLETIN UNDER DOCKETS 17.07.01 THROUGH 17.07.04
FOLLOWING THIS NOTICE.**

IDAPA 17 - INDUSTRIAL COMMISSION
17.07.01 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- GENERAL REQUIREMENTS
DOCKET NO. 17-0701-9601
NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Elevator Safety Rules, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with elevator safety and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0701-9601

IDAPA 17
TITLE 07
Chapter 01

17.07.01 - SAFETY RULES FOR ELEVATORS AND ESCALATORS --
GENERAL REQUIREMENTS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority granted the Industrial Commission by Sections 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 07, Chapter 01, Safety Rules for Elevators and Escalators - General Requirements, and shall be applicable to all persons engaged in the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedures for appeals in safety matters is prescribed by Sections 72-713 and 72-714 and 72-718 through 72-722, Idaho Code. ()

004. (RESERVED).

005. INCLUSIVE GENDER.

For all sections and subsections of these rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate. ()

006. SEVERABILITY.

The sections and subsections of these rules are severable. If any rule, or part thereof, or the application of such rule, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. ()

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Alteration. Is any change to equipment other than maintenance, repair, or replacement. ()
02. Approved. Acceptable to the authority having jurisdiction. ()
03. Authority Having Jurisdiction. The State of Idaho, Division of Building Safety. ()
04. Authorized Personnel. Persons who have been instructed in the operation and/or maintenance of the equipment designated by the owner to use or maintain the equipment. ()
05. Building Code. The latest state adopted version of the Uniform Building Code. ()
06. Certified. A certification by a testing laboratory, a professional engineer, a manufacturer, or a contractor that a device or an assembly conforms to the requirements of the Safety Code for Elevators and Escalators (ASME A17.1). ()
07. Competent Person. A person who is capable of identifying existing and predictable hazards and who has authorization to take prompt corrective action to eliminate them. ()
08. Department. Is the Division of Building Safety. ()
09. Designated Attendant. Is where elevator operation is controlled from the inside of the car. ()
10. Designated Level. Is the main floor or other level that best serves the needs of emergency personnel for firefighting or rescue purposes. ()

11. Director. Is the administrator of the Division of Building Safety. ()
12. Dumbwaiter. Is a hoisting and lowering mechanism equipped with a car of limited size which moves in guide rails and serves two or more landings, and classified by the following types: ()
- a. Hand dumbwaiter. Is a dumbwaiter utilizing manual energy to move the car. ()
 - b. Power dumbwaiter. Is a dumbwaiter utilizing energy other than gravitational or manual to move a car. ()
 - c. Electric dumbwaiter. Is a power dumbwaiter where the energy is applied by means of an electric driving machine. ()
 - d. Hydraulic dumbwaiter. Is a power dumbwaiter where the energy is applied, by means of a liquid under pressure, in a cylinder equipped with a plunger or piston. ()
 - e. Direct plunger hydraulic dumbwaiter. Is a hydraulic dumbwaiter having a plunger or cylinder directly attached to the car frame or platform. ()
 - f. Electro-Hydraulic Dumbwaiter. Is a direct plunger dumbwaiter where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor. ()
 - g. Maintained pressure hydraulic dumbwaiter. Is a direct plunger dumbwaiter where liquid under pressure is available at all times for transfer into the cylinder. ()
 - h. Roped Hydraulic Dumbwaiter. Is a dumbwaiter having its piston connected to the car with wire rope. ()
 - i. Under-counter dumbwaiter. Is a dumbwaiter which has its top terminal landing located underneath a counter. ()
13. Earthquake Protective Devices. A device or group of devices which serve to regulate the operation of an elevator or group of elevators in a predetermined manner during or after an earthquake. ()
14. Elevator. A hoisting and lowering mechanism, equipped with a car or platform, which moves in guide rails and serves two or more landings and is classified by the following types: ()
- a. Freight elevator. Is an elevator used primarily for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride. ()
 - b. Gravity elevator. Is an elevator utilizing gravity to move the car. ()
 - c. Hand elevator. Is an elevator utilizing manual energy to move the car. ()
 - d. Inclined elevator. Is an elevator which travels at an angle of inclination of seventy (70) degrees or less from the horizontal. ()
 - e. Multi-deck elevator. Is an elevator having two or more compartments located one immediately above the other. ()
 - f. Observation elevator. Is an elevator designed to permit exterior viewing by passengers while the car is traveling. ()
 - g. Passenger elevator. Is an elevator used primarily to carry persons other than the operator and persons necessary for unloading and loading. ()
 - h. Power elevator. Is an elevator utilizing energy other than gravity or manual to move the car. ()

- i. Electric elevator. Is a power elevator where the energy is applied by means of an electric driving machine. ()
- j. Hydraulic elevator. Is a power elevator where the energy is applied, by means of a liquid under pressure, in a cylinder equipped with a plunger or piston. ()
- k. Direct plunger hydraulic elevator. Is a hydraulic elevator having a plunger or cylinder directly attached to the car frame or platform. ()
- l. Electro-hydraulic elevator. Is a direct plunger elevator where liquid is pumped under pressure directly into the cylinder by a pump driven by an electric motor. ()
- m. Limited-use/limited application elevator. Is a power passenger elevator where the use and application is limited by size, capacity, speed, and rise, intended principally to provide vertical transportation for people with physical disabilities. ()
- n. Maintained pressure hydraulic elevator. Is a direct plunger elevator where liquid under pressure is available at all times for transfer into the cylinder. ()
- o. Roped hydraulic elevator. Is a hydraulic elevator having its plunger or piston connected to the car with wire ropes or indirectly coupled to the car by means of wire ropes and sheaves. ()
- p. Rack and pinion elevator. Is a power elevator with or without a counterweight which is supported, raised, and lowered by a motor or motors which drive a pinion or pinions on a stationary rack mounted in the hoistway. ()
- q. Screw column elevator. Is a power elevator having an uncounter-weighted car which is supported, raised, and lowered by means of a screw thread. ()
- r. Private residence elevator. Is a power passenger elevator which is limited in size, capacity, rise, and speed, and is installed in a single family private residence or in a multiple dwelling as a means of access to an individual private residence. ()
- s. Rooftop elevator. Is a power passenger or freight elevator operating between a landing at roof level and one landing below. It opens onto the exterior roof level of the building through a horizontal opening. ()
- t. Sidewalk elevator. Is an elevator of the freight type operating between a landing in a sidewalk or other exterior area and the floors below the sidewalk or grade level. It opens onto the exterior area through a horizontal opening. ()
- u. Special purpose personnel elevator. Is an elevator which is limited in size, capacity, and speed, and permanently installed in structures such as grain elevators, radio antenna, bridge towers, underground facilities, dams, power plants, and similar structures to provide vertical transportation of authorized personnel and their tools and equipment only. ()
- v. Construction elevator. Is an elevator being used temporarily, only for construction purposes. ()
15. Enforcing Authority. The Industrial Commission, State of Idaho. ()
16. Escalator. A power driven, inclined, continuous stairway used for raising or lowering passengers. ()
17. Hoistway Enclosure. The fixed structure, consisting of vertical walls or partitions, which isolates the hoistway from all other areas or from an adjacent hoistway and in which the hoistway doors and door assemblies are installed. ()

18. Inspection and Tests. ()
- a. Acceptance. The initial inspection and tests of new or altered equipment by a competent person and witnessed by a State Inspector to check for compliance with the applicable code requirements. ()
- b. Periodic. Routine inspection and tests plus additional detailed examination and operation of equipment at specified intervals performed by a competent person and witnessed by a State Inspector to check for compliance with the applicable code requirements. ()
- c. Routine. The examination and operation of equipment at specified intervals by a competent person to check for compliance with applicable code requirements. ()
19. Installation. A complete elevator, dumbwaiter, escalator, lift, inclined lift, or moving walk including its hoistway, hoistway enclosures and related construction, and all machinery and equipment for its operation. ()
- a. Existing installation. An installation that has been completed or was under construction prior to the effective date of the adoption of the latest applicable ASME standard. ()
- b. New installation. Any installation not classified as an existing installation by definition, or an existing elevator, dumbwaiter, escalator, lift, inclined lift, or moving walk moved to a new location subsequent to the effective date of the adoption of the latest applicable ASME standard. ()
20. Installation Placed Out of Service. An installation whose power feed lines have been disconnected from the mainline disconnect switch and. ()
- a. An electric elevator, dumbwaiter, or lift whose suspension ropes have been removed, whose car and counterweights rest at the bottom of the hoistway, and whose hoistway doors have been permanently barricaded or sealed in the closed position on the hoistway side; ()
- b. A hydraulic elevator, dumbwaiter, or lift whose car rests at the bottom of the hoistway; when provided with suspension ropes and counterweights, the suspension ropes have been removed and the counterweights rest at the bottom of the hoistway; and whose hoistway doors are permanently barricaded or sealed in the closed position on the hoistway side; ()
- c. An escalator or moving walk whose entrances have been permanently barricaded. ()
21. Labeled. Equipment or materials to which has been attached a label, symbol, or other identifying mark of an independent certifying organization with product evaluation, that maintains periodic inspection of production of labeled equipment or materials and by whose labeling the manufacturer indicates compliance with appropriate standards or performance in a specified manner. ()
22. Listed. Equipment or materials included in a list published by an independent certifying organization concerned with product evaluation that maintains periodic inspection of production of listed equipment or materials and whose listing states whether that equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner. ()
23. Main Floor. The floor providing normal egress from the building. ()
24. Maintenance. A process of routine examination, lubrication, cleaning, adjustment, and replacement of parts for the performance in accordance with applicable Code requirements. ()
25. Penetrate a Floor. To pass through or pierce a floor in such a way that the opening has a continuous perimeter and is provided only to allow equipment to pass through the floor. ()
26. Phase I Emergency Recall. The operation of an elevator wherein it is automatically or manually recalled to a specific landing and removed from normal service because of activation of a fire detection device.

- ()
27. Phase II Emergency In-Car Operation. The operation of an elevator by firefighters where the operation of the elevator is under their control. ()
28. Pit. That portion of a hoistway extending from the sill level of the lowest landing to the floor at the bottom of the hoistway. ()
29. Private Residence. A separate dwelling or a separate apartment in a multiple dwelling which is occupied only by the members of a single family unit. ()
30. Repair. The process of rehabilitation or replacement of parts that are basically the same as the original for the purpose of ensuring performance in accordance with the applicable code requirements. ()
31. Replacement. The substitution of a device or component in its entirety with a new unit that is basically the same as the original for the purpose of ensuring performance in accordance with the applicable code requirements. ()
32. Weather Proof. So constructed or protected that exposure to the weather will not interfere with the successful operation of the equipment. ()

011. ABBREVIATIONS.

01. ANSI. American National Standards Institute. ()
02. ASME. American Society of Mechanical Engineers. ()
03. DBS. Division of Building Safety. ()
04. IDAPA. Idaho Administrative Procedures Act. ()
05. NEC. National Electric Code. ()
06. NFPA. National Fire Protection Association. ()
07. PSIG. Pounds per Square Inch Gage. ()
08. UBC. Uniform Building Code. ()
09. UL. Underwriters Laboratories. ()

012. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.07.02 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- ADMINISTRATION
DOCKET NO. 17-0702-9601
NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Elevator Safety Rules, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with elevator safety and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0702-9601

IDAPA 17
TITLE 07
Chapter 02

17.07.02 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- ADMINISTRATION

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority granted the Industrial Commission by Sections 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 07, Chapter 02, Safety Rules for Elevators and Escalators - Administration, and shall be applicable to all persons engaged in the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedures for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. ABBREVIATIONS.

For abbreviations refer to IDAPA 17, Title 07, Chapter 01, Section 011. ()

010. DEFINITIONS.

For definitions refer to IDAPA 17, Title 07, Chapter 01, Section 010. ()

011. ADMINISTRATION.

- 01. Incorporation by Reference. ()
 - a. ANSI/ASME A17.1 - 1993 with addenda, Safety Code for Elevators and Escalators. ()
 - b. ANSI/ASME A17.2.1 - 1993 with addenda, Inspector's Manual for Electric Elevators. ()
 - c. ANSI/ASME A17.2.2 - 1994 with addenda, Inspector's Manual for Hydraulic Elevators. ()
 - d. ANSI/ASME A17.2.3 - 1994 with addenda, Inspector's Manual for Escalators and Moving Walks. ()
 - e. ANSI/ASME A17.3 - 1993 with addenda, Existing Elevators and Escalators. ()
 - f. ANSI/ASME A17.4 - 1991, Emergency Evacuation of Passengers from Elevators. ()
- 02. Construction. ()
 - a. All new elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, to be installed or operated in the State of Idaho shall be designed, constructed, installed, operated, and inspected in accordance with the applicable ANSI/ASME code, the latest addenda, and these rules. ()
 - b. All elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, shall have a State of Idaho registration number permanently affixed to the equipment. ()
 - c. All hydraulic elevators shall have a manual shutoff valve in the supply line to the hydraulic cylinder located in the elevator machine room. ()
 - d. All hydraulic elevators shall have a hydraulic nipple type H-1 located between the hydraulic oil

- pump and the machine room manual shutoff valve to standardize pressure gage installations. ()
03. Registration Fees. ()
04. Notification. ()
- a. Before any major alteration or repairs are made to existing elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, or before the installation of new elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, notice of such major alteration or installation must be given in writing to the Idaho Division of Building Safety. ()
- b. When an accident occurs involving elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, the owner, user, or designated representative shall promptly notify the Division and submit a detailed report of the accident. ()
05. Exemptions. ()
- a. Elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators in private residences. ()
- b. Elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators owned by the Federal Government. ()
- c. State inspectors are exempt from the ASME QEI-1 requirements. ()
06. Emergency Evacuation of Passengers from Elevators. ()
- a. ANSI/ASME A17.4 - 1991, Emergency Evacuation of Passengers from Elevators shall be used as a guide for conducting training and performing emergency evacuation of passengers from an elevator. ()
- b. Whenever possible any evacuation of passengers from an elevator car shall be conducted under the direct supervision of elevator personnel. ()
- c. Only trained personnel shall attempt emergency evacuation of passengers from an elevator. ()
- d. The owner of an elevator shall ensure that there are properly trained personnel capable of performing emergency evacuation of passengers from an elevator. ()
- e. Rescue personnel shall have the proper tools and equipment ready for use prior to attempting emergency evacuation of passengers from an elevator. ()
- f. Specialized elevator door keys shall be used by and available to properly trained personnel. ()
07. Elevator Machine Room/Mechanical Spaces. ()
- a. Only elevator personnel and authorized personnel shall have access to the elevator machine room and mechanical spaces. ()
- b. No non-elevator related materials shall be stored in elevator machine room and mechanical spaces. ()
- c. No non-elevator related utilities shall be installed or run through elevator machine room and mechanical spaces. ()

012. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.07.03 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- INSPECTIONS
DOCKET NO. 17-0703-9601
NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Elevator Safety Rules, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with elevator safety and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0703-9601

IDAPA 17
TITLE 07
Chapter 03

17.07.03 - SAFETY RULES FOR ELEVATORS AND ESCALATORS -- INSPECTIONS

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority granted the Industrial Commission by Sections 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 07, Chapter 03, Safety Rules for Elevators and Escalators - Inspections, and shall be applicable to all persons engaged in the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedures for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. ABBREVIATIONS.

For abbreviations refer to IDAPA 17, Title 07, Chapter 01, Section 011.

010. DEFINITIONS.

For definitions refer to IDAPA 17, Title 07, Chapter 01, Section 010. ()

011. INSPECTIONS.

01. Types of Inspection. ()

a. Acceptance inspection shall be conducted by a competent person representing the owner and witnessed by a State inspector for all new or altered elevators, unless otherwise exempted by these rules. ()

b. Routine inspection shall be conducted annually by a competent person representing the owner for all elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators, unless otherwise exempted by these rules, utilizing forms provided by the Division. ()

c. Periodic inspection shall be conducted by a competent person representing the owner and witnessed by a State inspector for all elevators, unless otherwise exempted by these rules. ()

02. Requirement. ()

a. Elevators installed or operated in the State of Idaho, unless otherwise exempted by these rules, shall have an inspection in accordance with Chapter 02, Subsection 011.06.a., b., or c., which must result in the issuance of a certificate to operate before such elevator is placed into operation. A certificate to operate may be issued for an elevator only in the judgement of the state inspector following a thorough inspection. If in the opinion of the state inspector the elevator is unsafe, the inspector shall prohibit the use of the elevator until it is made safe. (See Figure 011.02-A, Chapter 3) ()

FIGURE 011.02-A SAMPLE OF A CERTIFICATE TO OPERATE

State of Idaho
INDUSTRIAL COMMISSION
and
DIVISION OF BUILDING SAFETY

ELEVATOR
CERTIFICATE TO OPERATE

ELEVATOR (SN): _____ EXPIRES: _____
LOCATED AT: _____

MAY BE OPERATED FOR A PERIOD OF _____ FROM THE DATE OF ISSUE SO LONG AS THE ELEVATOR CONTINUES TO MEET ALL APPLICABLE CODE REQUIREMENTS. THIS CERTIFICATE REMAINS THE PROPERTY OF THE STATE OF IDAHO AND CAN BE REVOKED AT ANY TIME IF THE ELEVATOR FAILS TO COMPLY WITH THE APPROPRIATE CODES.

ISSUED BY: _____ DATE: _____

POST THIS CERTIFICATE IN A PROMINENT PLACE IN THE ELEVATOR MACHINE ROOM
(IF NOT IT MUST BE POSTED UNDER GLASS OR SIMILARLY PROTECTED)

18 004 EGH

b. A temporary certificate to operate, good for sixty (60) days, may be issued to allow use of the elevator while non-critical nonconformances are corrected. Before the expiration the sixty (60) days the elevator shall be reinspected and a permanent certificate to operate shall be issued or the elevator shall be put out of commission. ()

FIGURE 011.02-B SAMPLE OF A TEMPORARY CERTIFICATE TO OPERATE

State of Idaho
INDUSTRIAL COMMISSION
and
DIVISION OF BUILDING SAFETY

ELEVATOR
TEMPORARY
CERTIFICATE TO OPERATE

ELEVATOR (SN): _____ EXPIRES: _____
LOCATED AT: _____

MAY BE OPERATED FOR A PERIOD NOT TO EXCEED 60-DAYS BY WHICH TIME ALL NOTED INSPECTION REPORT NONCOMPLIANCE'S SHALL BE CORRECTED AND THE ELEVATOR REINSPECTED OR TAKEN OUT OF SERVICE.

ISSUED BY: _____ DATE: _____

9-004 POST THIS CERTIFICATE IN A CONSPICUOUS PLACE IN THE ELEVATOR MACHINE ROOM 056

c. A certificate to operate shall be good for five (5) years as long as the elevator continues to meet the requirements of the appropriate codes. ()

d. The certificate to operate remains the property of the state of Idaho and can be revoked at anytime the elevator fails to meet the requirements of the appropriate codes. ()

03. Fees. ()

04. Reports. ()

a. When ever an inspection is conducted by a competent person representing the owner and witnessed by a State inspector, a copy of the inspection report shall be filed with the Division and a copy sent to the owner or the owner's representative for corrective actions as required. ()

b. When ever an inspection is conducted by a competent person representing the owner, a copy of the inspection report shall be filed with the Division. ()

05. Remuneration. ()

a. Competent persons, referred to in Chapter 03, Subsection .011.01 and .04, shall be considered as employees of the owner or the owner's representative and shall receive no salary from, nor shall any of their expenses be paid by the state of Idaho. ()

012. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.07.04 - SAFETY RULES FOR ELEVATORS AND ESCALATORS --
CONSTRUCTION, REPAIR, ALTERATION, OR DISMANTLING

DOCKET NO. 17-0704-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Elevator Safety Rules, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with elevator safety and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0704-9601

IDAPA 17
TITLE 07
Chapter 04

17.07.04 - SAFETY RULES FOR ELEVATORS AND ESCALATORS --
CONSTRUCTION, REPAIR, ALTERATION, OR DISMANTLING

000. LEGAL AUTHORITY.

These rules are promulgated pursuant to the authority granted the Industrial Commission by Sections 72-508, 72-720, 72-721, 72-722, and 72-723, Idaho Code. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 07, Chapter 04, Safety Rules for Elevators and Escalators - Construction, Repair, Alteration, or Dismantling, and shall be applicable to all persons engaged in the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedures for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. ABBREVIATIONS.

For abbreviations refer to IDAPA 17, Title 07, Chapter 01, Section 011.

010. DEFINITIONS.

For definitions refer to IDAPA 17, Title 07, Chapter 01, Section 010. ()

011. CONSTRUCTION, REPAIR, ALTERATION, OR DISMANTLING.

01. Requirements. ()

a. Only persons who are qualified by virtue of training and experience shall construct, repair, alter, or dismantle elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators. EXCEPTION. An apprentice while under the direct supervision of a qualified journeyman. ()

b. Elevators, dumbwaiters, moving walks, material lifts, wheelchair lifts, stairway chair-lifts, and escalators that are under maintenance, repair, inspection, alteration, construction, being dismantled, or are otherwise out of service shall have their points of entry appropriately barricaded and signed. Additionally mechanical rooms/spaces or controllers shall be appropriately signed. ()

02. Safety Devices. ()

a. No person shall attempt to remove or do any work on any safety device until the elevator, dumbwaiter, moving walk, material lift, wheelchair lift, stairway chair-lift, or escalator is removed from service. ()

b. No person shall alter any safety device in any manner to render it ineffective except as part of a required test or during an inspection procedure. ()

012. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.01 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES
FOR LOGGING -- GENERAL PROVISIONS

DOCKET NO. 17-0801-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720, Boise, Idaho 83720-0041
Telephone: (208) 334-6000 / Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0801-9601

IDAPA 17
TITLE 08
Chapter 01

17.08.01 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES
FOR LOGGING -- GENERAL PROVISIONS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 01, Idaho Minimum Safety Standards and Practices for Logging -- General Provisions, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. (RESERVED)

005. INCLUSIVE GENDER.

For all sections and subsections of these rules, the terms and references used in the masculine include the feminine and vice versa, as appropriate. ()

006. SEVERABILITY.

The sections and subsections of these rules are severable. If any rule, or part thereof, or the application of such rule, or the application of such rule to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion. ()

007. DEFINITIONS.

Terms used in these standards shall be interpreted in the most commonly accepted sense, excepting only those specifically defined. ()

01. Approved. The term approved shall mean approved by the Industrial Commission and/or Division of Building Safety. ()

02. Commission. The Industrial Commission of the state of Idaho. ()

03. Department. The Division of Building Safety. ()

04. Shall, Must, Will. Is compulsory or mandatory. ()

05. Equipment. The term as used shall mean and include all machines, machinery, tools, devices, safeguard, and protective facilities used in connection with the operation and maintenance of an establishment regardless of ownership. ()

06. Guarded. Guarded shall mean, covered, shielded or railed so as to remove the liability of dangerous contact or approach by employees or objects. It shall further mean construction of guards to ensure protection from flying objects where applicable. ()

07. Hazard. Hazard as used in these standards shall mean any condition or circumstance which may cause injury to an employee. ()

08. Safety Factor or Factor of Safety. This term as used is the ratio of the ultimate breaking strength of a member or piece of material to the actual working stress or to the maximum permissible (safe load) stress. Example. When a safety factor of six (6) is required, the structure, lines, hoists, or other equipment referred to shall be such as to provide a strength sufficient to support a load equal to six (6) times the total weight or stress to be imposed on it. ()

09. Standard Safeguard. Shall mean a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building or equipment to which it is attached. ()

10. Substantial. Shall mean constructed of such strength, of such material, and of such workmanship, that the object referred to will withstand normal wear, shock and usage. ()

11. Exposed to Contact. Shall mean the location of a hazardous object is so accessible that a workman may, in the course of his employment, come into contact with the object. ()

12. It is Recommended, or Should. When these terms are used they shall indicate provisions which are not mandatory. ()

13. Log or Logs. When the word log or logs is used, it includes poles, piling, pulpwood, skids, etc. ()

008. INTERPRETATION AND APPLICATION OF THIS RULE.

01. Scope. This rule is a part of the state of Idaho industrial accident prevention program and has the full force and effect of law. ()

02. Jurisdiction. In accordance with the laws of the state of Idaho, every employer and every employee working in the State of Idaho shall conform with the rules and regulations of this rule. ()

03. Enforcement. The enforcement of all rules and regulations of this rule and the right of inspection and examination, at any time, shall rest with the Commission and/or Department. ()

04. Issues Not Covered. Where specific standards in this rule fail to provide a rule or standard applicable to the operation in question, and other State of Idaho codes or standards are applicable, those codes or standards shall apply. ()

05. Interpretations. Should any controversy develop as to the intent or application of any standard or rule as set forth in this rule, or the interpretation of any standard or rule set forth in this rule, such controversy shall be called to the direct attention of the Director who will render a decision as the applicability of such rule or standard. Any appeal from this decision shall be directed to the Commission. ()

06. Additional Standards. It is recognized that a definite, positive safety standard cannot anticipate all contingencies. The Commission and/or Department, after due notice and opportunity to be heard, may require additional standards and practices to insure adequate safety at any place of any employment, and, on its own motion or upon application of any employer, employee, group, or organization, may modify any provision of this rule. ()

07. Exceptions. In exceptional cases where the rigid application or compliance with a requirement can only be accomplished to the detriment and serious disadvantage of an operation, method, or process, exception to the requirement will be considered upon written application to the Commission and Department. After thorough investigation, the Commission or Department may grant an exception or may apply or devise another applicable rule, if human life and physical well being will not be endangered by such exception. ()

08. Existing Buildings, Structures, and Equipment. Nothing contained in this rule for Logging shall prevent the use of existing buildings, structures, and equipment during their lifetime when maintained in good safe condition, and properly safeguarded, and conform to the applicable safety standards required by Idaho Safety Codes effective prior to the effective date of this rule, and provided that replacements and alterations shall conform with all provisions of this Code. ()

009. EMPLOYER'S RESPONSIBILITY.

01. General Requirements. ()

a. Every employer shall furnish employment and maintain places of employment which are safe according to the standards as set forth herein. ()

b. Every employer shall adopt and use practices, means, methods, operations and processes which are adequate to render such employment and place of employment safe. ()

- c. Every employer should insure that Material Safety Data Sheets (MSDS) are reasonably accessible for every hazardous material. ()
- d. Every employer shall do every other thing necessary within the framework of this Rule to protect the life and safety of employees. ()
- e. No employer shall require any employee to go or be in any place of employment which does not meet the minimum safety requirement of this Rule, except for the purpose of meeting such requirements. ()
- f. No employer shall fail or neglect. ()
- i. To make available and use safety devices and safeguards as are indicated. ()
- ii. To adopt and use methods and processes adequate to render the employment and place of employment safe. ()
- iii. To do every other thing necessary within the framework of this Rule to protect the life and safety of employees. ()
- g. No employer, owner or lessee of any real property shall construct or cause to be constructed any place of employment which does not meet the minimum safety requirements of this Rule. ()
- h. No person, employer, employee, other than an authorized person, shall do any of the following. ()
- i. Remove, displace, damage, destroy or carry off any safeguard, first aid material, notice or warning, furnished for use in any employment or place of employment, or interfere in any way with the use thereof by any other person. ()
- ii. Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment or place of employment. ()
- iii. No person shall fail or neglect to do everything necessary within the requirements of this Rule to protect the life and safety of employees. ()
- iv. The use of intoxicants while on duty is prohibited. Persons reporting for duty while under the influence of or affected by liquor shall not work until completely recovered. ()
- i. A definite procedure for checking the welfare of all workers during working hours shall be instituted and all workmen so advised. The employer shall assume responsibility of work assignments so that no worker shall be required to work in a position or location so isolated or hazardous that he is not within visual or audible signal contact with another person who can render assistance in case of emergency. In any operation where cutting, yarding, loading, or a combination of these duties are carried on there shall be a minimum crew of two persons who shall work as a team, and shall be in visual or audible signal contact with one another. This does not apply to operators or motorized equipment, watchmen, or certain other jobs which, by their nature are singular workmen assignments. There shall be some method of checking the men in at the end of the shift. Each immediate supervisor shall be responsible for his crew being accounted for. This standard also includes operators of moveable equipment. ()
- j. Every employer shall keep a record of all cases of injuries his employees receive at their work. This record shall be kept in such manner as to enable representatives of the Commission and/or Department to determine by examining the record, the injury rate of the employee force for the period covered by the report. ()
- k. Every employer shall investigate or cause to be investigated every accident resulting in a disabling injury that his employees suffer in connection with their employment. He shall promptly take any action thus found to be advisable. Employees shall assist in the investigation by giving any information and facts they have concerning the accident. ()

02. Management Responsibility. ()
- a. Top management must take an active and interested part in the development and guidance of the operation's safety program, including fire safety. ()
- b. Management must apply a basic workable safety plan on the same priority as it does to any other work facet of the operation where elimination of all injuries is to be achieved in all phases of the operation. It is the duty of top management to assume full and definite responsibility. To attain these safety objectives, management must have the full cooperation of employers, Commission and Department. ()
- c. Every employer shall furnish employment which shall be safe for the employees therein and shall furnish such devices and safeguards and shall adopt and use such practices, means, methods, operation and processes as are adequate to render such employment and places of employment safe to protect the life and safety of employees. The employer shall make available necessary personal protective safety equipment. ()
- d. Regular safety inspection of all rigging, logging, machinery, rolling stock, bridges, and other equipment shall be made as often as the character of the equipment requires. Defective equipment or unsafe conditions found shall be replaced, repaired or remedied. ()
- e. All places of employment shall be inspected by a qualified person or persons as often as the type of operation or the character of the equipment requires. Defective equipment or unsafe conditions found by these inspections shall be replaced or repaired or remedied promptly. ()

010. EMPLOYEE'S RESPONSIBILITY.

01. General Requirements. ()
- a. Employees shall not indulge in horseplay, scuffling, practical jokes or any activity which creates or constitutes a hazard while on the employer's property or at any time when being transported from or to work in facilities furnished by the employer. ()
- b. Employees who are assigned to, or engaged in the operation of any machinery or equipment, shall see that all guards, hoods, safety devices, etc., that are provided by the employer, are in proper place and properly adjusted. ()
02. Employee Accidents. Each employee shall make it his individual responsibility to keep himself, his coworkers, and his machine or equipment free from accidents to the best of his ability. ()
03. Study Requirements. So that each worker may be better qualified to cooperate with his fellow workmen in preventing accidents, he shall study and observe these and any other safety standards governing his work. ()
04. Employee Responsibilities. The responsibilities of an employee insofar as industrial safety is concerned shall be as follows. ()
- a. The employee shall report immediately, preferably in writing, to his foreman or safety committee member in his department of the plant, all known unsafe conditions and practices. ()
- b. The employee shall ascertain from the foreman where medical help may be obtained if it is needed. ()
- c. The employee shall not participate in practical jokes or horseplay. ()
- d. The employee shall make a prompt report to the foreman, first aid attendant, or person in charge, of every accident regardless of severity. (Such reports are required and are necessary for his protection in order that there may be a record of his injuries.) ()

e. The employee shall at all times apply the principles of accident prevention in his daily work and shall use proper safety devices and protective equipment. No employee shall remove, displace, damage, destroy, or carry off any safety device or safeguard furnished and provided for use in any employment or interfere in any way with the use thereof by any other person or interfere with the use of any method or process adopted for the protection of any employee in such employment or fail or neglect to do every other thing reasonably necessary to protect the life and safety of himself and fellow employees, and by observing safe practice rules shall set a good example for his fellow workmen. ()

f. The employee shall not report to the job under the influence of intoxicants and shall not use intoxicants while on the job. The employer shall prohibit any employee from working on or being in the vicinity of any job while under the influence of or affected by intoxicants. Employers shall be responsible for the actions of any employee known to be in an intoxicated condition while on the job. (Workers are reminded that intoxication on the job may result in forfeiture of compensation for injury to say nothing of the hazard created to fellow workers.)()

g. The employee shall not be permitted to work while under the influence of hallucinatory drugs or chemicals or other drugs covered by the Federal Narcotics Act, unless such drugs or chemicals are prescribed by a licensed Medical Doctor, provided the employee does not create a hazard to himself or his fellow workers. ()

h. The employee shall wear, use and properly care for personal protective safety equipment issued to him. These items shall be returned to the employer on termination of employment. ()

i. Workers exposed to head hazards shall wear approved head protection. ()

j. Proper eye protection shall be worn while doing work where a known eye hazard exists. ()

k. The employee should consider the benefits of accident prevention to himself and to his job. (Safety-consciousness is the ability to anticipate accidents and a desire to prevent them.) ()

l. The employee should make an effort to understand his job. (An efficient worker understands the job, and studies everything pertaining to it.) ()

m. The employee should anticipate every way in which a person might be injured on the job, and conduct the work to avoid accidents. ()

n. The employee should be on the alert constantly for any unsafe condition or practice. (An employee's own knowledge and interest in the work makes the best possible safety inspector.) ()

o. The employee should learn first aid to be applied on the job, in the home, or anywhere else. ()

p. The employee should keep physically fit, and obtain sufficient rest. ()

q. The employee should be certain, after receiving instructions, that they are understood completely before starting the work. ()

r. The employee should actively participate in safety programs. ()

s. The employee should study the safety educational material posted on the bulletin boards and distributed by the employer or safety committee. ()

t. The employee should advise inexperienced fellow-employees of safe ways to do their work and warn them of dangers to be guarded against. ()

u. It is the employer's responsibility to see that the foregoing provisions are complied with. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.02 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
HEALTH, SAFETY, AND SANITATION

DOCKET NO. 17-0802-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with logging health, safety, and sanitation and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0802-9601

IDAPA 17
TITLE 08
Chapter 02

17.08.02 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
HEALTH, SAFETY, AND SANITATION

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 02, Idaho Minimum Safety Standards and Practices for Logging -- Health, Safety, and Sanitation, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. - 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. FIRST AID.

01. Transportation. ()

a. Suitable means of transportation shall be established and maintained at the site of all operations to be used in the event any employee is seriously injured. ()

b. Transportation shall be of a nature to render reasonable comfort to an injured employee. ()

c. In the event that the only transportation available shall be a crew bus, or similar vehicle, construction shall be such that a loaded stretcher may be freely passed into the vehicle. Arrangements shall also be made for devices to fasten and/or secure the stretcher in a horizontal position after it is loaded into such vehicle. ()

d. Each crew bus, or similar vehicle, shall be equipped with at least one ten-unit first aid kit. ()

02. Communication. ()

a. Every employer shall arrange suitable telephone or radio communication at the nearest reasonable point, and shall work out a definite plan of action to be taken in the event of serious injury to any employee. ()

b. Instructions covering this plan of action shall be made available to all work crews. ()

c. When practical, a poster shall be fastened and maintained either on, or in the cover of each first aid cabinet and at or near all phones, plainly stating the phone numbers of applicable emergency services. The use of the Boise Communication Center is recommended. The number is 1-800-632-8000. ()

03. Attendance for Seriously Injured. ()

a. Seriously injured employees shall, at all times, be attended by the most qualified available person to care for the injured employees. ()

b. Seriously injured employees shall be carefully handled and removed to a hospital, or given medical attention as soon as possible. ()

c. Caution shall be used in removing a helpless, or unconscious, person from the scene of an accident to prevent further injury. ()

04. First Aid Training. Persons in charge of workers shall be required to have completed an approved course in first aid and have a current card. ()

05. Stretcher or Spine Board. A stretcher or spine board (designed for and/or adaptable to the work location and terrain) and two blankets kept in sanitary and serviceable condition shall be available where such conditions are a factor in the proper transportation of, and first aid to, an injured workman. ()

06. First Aid Kits. ()

a. Ten unit field first aid kits shall be made available when working away from headquarters. ()

b. Each ten-unit first aid kit should contain the following minimum assortment, or approved equivalent (see table 010.06-A). If there is any question as to the suitability of some of these items in relation to injuries which are common to a specific occupation, the employer should seek the advise of a physician for recommended substitutes or additions. ()

TABLE 010.06-A	
SUGGESTED CONTENTS	
1 unit antiseptic applicators	10 per package
2 units 1" adhesive compresses	16 per package
1 unit 2" bandage compresses	4 per package
1 unit 4" bandage compresses	1 per package
1 unit 3" x 3" plain gauze pads	4 per package
1 unit 2" x 6" yard gauze roller bandage	2 per package
1 unit triangular bandage, 40"	1 per package
Tweezers or forceps	1 each per pkg
Facial Barrier	1 each per pkg
Latex Gloves	2 pair per pkg
Emergency first aid instructions in convenient form.	

()

c. This assortment should be duplicated for each additional twenty (20) employees working in the same location by adding ten-unit kits, or by larger kits containing approximately a duplicate quantity of supplies required. ()

d. Special kits, or the equivalent, shall be provided and approved, for special hazards peculiar to any given work location. ()

- e. These kits shall be readily available and kept supplied. ()
 - f. For work crews of fewer than five (5) employees working away from work headquarters, a smaller assortment which is suitable for the hazards of the work performed may be acceptable. ()
 - g. First aid kits shall be in metal, or other sanitary containers. Such containers shall be designed and constructed so as to be impervious to conditions of weather, dust, dirt, or other foreign matter. ()
 - h. Contents shall be sterile, and drugs shall be labeled with their common name and the use for which they are intended. First aid kits should be on every machine for prompt first aid attention in the event of any injury. ()
07. First Aid Room or First Aid Station. ()
- a. The Commission or the Department may require the installation of a First Aid Room or First Aid Station at operations where a study of the various factors involved indicates the need. Factors to be considered are the number of workers employed, location and nature of the work being performed, and availability of established medical facilities. When, in the judgment of the Commission or the Department, such an installation is necessary, the employer, or employers concerned, shall provide adequate quarters and facilities. ()
 - b. First Aid Rooms and First Aid Stations shall be well lighted, ventilated and kept clean and orderly. ()
 - c. First Aid Stations shall be equipped with hot and cold running water, or a means to heat water, and with a cot, blankets and pillows. If both men and women are employed, a means shall be provided to furnish privacy for each sex. ()

011. SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT.

01. General Requirements. ()
- a. Special protective equipment or apparel required for safe employment, other than clothing or equipment customarily supplied by employees, shall be furnished by the employer where necessary for the safety of employees. ()
 - b. Employees are required to utilize all prescribed safety equipment and special protective equipment or apparel, and they shall exercise due care in maintaining it in safe, efficient and sanitary conditions. ()
 - c. Defective safety equipment shall not be used. Where the need for their use is indicated, protective covering, ointments, gloves or other effective protection shall be provided for and used by persons exposed to materials which are irritating to the skin. ()
02. Inspection, Maintenance and Sanitizing. ()
- a. Each employer shall maintain a regular system of inspection and maintenance of personal protective equipment furnished to workers. ()
 - b. Air line equipment shall have necessary regulator and shall be inspected before each use. ()
 - c. Workers shall check their equipment at the beginning of each shift. ()
03. Eye Protection. ()
- a. Where workers are subject to eye hazards (flying particles, dusts, hazardous liquids, gases, mists or vapors, or injurious light rays) they shall be furnished with and shall wear eye protection suitable for the hazards involved. Such eye protection shall conform to the American National Standard Institute standards for Head, Eyes

and Respiratory protection. ()

b. Face shields may be used in lieu of other forms of eye protection where the nature of the operation is such that they will furnish equivalent protection. ()

c. Clean water in ample quantities shall be immediately available where materials are handled that are caustic or corrosive to the eyes. ()

04. Foot and Leg Protection. ()

a. Employees shall wear footwear suitable for the work conditions. ()

b. Employees shall wear sharp caulk-soled boots or other footwear which will afford maximum protection from slipping. ()

c. The use of safety toe shoes is recommended for all workmen subject to foot injuries. Safety shoes, when used, shall meet the American National Standard Institute specifications. ()

d. Special types or designs of shoes, or foot guards, may be required to be worn where conditions exist that make their use necessary for the safety of the workers. ()

e. Leggings or high boots of leather, rubber or other suitable material should be worn by climbers, persons exposed to hot substances, or caustic solutions, etc., or where poisonous snakes may be encountered. ()

f. Employees whose normal duties require them to operate a chain saw, shall wear ballistic nylon or equivalent protection covering each leg from upper thigh to boot top, except when working as a climber or working from a bucket truck. ()

05. Hand Protection. ()

a. Hand protection suitable for the required usage should be worn wherever the nature of the work requires extra protection for the hands. ()

b. Gloves shall not be worn where their use would create a hazard. ()

06. Head Protection. ()

a. Persons required to work where falling or flying objects, overhead structures exposed electrical conductors, equipment or material create a hazard shall wear approved safety hard hats or caps at all times while exposed to such hazards. ()

b. Employees working in locations which present a hair catching or fire hazard shall wear caps or other head covering which completely covers the hair. ()

07. Life Jackets, Vests and Life Rings.

NOTE: Where buoyant protective equipment is provided, it shall be of a design and shall be worn in a manner that will tend to maintain the wearer's face above water. It shall be capable of floating a sixteen pound weight for three hours in fresh water. Such equipment shall not be dependent upon manual or mechanical manipulation or chemical action to secure the buoyant effect. ()

a. Employees shall be provided with, and shall wear, approved buoyant protective equipment at all times while working on or over water, as follows. ()

b. On floating pontoons, rafts and floating stages. ()

c. On open decks of floating plants (such as dredges, pile-drivers, cranes, pond saws, and similar types of equipment) which are not equipped with bulwarks, guardrails or life lines. ()

- d. During the construction, alteration or repair of structures extending over or adjacent to water, except when guardrails, safety nets, or safety belts and life lines are provided and used. ()
- e. Working alone at night where there are potential drowning hazards regardless of other safeguards provided. ()
- f. On floating logs, boom sticks or unguarded walkways. ()
- g. Life rings with sufficient line attached to meet conditions shall be located at convenient points along exposed sides of work areas adjacent to water. Such rings, if used at night where a person might be beyond illuminated areas, should be provided with a means of rendering them visible.
NOTE: Consult U.S. Coast Guard requirements for operations in navigable waters. ()
08. Life Lines - Safety Belts. ()
- a. Each life line and safety belt shall be of sufficient strength to support, without breaking, a weight of two thousand five hundred (2,500) pounds. ()
- b. All life lines and safety belts shall be periodically inspected by the supervisor in charge. Employees shall inspect their belts and lines daily. Any defective belts or life lines shall be discarded or repaired before use. ()
- c. Life lines shall be safely secured to strong stable supports and maintained with minimum slack. ()
09. Work Clothing. ()
- a. Clothing shall be worn which is appropriate to work performed and conditions encountered. ()
- b. Loose sleeves, cuffs or other loose or ragged clothing shall not be worn near moving machinery. ()
- c. Clothing saturated or impregnated with flammable liquids, corrosive substances, irritants or oxidizing agents shall be removed immediately and not worn again until properly cleaned. ()
- d. When it is necessary for workers to wear aprons or similar clothing near moving machines or hazardous materials, such clothing shall be so arranged that it can be instantly removed. ()
- e. Clothing with exposed metal buttons, metal visors or other conductive materials shall not be worn around exposed electrical conductors. ()
10. Respiratory Equipment. ()
- a. When filter or cartridge-type respirators are required to be used regularly, each employee shall have one such respirator for his own exclusive use. ()
- b. Employers and employees shall familiarize themselves with the use, sanitary care and limitations of such respiratory equipment as they may have occasion to use. ()
- c. Whenever practical, harmful dusts, fumes, mists, vapors and gases shall be suppressed by water, oil or other means which will minimize harmful exposure and permit employees to work without the use of respiratory equipment. ()
- d. Whenever compressed air from an oil-lubricated compressor is used to supply respiratory equipment, a filter shall be inserted in the supply line to remove any oil, sediment or condensation that it may contain. Such filter shall be maintained in efficient working condition. ()

e. When self-contained respiratory equipment is used in hazardous locations, a standby unit shall be maintained for rescue purposes. ()

11. Hearing Protection. Where workers are subject to hazardous noise levels, they shall be furnished with and shall wear hearing protection suitable for the level of hazard involved. ()

12. Additional Information and Requirements. Additional information and requirements for the use of safety equipment and personal protective equipment may be found in the Idaho General Safety and Health Standards IDAPA 17.10. ()

012. FIRE PREVENTION, PROTECTION AND SUPPRESSION.

01. General Requirements. ()

a. Additional Standards pertinent to the storage, distribution, and use of liquefied petroleum gases and other flammables or combustibles may be obtained by reference to regulations of Idaho Department of Law Enforcement and the National Fire Protective Association pamphlets. ()

b. Fire fighting equipment, suitable for the hazards involved, shall be provided for the protection of workmen. Such equipment shall be readily accessible, and shall be plainly labeled as to its character and method of operation. Locations of such equipment shall be conspicuously posted. ()

c. All equipment and apparatus for fire protection and fire fighting shall be regularly inspected and be maintained in good and serviceable condition at all times. A record of the date of the latest inspection shall be kept with each portable fire extinguisher. This includes all automatic sprinkler systems and hose lines. ()

d. Fire extinguishers, whether portable or automatic, shall comply with appropriate current standards as published by the National Fire Protection Association. ()

e. Electrical lights, apparatus, and wiring used in locations where flammable or explosive gases, vapors, mists, or dusts are present shall be of the type accepted by the State Electrical Code. ()

f. Smoking while refueling equipment is prohibited. ()

g. All fuel storage tanks, service tanks, etc. shall be bonded for ground for fueling purposes. ()

h. When lights are used in enclosed rooms, vaults, manholes, tanks or other containers which may contain flammable or explosive vapors, mists, gases, or dusts, such lights shall be of the approved vapor proof types. ()

i. No torch, flame, arc, spark, or other source of ignition shall be applied to any tank or container that has contained or does contain flammable or explosive vapors or materials until such container has been inerted or otherwise purged of flammable or explosive vapors or materials, except that "hot tapping" on tanks may be done providing (1) that there shall be at least four (4)-feet of liquid above the point of the "hot tap," and (2) that the work shall be carried out under the direction of a supervisor experienced in this type of work.

NOTE: A test for flammability or explosiveness of the interior of such vessels shall be made using a device which will determine the concentration of flammable vapors for this purpose. Unless the percentage of flammable vapors is found to be less than twenty (20) percent of its lower explosive limit, no source of ignition shall be permitted. ()

j. Frequent testing for determining the concentration of flammable and explosive vapors shall be made, and if the concentration is found to exceed twenty (20) percent of its lower explosive limit, sources of ignition shall be extinguished or removed immediately. Fire extinguishing equipment adequate to cope with possible hazards shall be maintained close at hand. ()

k. Smoking, the use of open flames, tools which are not approved for such areas, and other sources of

ignition are prohibited in locations where flammable or explosive gases, vapors, mists, or dusts are present. Warning signs shall be conspicuously posted in such areas. ()

1. Where salamanders and other fuel-burning heating devices are used, they shall be provided with adequate means for preventing the emission of sparks or other sources of ignition. They shall be insulated or placed a sufficient distance from combustible structures and materials to prevent causing fires. Adequate ventilation shall be provided. ()

m. When welding or cutting is done special precautionary measures should be exercised before, during and after the job is finished to eliminate any possibility of serious or delayed fires. ()

02. Flammable Liquids. ()

a. For the purpose of this Section of the Rule, "Flammable Liquids" shall mean any liquid having a flash point below one hundred forty (140) degrees Fahrenheit and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit. ()

b. All flammable liquids shall be stored in approved containers suitable for their particular contents, and such approved containers shall be stored in areas removed from any direct source of ignition. ()

c. Flammable liquids shall be kept in approved covered containers when not in actual use. ()

d. The name of the flammable liquid contained therein shall be placed on all stock containers, and whenever such liquids are taken from the stock containers and put into other approved containers for use in the plant, it shall be the responsibility of the employer to see that these containers (except small containers of flammable liquids which are scheduled for immediate use and disposal) also bear the name of the flammable liquid contained therein. ()

e. Flammable liquids shall not be used indoors to clean or wash floors, walls, any part of the building structure, furniture, equipment, machines or machine parts, unless sufficient ventilation is provided to bring and maintain the concentration of explosive vapors in the atmosphere below twenty (20) percent of its lower explosive limit.

NOTE: The use of flammable liquids may create toxic contaminants in the atmosphere above permissible threshold limit values. ()

03. Transferring Flammable Liquids and Powdered Materials. In transferring flammable liquids or finely divided flammable or explosive materials from one metal container to another, the containers shall be in firm contact with each other or be continuously bonded throughout the transfer so as to prevent the accumulation of static charges. Where portable tanks, mixers, or processing vessels are used for flammable liquids or flammable or explosive compounds, they shall be bonded and grounded while being filled or emptied. ()

04. Transportation of Flammable Liquids. ()

a. When transporting gasoline or other flammable liquids in six and one half (6 1/2) gallon quantities or more, approved containers shall be used. ()

b. If tank truck service is not available or used, gasoline and other flammable liquids in quantities exceeding six and one half (6 1/2) gallons shall be transported in approved containers. Bungs shall be tight and containers shall be secured to prevent movement. ()

c. It may be permissible to transport gasoline or other flammable liquids on passenger vehicles if in approved, closed safety containers of not more than six and one half (6 1/2) gallon capacity, provided such containers are carried in a suitable and safe location outside the passenger compartment. ()

013. DESIGNATED LOGGING CAMPS.

A camp used in a logging operation shall comply with the following requirements: ()

01. Trees and Snags. Trees and snags which may constitute a hazard to persons in the camp area shall be felled. ()

02. Sanitation. The Idaho Department of Health and Environmental Quality rules for sanitation must be observed as to water, toilets, washrooms, refuse, etc ()

014. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.03 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
EXPLOSIVES AND BLASTING

DOCKET NO. 17-0803-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with explosives and blasting and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0803-9601

IDAPA 17
TITLE 08
Chapter 03

17.08.03 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
EXPLOSIVES AND BLASTING

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 03, Idaho Minimum Safety Standards and Practices for Logging -- Explosives and Blasting, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. - 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. EXPLOSIVES AND BLASTING.

01. General Requirements. ()

a. The transportation, handling and storage of explosives including blasting agents, shall be performed only by or under the supervision of a person or persons of proven experience and ability in blasting operations and of dependable character. ()

b. All operations with explosives shall be conducted in accordance with the requirements of applicable Local, State and Federal Laws. ()

c. Manufacturer's recommendations in the handling and use of the explosives or powders should be followed. ()

d. Explosives or blasting powders shall not be stored together with detonators. ()

e. Handling and use of explosives shall be restricted to as few employees as practical. ()

f. All drill holes shall be of greater diameter than the diameter of cartridges of explosives used. ()

g. All holes which have been "Sprung" shall not be loaded until sufficient time has been allowed for the hole to cool. ()

h. All hand tamping shall be done with wooden tamper. ()

i. Primers shall have caps firmly seated in cartridges. ()

j. Where fused detonators (caps) are used, standard crimpers shall be provided and used. ()

NOTE: Crimping with the teeth is expressly prohibited. ()

k. Primers shall not be forced into prepared blasting holes. ()

l. Fuse selection for each shot or series of shots shall be of ample length to allow adequate escape time. ()

- m. No blasting or preparation for blasting shall be done during the approach or progress of an electrical storm. ()
- n. Before firing shots, clear personnel from area, post a guard at all access routes and the warning "FIRE-IN-THE-HOLE" shall be given. ()
- o. Approved methods of electrical firing shall be used with electric detonators. ()
- p. The number of charges to be fired shall be counted to be certain that no misfires are left before work in the area is resumed. ()
- q. Misfires shall be handled only by an experienced and competent powder man in accordance with procedure recognized by the Institute of Makers of Explosives, U.S. Bureau of Mines or other recognized agencies. ()
- r. Workers handling explosives shall not carry loose caps or primers in their pockets or smoke while in the vicinity of explosives, powder, or caps. ()
- s. Explosives, primers, or caps shall not be carried on any vehicle when transporting employees other than those using the explosives. ()
- t. All detonators, detonating fuses, and explosives left over at the end of the day shall be promptly returned to their proper magazines. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.04 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
GARAGES, MACHINE SHOPS, AND RELATED WORK AREAS

DOCKET NO. 17-0804-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with garages, machine shops, and related work areas and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0803-9601

IDAPA 17
TITLE 08
Chapter 04

17.08.04 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
GARAGES, MACHINE, SHOPS, AND RELATED WORK AREAS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 04, Idaho Minimum Safety Standards and Practices for Logging -- Garages, Machine Shops, and Related Work Areas, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. GARAGES AND MACHINE SHOPS AND RELATED AREAS.

01. General Requirements. ()

a. Machine shops and other structures where workers are employed shall be constructed, ventilated, lighted and maintained in a safe working condition. ()

b. Engines, pulleys, belts, gears, sprockets, collars and other moving parts of machinery shall be properly guarded. ()

c. Grinding wheels shall have proper and adequate eye guards or hoods. Face shields shall be worn by employees while grinding. ()

d. Machines shall be in good repair and good housekeeping shall be maintained. ()

e. Proper goggles or hoods shall be made available and used in grinding and cutting, acetylene welding, electric arc and other types of welding. ()

f. Tools shall be kept in good condition and care shall be taken in handling, storing of all tools and materials so as to minimize chances for injury. ()

g. An approved screen shall be provided, and used, to protect other workers from welding flashes. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.05 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
SIGNALS AND SIGNAL SYSTEMS

DOCKET NO. 17-0805-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with signals and signal systems and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0805-9601

IDAPA 17
TITLE 08
Chapter 05

17.08.05 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
SIGNALS AND SIGNAL SYSTEMS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 05, Idaho Minimum Safety Standards and Practices for Logging -- Signals and Signal Systems, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. GENERAL REQUIREMENTS.

- 01. Rigging. ()
 - a. Rigging shall be moved by established signals and procedures only. ()
 - b. Signals shall be thoroughly understood by the crew. ()
- 02. Daily Test Required. Each electric or radio signal system shall be tested daily before operations begin. ()
- 03. Personnel in Clear Before Moving Logs or Turns. ()
 - a. Operators of yarding equipment shall not move logs or turns until all personnel are in the clear and a signal has been given. ()
 - b. Operators of yarding equipment shall be alert to signals at all times. ()

011. SIGNALING.

- 01. One Worker to Give Signals. ()
 - a. Only one (1) worker in any crew shall give signals at the point where chokers are being set. ()
 - b. Any person is authorized to give a stop signal when a worker is in danger or other emergency condition are apparent. ()
- 02. Signal Must Be Clear and Distinct. ()
 - a. Machine operators shall not move any line unless the signal received is clear and distinct. ()
 - b. If in doubt the operator shall repeat the signal as understood and wait for confirmation. ()
- 03. Hand Signal Use Restricted. ()
 - a. Hand signals are permitted only when in plain sight of the operator. ()

- b. Hand signals may be used at any time as an emergency stop signal. ()
04. Persons in Clear Before Signal Given. All persons shall be in the clear before a signal is given to move logs or turns. ()
05. Throwing Material Prohibited. Throwing of any type of material as a signal is prohibited. ()
06. Use of Jerk Wire Prohibited. The use of jerk wire whistle system for any type of yarding operations is prohibited. ()
07. Audible Signaling to Be Installed and Used. A whistle, horn or other audible signaling device, clearly audible to all persons in the affected area, shall be installed and used on all machines operating as yarders or swings. ()
08. Audible Signaling Device at the Machine to Be Activated. When radio or other means of signal transmission is used, an audible signal must be activated at the machine. ()

012. ELECTRIC SIGNAL SYSTEMS.

01. Weatherproof Wire and Attachments to Be Used. Where an electrical signal system is used, all wire and attachments shall be of the weather proof type. ()
02. Electric Signal Systems to Be Properly Installed and Adjusted. Electric signal systems shall be properly installed and adjusted again. They shall be protected against accidental signaling, and shall be maintained in good operating condition at all times. ()
03. All Connections to Be Weatherproof. All connections in insulated signal wire shall be weatherproof. ()

013. RADIO SIGNALING SYSTEMS.

01. Use of Conventional Space Transmission of Radio Signals. When conventional space transmission of radio signals is used under and in accordance with an authorization granted by the Federal Communications Commissions to initiate any whistle, horn, bell or other audible signaling device, or such transmission of radio signals is used to activate or control any equipment the following specific rules will apply.
NOTE: This rule shall apply only to devices operating on radio frequencies authorized pursuant to the rules and regulations of the Federal Communications Commission. ()
02. Description on Outside of Case. ()
- a. Each radio transmitter and receiver shall have its tone frequency(s) in hertz (CPS), the manufacturer's serial number, and the assigned radio frequency clearly and permanently indicated on the outside of the case. ()
- b. When the duration of the tone frequency(s) performs a function, the pulse-tone duration shall also be permanently indicated on the outside of the case. ()
- c. On the FCC restricted frequencies one hundred fifty four point fifty seven (154.57) MHZ and one hundred fifty four point sixty (154.60) MHZ, a maximum of two (2) watts of power will be allowed. ()
03. Activating Pulse-tone Limitations. The activating pulse-tone of any multi-tone transmitter shall be of not more than forty (40) milliseconds duration. ()
04. Adjustment, Repair or Alteration. All adjustments, repairs or alterations of radio-signaling devices shall be done only by or under the immediate supervision and responsibility of a person holding a first or second class commercial radio operator's license, either radio-telephone or radio-telegraph, issued by the Federal Communications Commission. ()

05. Testing of Tone-Signal Controlled Devices. ()
- a. Tone-signal controlled devices shall be tested each day before work begins. If any part of the equipment fails to function properly, the system shall not be used until the source of trouble is detected and corrected. ()
- b. Audible signals used for test purposes shall not include signals used for movement of lines or material.
NOTE: Equipment or machines controlled by radio-signaling devices should be designed and built to "fail safe" or stop, in case of failure of the radio-signaling device. ()
06. Interference, Overlap, Fade-out or Blackout. When interference, overlap, fade-out or blackout of radio signals is encountered, the use of the tone-signal controlled device shall be immediately discontinued. The use of such tone-signal controlled device shall not be resumed until the source of trouble has been detected and corrected. ()
07. Number of Transmitters Required. ()
- a. Two radio transmitters shall be in the vicinity of the rigging crew at all times when transmitters are being used by persons who are around the live rigging. ()
- b. Only one radio transmitter will be required, if in possession of a signalman who has no other duties and remains in an area where he is not subjected to hazards created by moving logs or rigging. ()
08. Voice Communication. ()
- a. Voice Communication shall be used for explanation purposes only. ()
- b. Actual activation of equipment shall be done by audible horn, bell or whistle and not by voice. ()
- c. The signal must be audible throughout the entire yarding and machine area. ()
- 014. -- 999. (RESERVED).**

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.06 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
TRUCK ROAD STANDARDS

DOCKET NO. 17-0806-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with truck road standards and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0806-9601

IDAPA 17
TITLE 08
Chapter 06

17.08.06 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
TRUCK ROAD STANDARDS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 06, Idaho Minimum Safety Standards and Practices for Logging -- Truck Road Standards, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. TRUCK ROAD STANDARDS.

01. Building Roads. ()

a. When building roads, all construction shall be carried on in accordance with good logging engineering practices and shall be constructed and maintained in a manner to insure reasonably safe operation. ()

b. Due consideration shall be given to the following factors. ()

i. Type of material used for roadbed and surfacing. ()

ii. Type of hauling equipment which will travel road. ()

iii. Size of loads to be hauled. ()

iv. Pitch and length of grades. ()

v. Degree of curvature and visibility on turns. ()

vi. Volume of traffic. ()

c. Truck roads shall not be too steep for safe operation of logging or work trucks which operate over them and should not exceed twenty (20) percent grade unless an auxiliary means of truck lowering is provided. ()

d. Sufficient turnouts shall be provided and a safe side clearance maintained along all truck roads. ()

e. Brush and other materials that obstruct the view at intersections or on sharp curves shall be eliminated and all possible precautions taken. ()

f. Culverts and bridge structures shall be adequate to support the maximum imposed loads without exceeding the maximum safe working unit stresses. Such structures shall be maintained in good condition and shall be inspected yearly by a qualified man. ()

g. Dangerous trees, snags and brush, which create a hazard, shall be cleared a safe distance on both sides of the right-of-way. ()

02. Main Truck Roads. ()

a. Main truck roads shall be of sufficient width and evenness to insure the safe operation of equipment. ()

b. Truck roads with blind curves where visibility is less than three Hundred (300) feet shall be of sufficient width for two (2) trucks to pass or some type of signal system shall be maintained or speed limited to fifteen (15) miles per hour. ()

c. Conditions such as broken planking, deep holes, large rocks, logs, etc., which prevent the safe operation of equipment shall be immediately corrected. ()

d. Wheel guard rails on bridges shall be not less than eight (8) inches above deck and shall be substantially fastened to withstand impact of shearing wheels. Such guard rails shall extend full length of bridge. ()

03. Operation of Equipment. Pile Drivers, power driven shovels, tractors, bulldozers, and other equipment shall be operated in a safe and careful manner. All precautions shall be taken to insure the safety of all employees. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.07 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
TRANSPORTATION OF EMPLOYEES

DOCKET NO. 17-0807-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with transportation of employees and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0807-9601

IDAPA 17
TITLE 08
Chapter 07

17.08.07 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
TRANSPORTATION OF EMPLOYEES

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 07, Idaho Minimum Safety Standards and Practices for Logging -- Transportation of Employees, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. TRANSPORTATION OF EMPLOYEES.

01. General Requirements. ()

a. Anchored seats and seat belts shall be provided for each person riding in any vehicle. ()

b. Vehicles used for the transportation of employees shall be constructed, or accommodated, for that purpose and shall be equipped with adequate seats with back rest properly secured in place, and shall be protected on sides and ends to prevent falls from vehicle. ()

c. Vehicles, as described above, shall be equipped with adequate steps, stirrups, or other similar devices, so placed and arranged that the employees can safely mount or dismount the vehicle. ()

d. On vehicles designed to transport nine (9) or more passengers, an emergency exit not less than six and one half (6 1/2) feet in area, with the smaller dimension being not less than eighteen (18) inches, shall be placed at the back of the vehicle or near the back on the side opposite the regular entrance. The route to and egress from the exit must be unobstructed. ()

e. Every emergency exit shall be conspicuously marked "Emergency Exit" and be so fastened that it can be readily opened by a passenger in the case of emergency. ()

f. Emergency doors shall be not less than twenty four (24) inches in width. ()

g. Every vehicle used for the transportation of employees shall be equipped with an Underwriters Laboratories, Inc., approved fire extinguisher, or its equivalent, with at least a four (4) BC rating. ()

h. Regular drivers of vehicles used for the transportation of employees shall have an appropriate operator's license for the State of Idaho. ()

i. Before operating any vehicle, drivers shall check it, and if it is found to be in any way unsafe, it shall be reported to proper authority and shall not be operated until it has been made safe. ()

j. Brakes, steering mechanism and lights shall be tested immediately before starting any trip. ()

k. No flammable materials, or toxic substances shall be transported in passenger compartments of vehicles while carrying personnel. ()

- l. Should it become necessary, and only under emergency conditions, to transport more than the seating capacity in the vehicle, all employees not having seats must ride within the vehicle. ()
- m. Under no circumstances shall employees ride on fenders or running boards. ()
- n. An employee must never ride in, or on, any vehicle with his legs hanging over the end or sides. ()
- o. If tools are transported at the same time that employees are being transported, the tools shall be enclosed in boxes or racks and properly secured to the vehicle. ()
- p. No one shall board, or leave, moving equipment except in case of emergency (except trainmen or others whose duties require such). ()
- q. Equipment shall be operated in a safe manner and in compliance with traffic regulations. Safe speeds shall be maintained at all times. ()
- r. No explosives shall be transported on, or in, vehicles used primarily for carrying personnel while such vehicles are being used for carrying personnel. ()
- s. The driver shall do everything reasonably possible to keep the crew vehicle under control at all times and shall not operate in excess of a speed at which the driver can stop the vehicle in one-half the distance between the vehicle and the range of unobstructed vision. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of the equipment and other pertinent items. The driver shall clear rocks from between dual tires before driving on multi-lane roads. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches and couplings. Any defects found shall be corrected before the equipment is used. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.08 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
FALLING AND BUCKING

DOCKET NO. 17-0808-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with falling and bucking and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0808-9601

IDAPA 17
TITLE 08
Chapter 08

17.08.08 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
FALLING AND BUCKING

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 08, Idaho Minimum Safety Standards and Practices for Logging -- Falling and Bucking and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. FALLING AND BUCKING.

01. General Requirements. ()

a. There shall be an established method of checking the workers in from the woods. Each supervisor shall be responsible for their crew being accounted for at the end of each shift. ()

b. Common sense and good judgment must govern the safety of cutters as effected by weather conditions. At no time shall they work if wind is strong enough to prevent the falling of trees in the desired direction or when vision is impaired by weather conditions or darkness. ()

c. All cutters shall have a current first aid card, or shall avail themselves of the first opportunity to obtain such training. Employers shall provide an opportunity for cutters to take a standard first aid course. ()

d. Tools of cutters such as axes, sledges, wedges, saws, etc., must be maintained in safe condition. Battered sledges, and wedges shall not be used. When power saws are used, wedges shall be made of soft material, such as wood or plastic. ()

e. Cutters shall not be placed on hillsides immediately below each other or below other operations where there is possible danger. ()

f. Trees shall not be felled if a falling tree endangers any worker, line, or any unit in operation. ()

g. Before starting to fall or buck any tree or snag, the cutter must survey the area for possible hazards and proceed according to safe practices. Snags, which are unsafe to cut, shall be blown down with explosives, or felled by other methods. ()

h. Dangerous or hazardous snags shall be felled prior to or in the course of cutting a strip. No danger tree shall be felled by one cutter where and when the assistance of a fellow employee is necessary to minimize the danger or hazards involved. In the case that any danger tree or snag cannot be safely felled and must remain standing or unattended, such tree or snag shall be clearly identified and suitably marked, including all surrounding impact area, and the employee's supervisor shall be notified as soon as possible. ()

i. In falling timber, adjacent brush and/or snow shall be cleared away from and around the tree to be felled to provide sufficient room to use saws and axes and provide an adequate escape path. ()

j. Cutters shall not fall into another strip; leaners on the line shall be traded. Trees shall be felled into the open whenever conditions permit. ()

k. Undercuts and side cuts shall be large enough to safely guide the trees and eliminate the possibility of splitting and/or barber chairing. Particular care shall be taken to hold enough wood to prevent the tree from prematurely slipping or twisting from the stump. Undercuts shall be cleaned out to the full depth of the saw cut. Especially large undercuts are necessary in heavy leaners. When required to safely fell a tree, mechanical or other means shall be employed to accomplish this objective. Pre-cutting of trees for the purpose of production logging is prohibited.

NOTE: Trees with no perceptible lean having an undercut to a depth of one quarter (1/4) the diameter of the tree with an undercut height equal to one fifth (1/5) of the diameter of the tree will be assumed to be in reasonable compliance with the rule. ()

l. Back-cuts shall be even with or above the level of the upper horizontal cut of the undercut. ()

m. While wedging, fallers shall watch for limbs or other material which might be jarred loose. Cutting of holding wood in lieu of using wedges is prohibited. ()

n. When falling or bucking a tree is completed the power saw motor should be stopped. Power saw motor should be stopped while the operator is traveling to the next tree. ()

o. Cutters shall not work on the downhill side of the log being bucked unless absolutely unavoidable and only when the log is blocked or otherwise secured to prevent rolling when cut is completed. ()

p. Cutters must give timely warning to all persons within range of any log which may have a tendency to roll or slide after being cut off. ()

q. Logs shall be completely bucked through whenever possible. If it becomes hazardous to complete a cut, then the log shall be marked and identified by a predetermined method. Rigging crews shall be instructed to recognize such marks and when possible cutters shall warn rigging crew of locations where such unfinished cuts remain. ()

r. A competent person properly experienced in this type of work shall be placed in charge of falling and bucking operations. Inexperienced workers shall not be allowed to fall timber or buck logs unless under the direction of an experienced workers. ()

s. Power saws shall be kept in good repair at all times. All exhaust parts on power chain saws shall be constructed and maintained so the operator is exposed to a minimum amount of fumes and noise. ()

t. Chain saws shall have sprockets and drive end of the bar adequately guarded. Idler ends, when used as two man saw, shall also be guarded. ()

u. Combustion engine driven power saws shall be equipped with a clutch. Saws with faulty clutches shall not be used. ()

v. Combustion engine driven power saws shall be equipped with an automatic throttle which will return the motor to idling speed upon release of the throttle. ()

w. Power saw motors shall be stopped while being fueled. ()

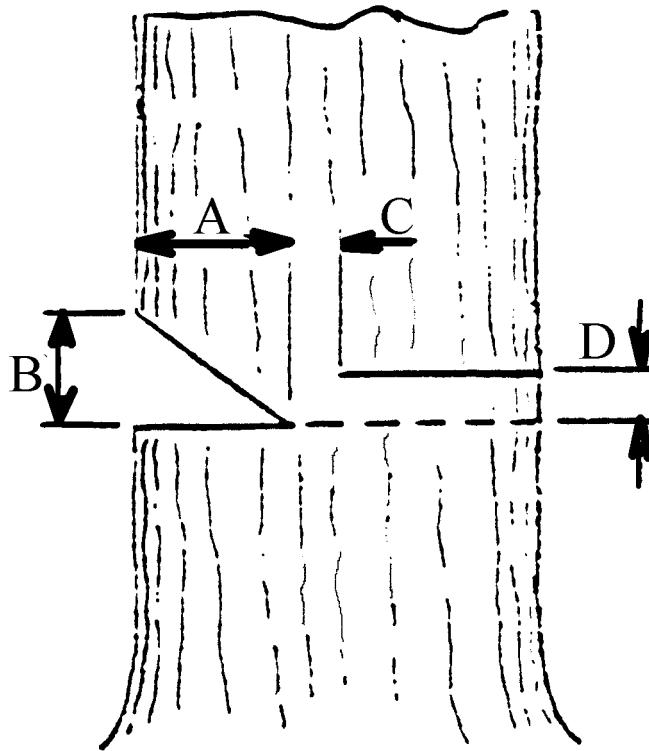
x. All personnel shall wear approved head protection, proper clothing and footwear. ()

y. Employees whose normal duties require them to operate a chain saw, shall wear ballistic nylon or equivalent protection covering each leg from upper thigh to boot top, except when working as a climber or working from a bucket truck. ()

011. ILLUSTRATION OF UNDERCUTS.

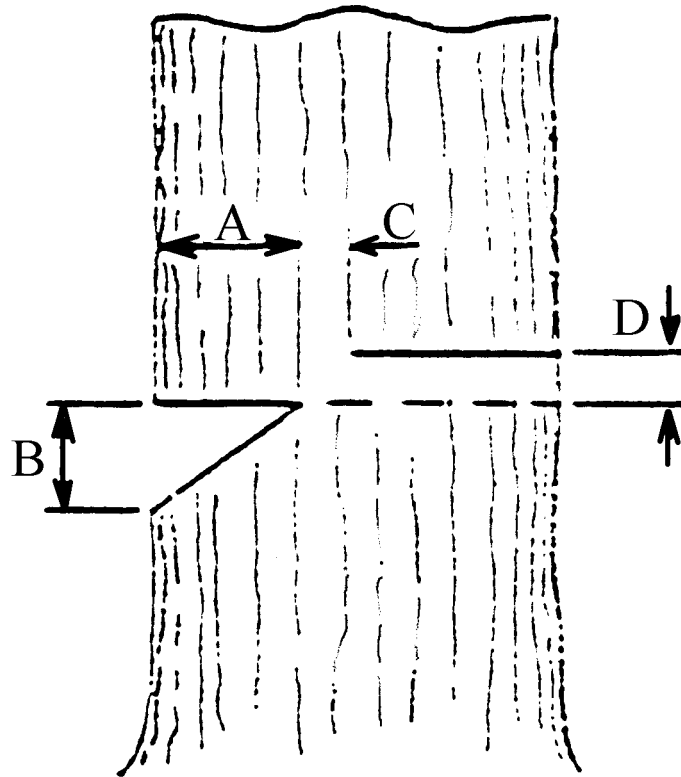
- 01. Illustration of Undercuts. ()
- a. Conventional Undercut (Figure 011.01-A) - Can be made with parallel saw cut and a diagonal cut. ()

FIGURE 011.01-A



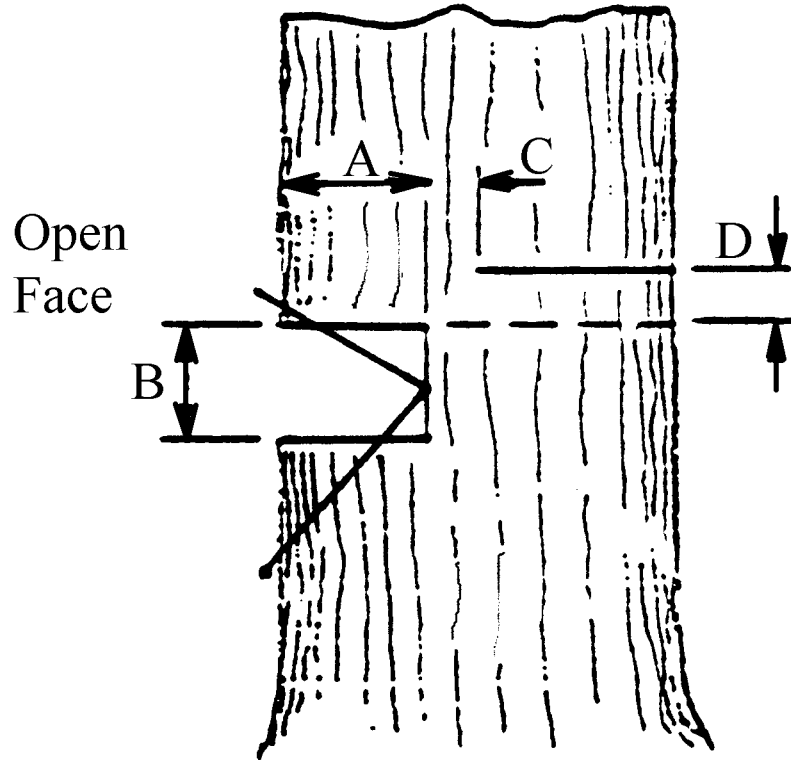
b. Both cuts made with the saw (Figure 011.01-B) - Leaves square end log. Same as Figure 011.01-A except that waste is on the stump. ()

FIGURE 011.01-B



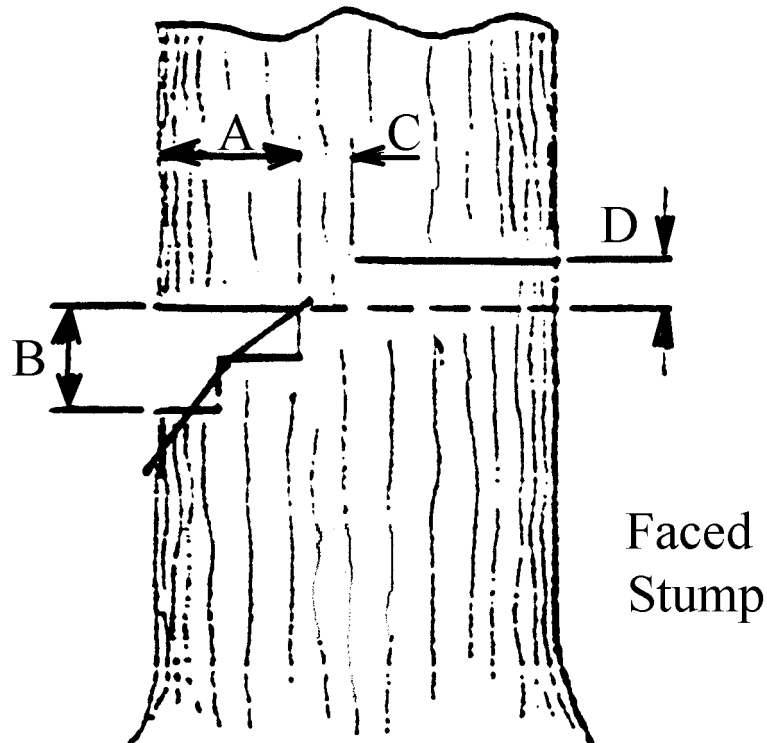
c. Two angle cuts with the saw (Figure 011.01-C) - Used when it is necessary that the face does not close until the tree is near the ground. ()

FIGURE 011.01-C



- d. A Humbolt undercut with faced stump (Figure 011.01-D) - Used to allow the butt of the tree to hit the ground before the top. ()

FIGURE 011.01-D



012. MECHANICAL DELIMBERS AND FELLER BUNCHERS.

01. General Requirements. ()
- a. Before start-up or moving equipment, check area for fellow employees or equipment. ()
- b. If any protective device is missing, it is to be replaced as soon as possible. If it affects a safe operation, the machine is to be shut down. ()
- c. When machine is working, extreme caution should be used when approaching. Operator should be notified by radio or visual contact. ()
- d. All raised equipment shall be lowered to the ground or to a safe position and the park brake set before leaving the machine. ()

013. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.09 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
RIGGING, LINES, BLOCKS, AND SHACKLES

DOCKET NO. 17-0809-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with rigging, lines, blocks, and shackles and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0809-9601

IDAPA 17
TITLE 08
Chapter 09

17.08.09 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
RIGGING, LINES, BLOCKS, AND SHACKLES

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 09, Idaho Minimum Safety Standards and Practices for Logging -- Rigging, Lines, Blocks, and Shackles, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. RIGGING.

01. General. The determining factor in rigging-up shall be the amount of rated stump pull which a machine can deliver on each line. ()

02. Equipment Classification. ()

a. Equipment shall be classed according to manufacturer's rating. ()

b. Where lower gear ratios or other devices are installed to increase the power of equipment, the size of the rigging shall be increased proportionately so that it will safely withstand the increased strains to conform to Subsection 010.04. of this chapter. ()

03. Safe Loading. Rigging, and all parts thereof, shall be of a design and application to safely withstand all expected, or potential, loading to which it will be subjected. ()

04. Allowable Loading or Stress. ()

a. In no case shall the allowable loading or stress imposed on half (1/2) of the rated breaking strength of any parts of the rigging. ()

b. This shall not be construed as applying to chokers. ()

05. Chokers. Chokers shall be at least one eighth (1/8) inch smaller than the mainline. ()

06. Placing, Condition, and Operation of Rigging. The placing, condition and operation of rigging shall be such as to insure safety to those who will be working in the vicinity. ()

07. Arrangement and Operation. Rigging shall be arranged and operated so that rigging or loads will not pound, rub, or saw against lines, straps, blocks, or other equipment. ()

08. Line Hazards. ()

a. Running lines and changed settings shall be made in a way to avoid bight of line hazards. ()

- b. Signals to operator shall be made before moving lines. ()
- 09. Reefing. Reefing or similar practices to increase line pull shall be prohibited. ()
- 10. Inspection of Rigging. ()
 - a. A thorough inspection, by the operator or qualified person, of all blocks, straps, guylines, and other rigging shall be made before they are placed in position for use. ()
 - b. This inspection shall include an examination for damaged, cracked or worn parts, loose nuts and bolts, lubrication, condition of straps and guylines. ()
 - c. The repairs or replacements necessary for safe operation shall be made before rigging is used. ()

011. GUYLINES.

- 01. General Requirements. ()
 - a. Guylines shall be of plow steel or equivalent, in good condition. ()
 - b. Guylines shall be provided in sufficient number, condition and location to develop stability and strength equivalent to the breaking strength of any component part of the rigging or equipment. ()
 - c. Guylines shall be fastened by means of shackles or hooks and slides. The use of loops or molles for attaching guylines is prohibited. ()
 - d. The "U" part of a shackle shall be around the guyline and the pin passed through the eye of the guyline. Pins shall be secured with molles, cotter-keys, or the equivalent. ()
 - e. Guylines shall be kept tightened while equipment or rigging they support is in use. ()
- 02. Anchoring Guylines. ()
 - a. Stumps used for fastening guylines and skylines shall be carefully chosen as to position, height and strength. They shall be tied back if necessary. See Figures 011.02-A and 011.02-B. ()

FIGURE 011.02-A

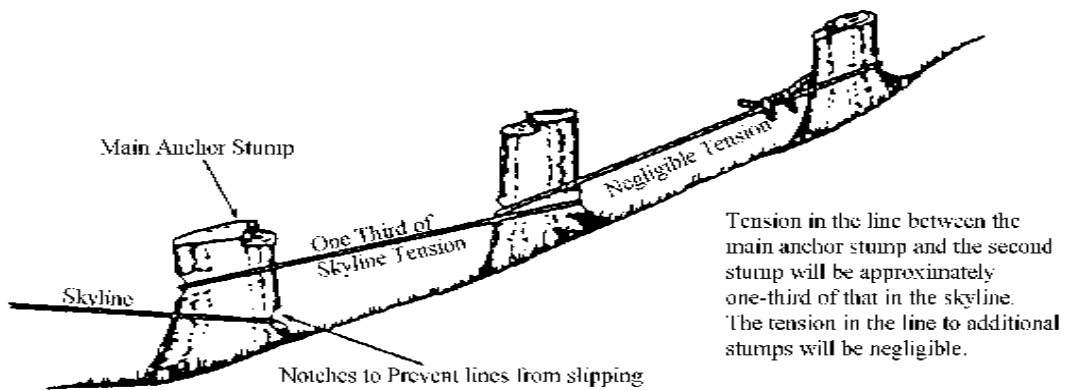
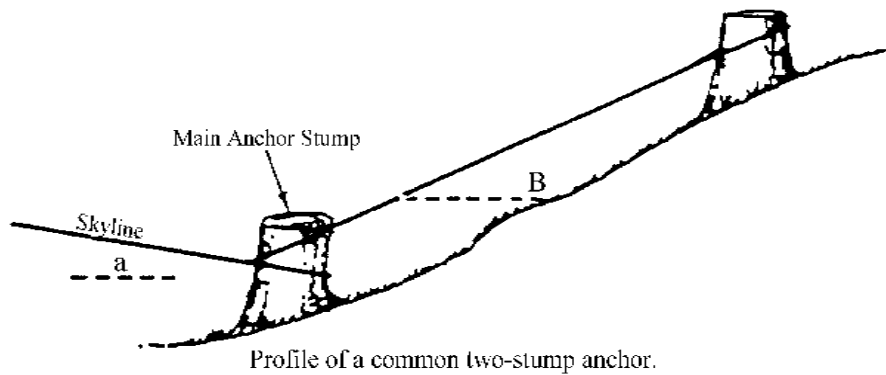


FIGURE 011.02-B



- b. Guyline anchors shall not be attached directly to deadmen. ()
 - c. Stumps, trees and guyline anchors shall be inspected from time to time while operation is in progress and hazardous conditions immediately corrected. ()
 - d. Standing trees which will reach landing or work areas shall not be used for guyline anchors. ()
 - e. Any guyline anchor tree that can reach the landing or work area shall be felled before using as an anchor. ()
03. Effectiveness of Guys. ()
- a. Guys making an angle with the horizontal greater than sixty (60) degrees will be considered less than fifty (50) percent effective. For the effectiveness of other angles see Table 011.03-A. ()

TABLE 011.03-A	
Degree	Effectiveness
60 to 45	50% to 75%
45 to 30	75% to 85%
30 to 10	85% to 95%

()

- b. For the effectiveness of guys according to the number guys and their spacing see Table 011.03-B.

()

TABLE 011.03-B		
No. of Guys Equally	Guys Most Effective When Pull Is:	Guys Will Support Strain Equal To The Following:
3	Opposite 1 guy	100% of strength of 1 guy
4	Halfway between 2 guys	140% of strength of 1 guy
5	Opposite 1 guy or halfway between 2 guys	160% of strength of 1 guy
6	Opposite 1 guy or halfway between 2 guys	200% of strength of 1 guy
7	Opposite 1 guy or halfway between 2 guys	225% of strength of 1 guy
8	Halfway between 2 guys	260% of strength of 1 guy
9	Opposite 1 guy or halfway between 2 guys	290% of strength of 1 guy
10	Opposite 1 guy or halfway between 2 guys	325% of strength of 1 guy

()

04. Minimum Guyline Requirements. Minimum of four (4) top guys are required on any portable spar tree used for yarding, swinging, loading or cold-decking.

()

012. LINES, SHACKLES AND BLOCKS.

01. General Requirements.

()

- a. All lines, shackles, blocks, etc., should be maintained in good condition and shall be of sufficient size, diameter and material to withstand one and one half (1 1/2) times the maximum stress imposed.

()

- b. Wire rope or other rigging equipment shall be replaced which shows a fifteen (15) percent reduction in strength.

()

02. Splices. ()
- a. Two lines may be connected by a long splice, or by shackles of patent links of the next size larger than the line where practical. ()
- b. Safe margin of line must be used for making long splices. See Table 012.02-A. ()

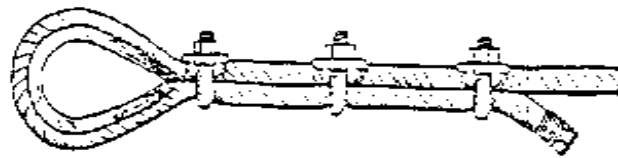
TABLE 012.02-A		
Rope Diameter	Unraveled	Total Length
3/8"	8'	16'
5/8"	13'	20'
3/4"	15'	30'
7/8"	18'	36'
1"	20'	40'

- ()
03. Clips. ()
- a. Clips should be spaced at least six (6) rope diameters apart to get maximum holding power. See Table 012.03-A. ()

TABLE 012.03-A		
Diameter of Rope	Number of Clips	Required Space Between Clips
1-1/2-inch	8	10 inches
1-3/8-inch	7	9 inches
1-1/4-inch	6	8 inches
1-1/8-inch	5	7 inches
1-inch	5	6 inches
7/8-inch	5	5-1/4 inches
3/4-inch	5	5-1/2 inches
3/8 to 5/8-inch	4	3 inches

- ()
- b. Should always be attached with the base or saddle of the clip against the longer or "live" end of the rope. See Figure 012.03-A. This is the only right way. ()

FIGURE 012.03-A



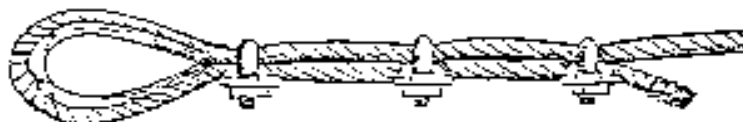
RIGHT

c. Do not reverse the clips or stagger them. See Figure 012.03-B. Otherwise the “U” bolt will cut into the live rope when the load is applied. ()

FIGURE 012.03-B



WRONG



WRONG

d. After the rope has been used and is under tension the clips should again be tightened to take up any looseness caused by the tension reducing the rope diameter. Remember that even when properly applied a clip fastening has only about ninety (90) percent of the strength of the rope and far less than that when on wrong. ()

04. Blocks. All blocks must be of steel construction or of material of equal or greater strength and so hung that they will not strike or interfere with other blocks or rigging. ()

05. Pins. All pins in blocks shall be properly secured by keys of the largest size the pin hole will accommodate. ()

06. Shackles. ()

a. Spread in jaws of shackles shall not exceed by more than one (1) inch the size of yoke or swivel of the block to which it is connected. ()

b. All shackles must be made of forged steel or material of equivalent strength and one size larger than the line it connects. ()

07. Cable Cutting. Cable cutters, soft hammers, or cutting torch shall be available and shall be used for cutting cables. ()

08. Damaged or Worn Wire Rope. Wire rope worn or damaged beyond the point of safety shall be taken out of service or properly repaired before further use. ()

09. Wire Rope Certification. ()

a. All wire rope offered for sales shall be certified as to its breaking strength by the manufacturer or vendor in accordance with the U. S. Bureau of Standards specifications. See Table 012.09-A. ()

TABLE 012.09-A -- TYPICAL WIRE ROPE SPECIFICATIONS,(6X19, OR 6X25 IWRC*)					
Cable Dimensions		Improved Plow Steel		Extra-Improved Plow Steel	
Diameter (inches)	Weight per foot (pounds)	Safe working load** (pounds)	Breaking strength (pounds)	Safe working load (pounds)	Breaking strength (pounds)
1/4	0.116	1,960	5,880	2,270	6,800
5/6	0.18	3,050	9,160	3,510	10,540
3/8	.26	4,370	13,120	5,000	15,100
7/16	.35	5,930	17,780	6,800	20,400
1/2	.46	7,700	23,000	89,800	26,600
9/16	.59	9,700	29,000	11,200	33,600
5/8	.72	12,000	36,000	13,700	41,200
3/4	1.04	17,100	53,200	19,600	58,800
7/8	1.42	23,100	69,200	26,500	79,600
1	1.85	30,000	90,000	64,500	103,500
1 1/8	2.34	37,700	113,200	43,300	130,000
1 1/4	2.89	46,300	139,000	53,300	159,800
1 3/8	3.5	55,700	167,000	64,000	192,000
1 1/2	4.16	65,900	197,800	76,000	228,000
1 5/8	4.88	76,000	230,000	88,000	264,000
1 7/8	6.50	101,300	304,000	116,000	348,000
2	7.39	114,739	344,000	132,000	396,000
2 1/8	8.25	128,700	386,000	147,300	442,000
2 1/4	9.36	143,300	430,000	164,700	494,000
2 1/2	11.6	175,300	526,000	201,300	604,000
2 3/4	14.0	209,300	628,000	204,700	722,000

Specifications may vary with different line materials and swedge lines.

013. TYPICAL RIGGING SYSTEMS.

01. See Figures 013.01-A through 013.01-N.

()

FIGURE 013.01-A

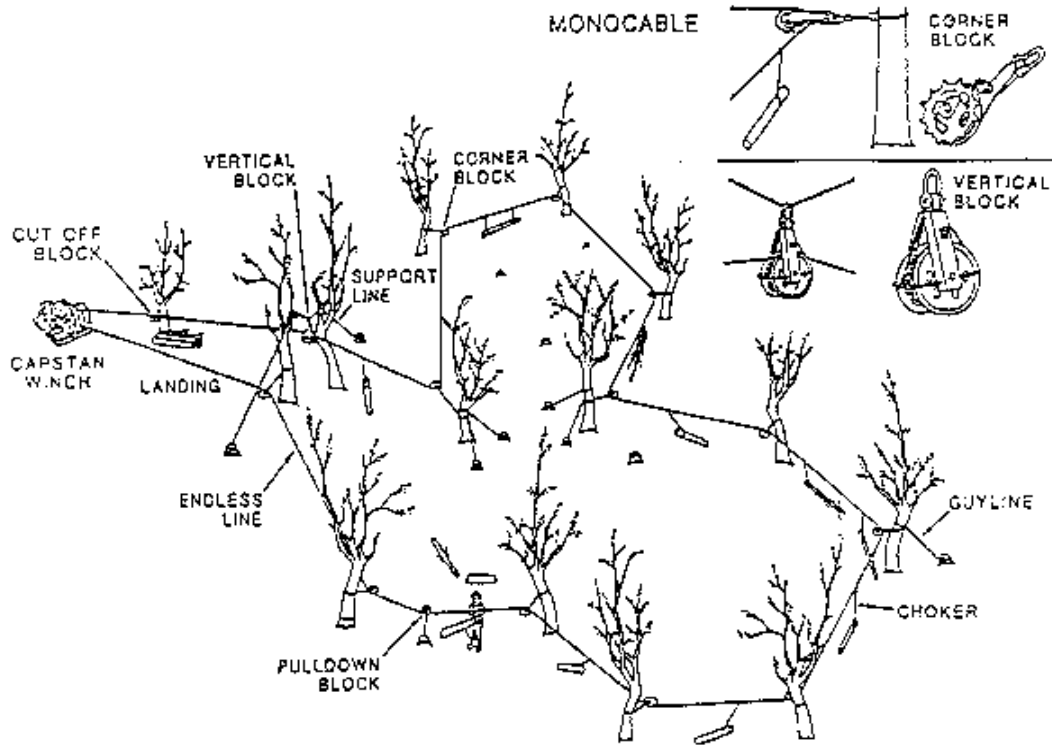


FIGURE 013.01-B

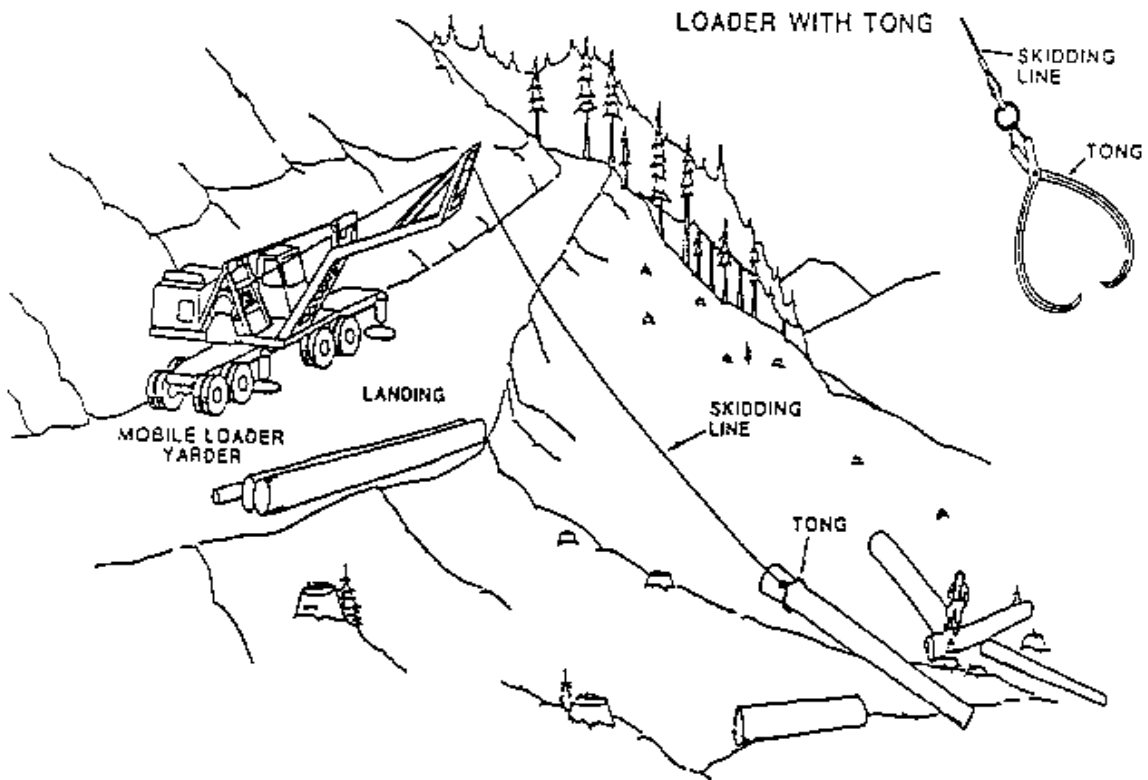


FIGURE 013.01-C
HIGHLEAD

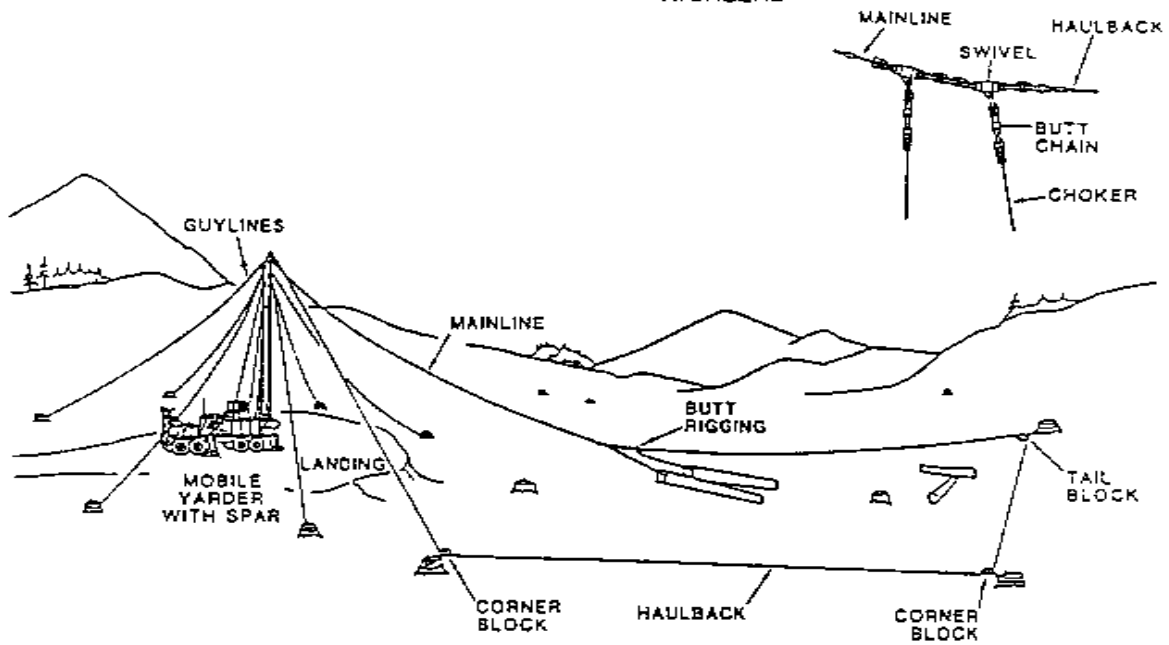


FIGURE 013.01-D

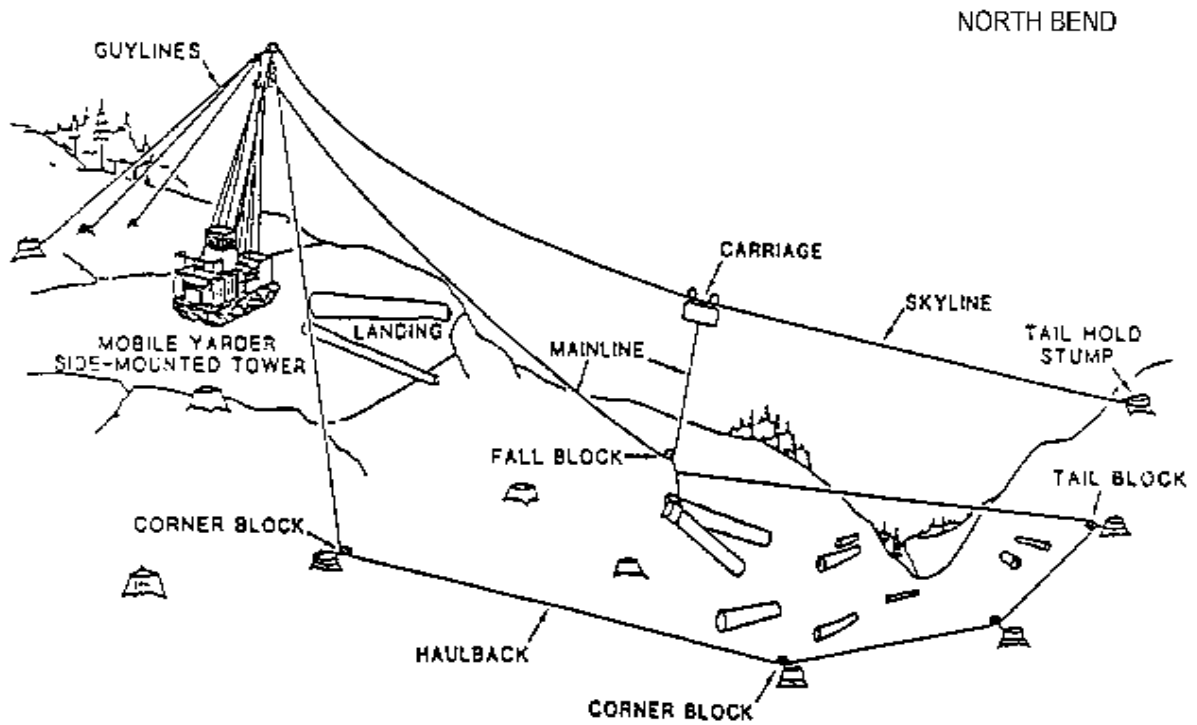


FIGURE 013.01-E

LIVE SKYLINE

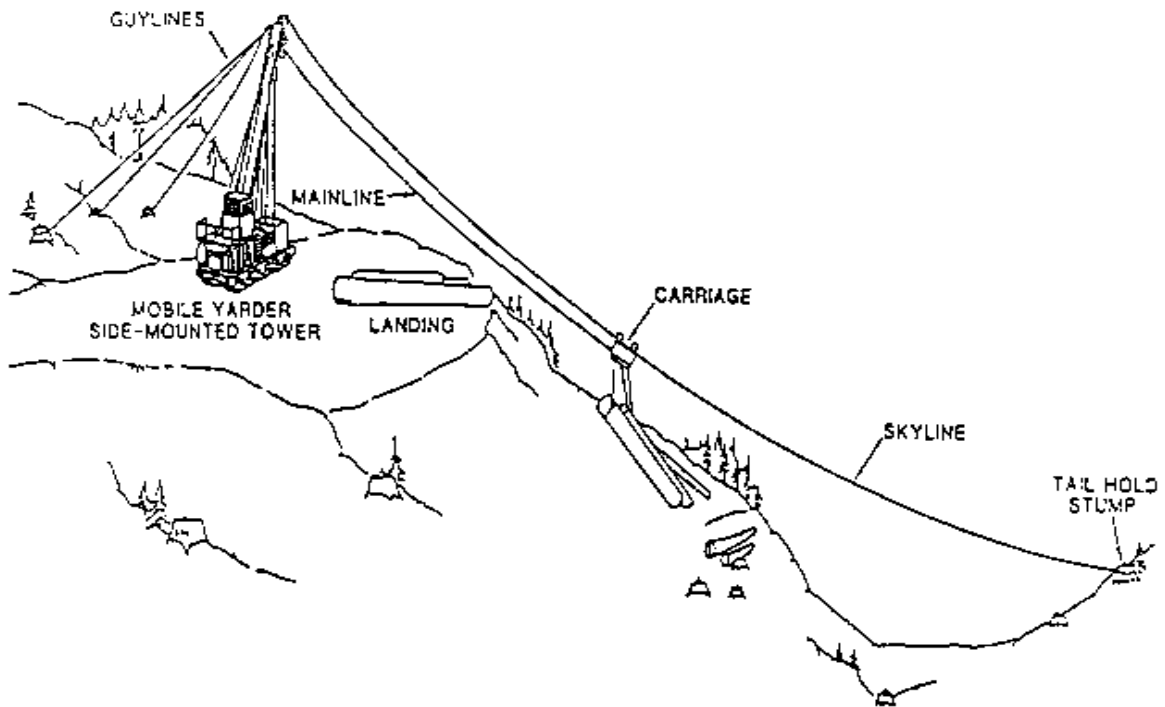


FIGURE 013.01-F

LIVE SKYLINE with carriage stop

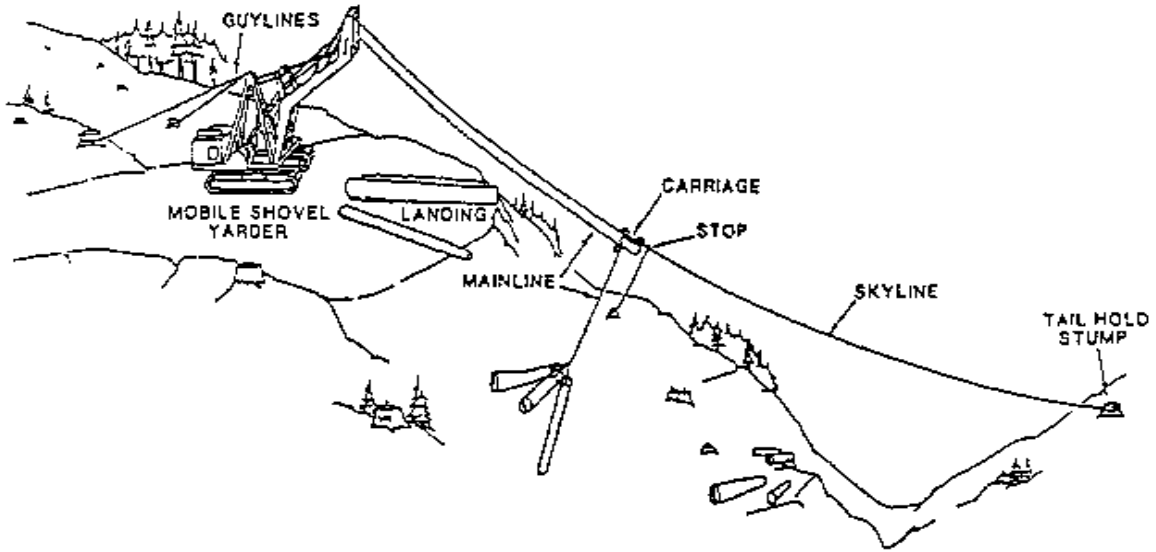


FIGURE 013.01-G

SLACKLINE

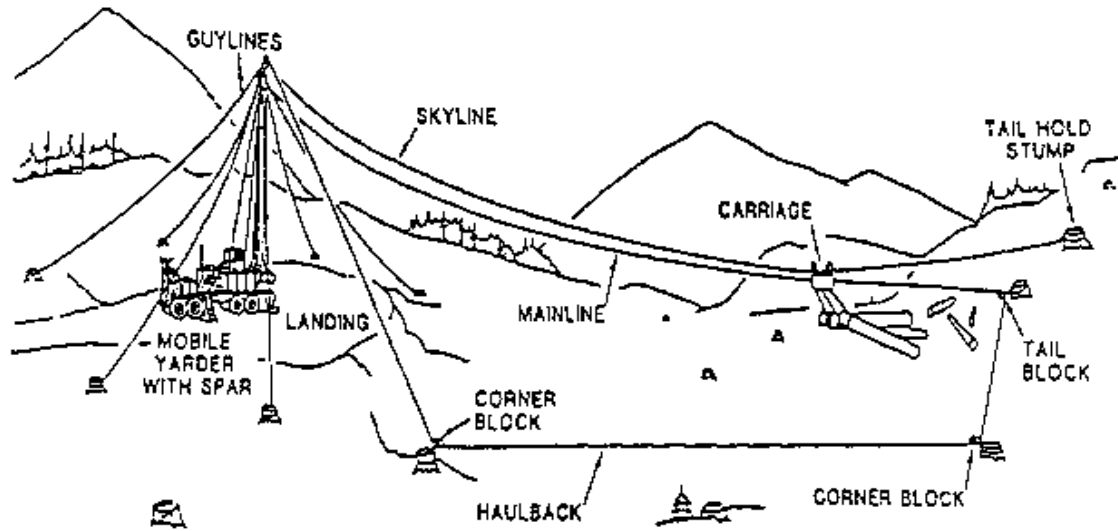


FIGURE 013.01-H

RUNNING SKYLINE with mechanical stack-pulling carriage

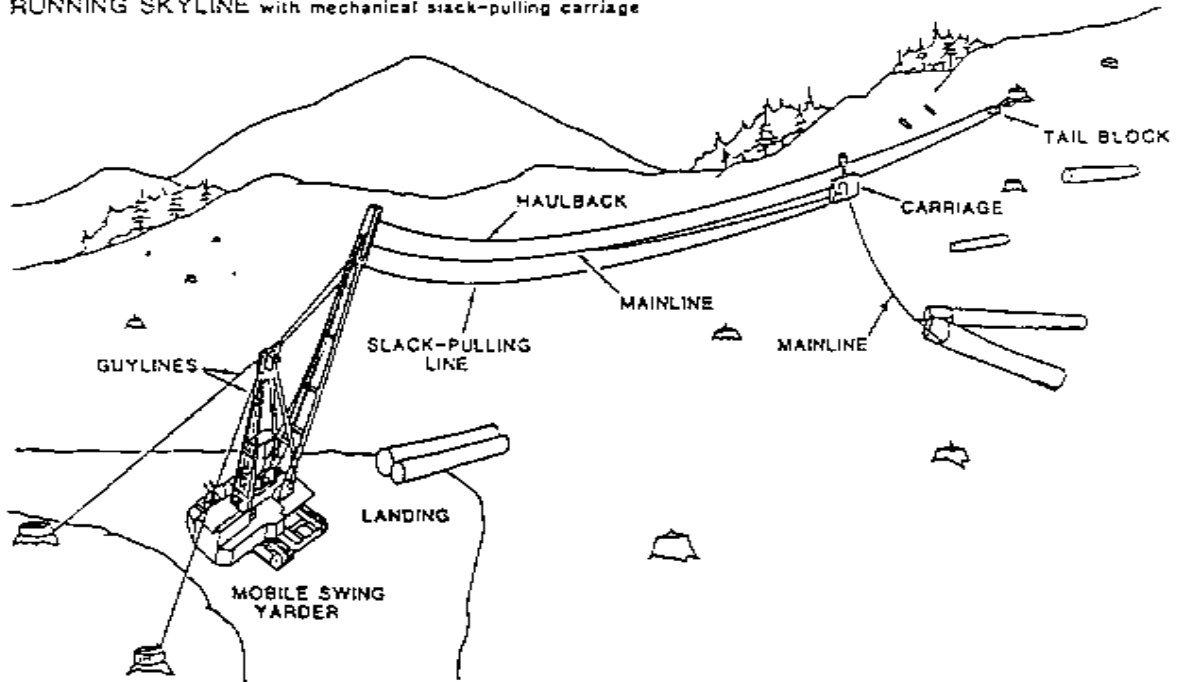
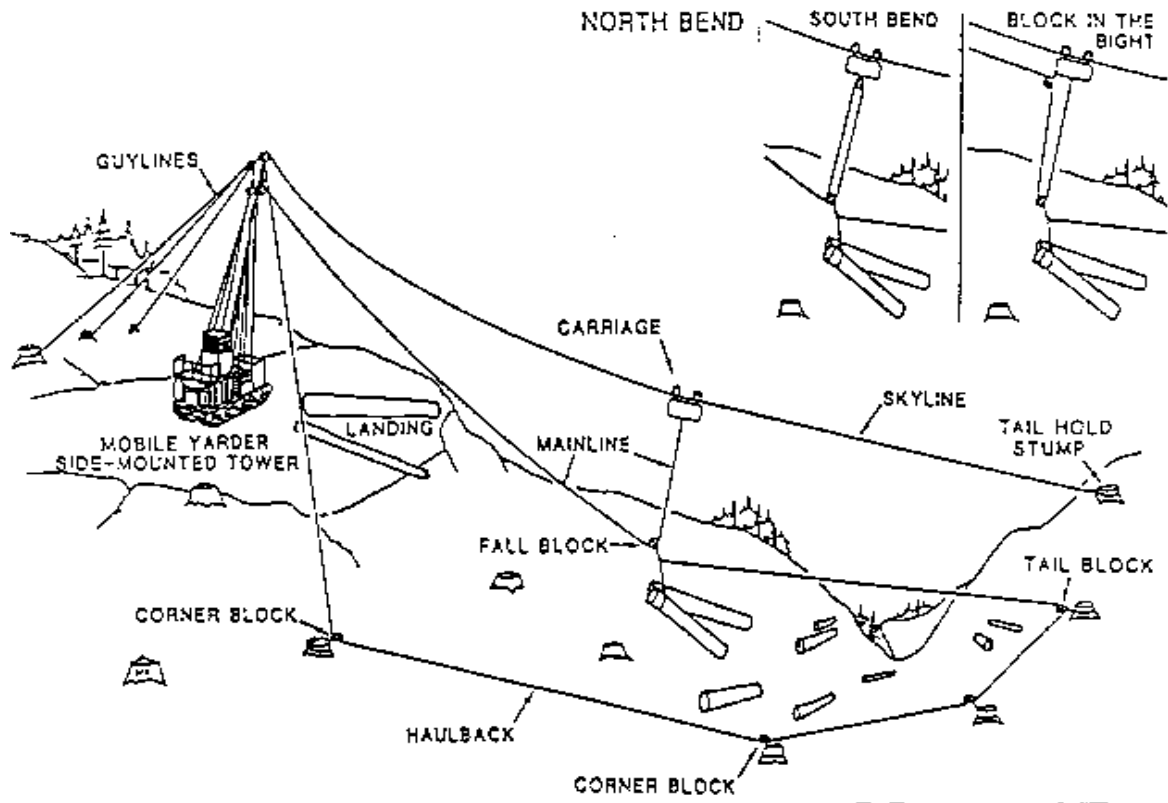


FIGURE 013.01-I



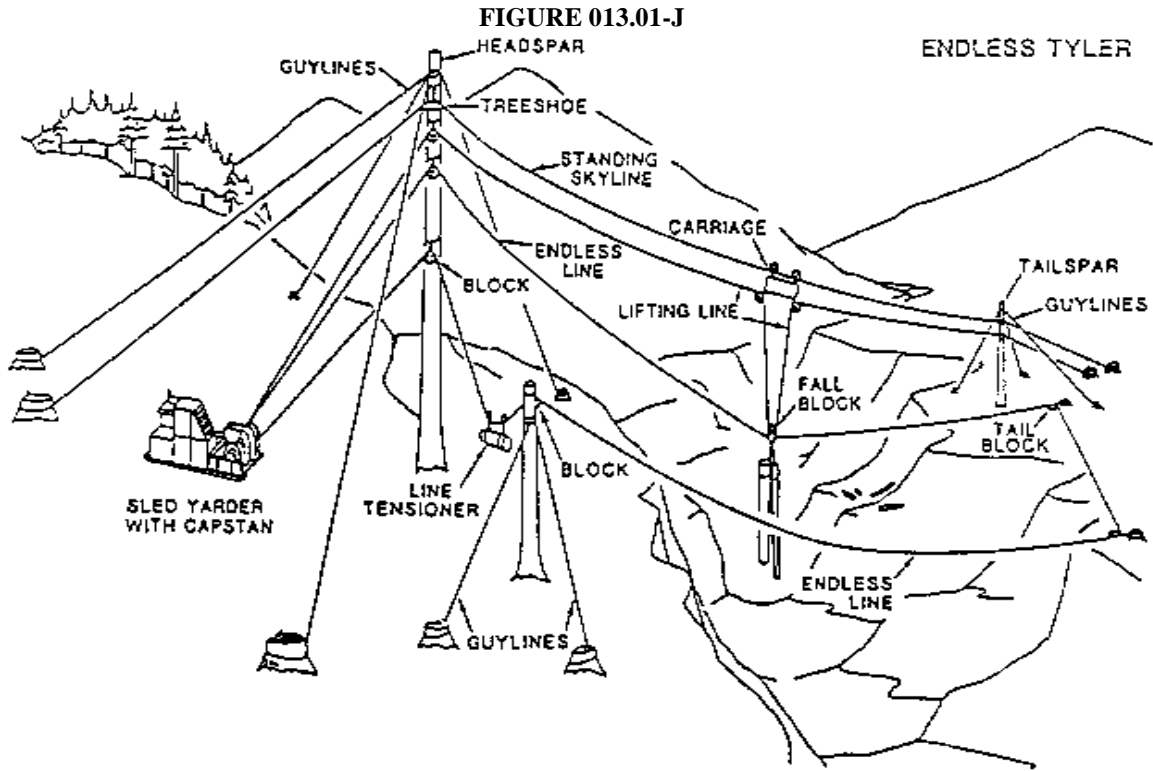


FIGURE 013.01-K

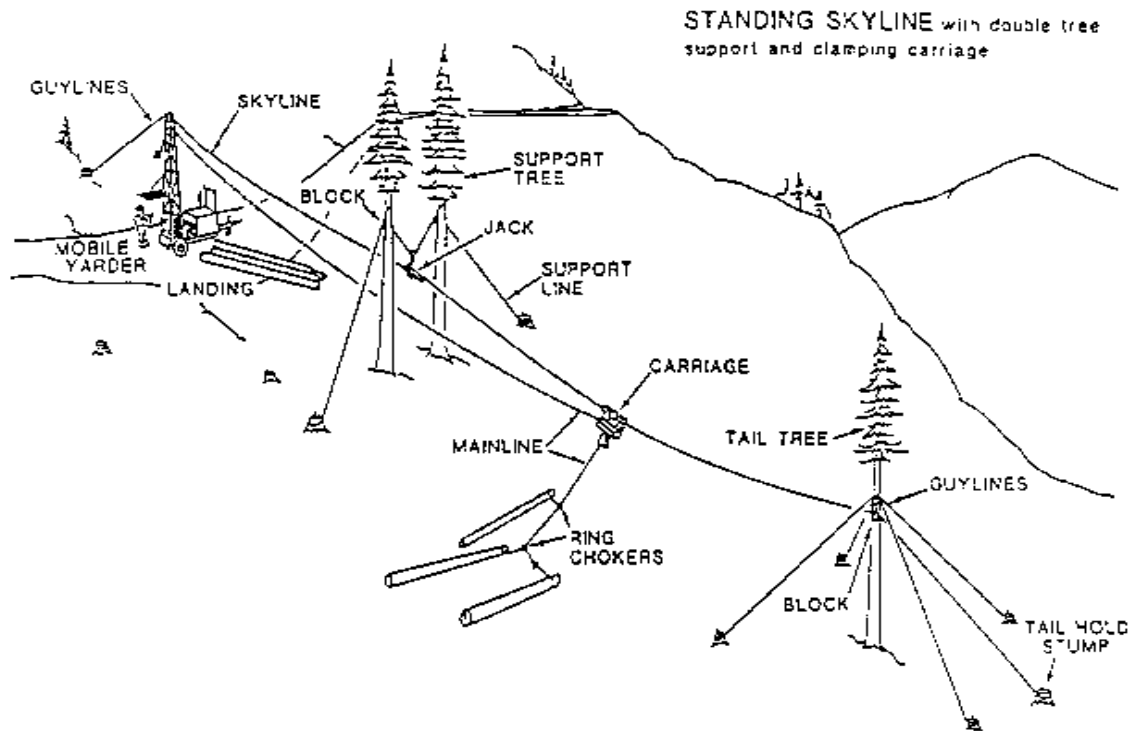


FIGURE 013.01-L

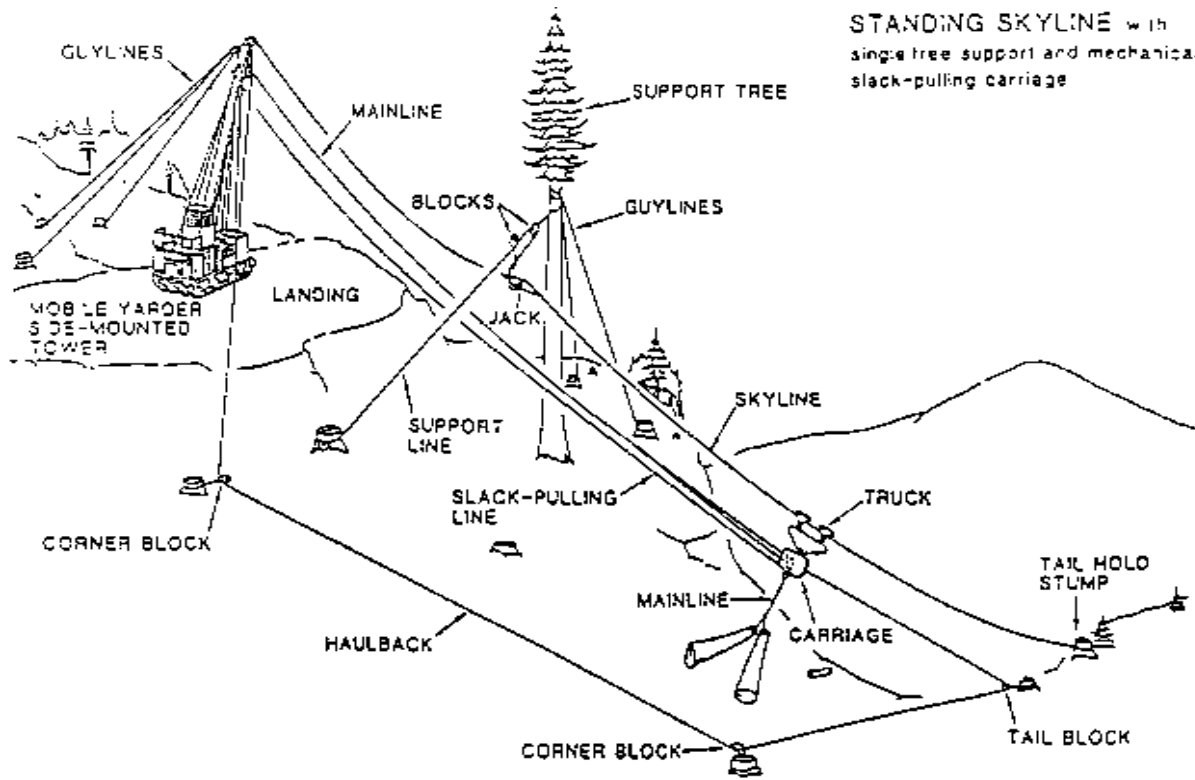


FIGURE 013.01-M

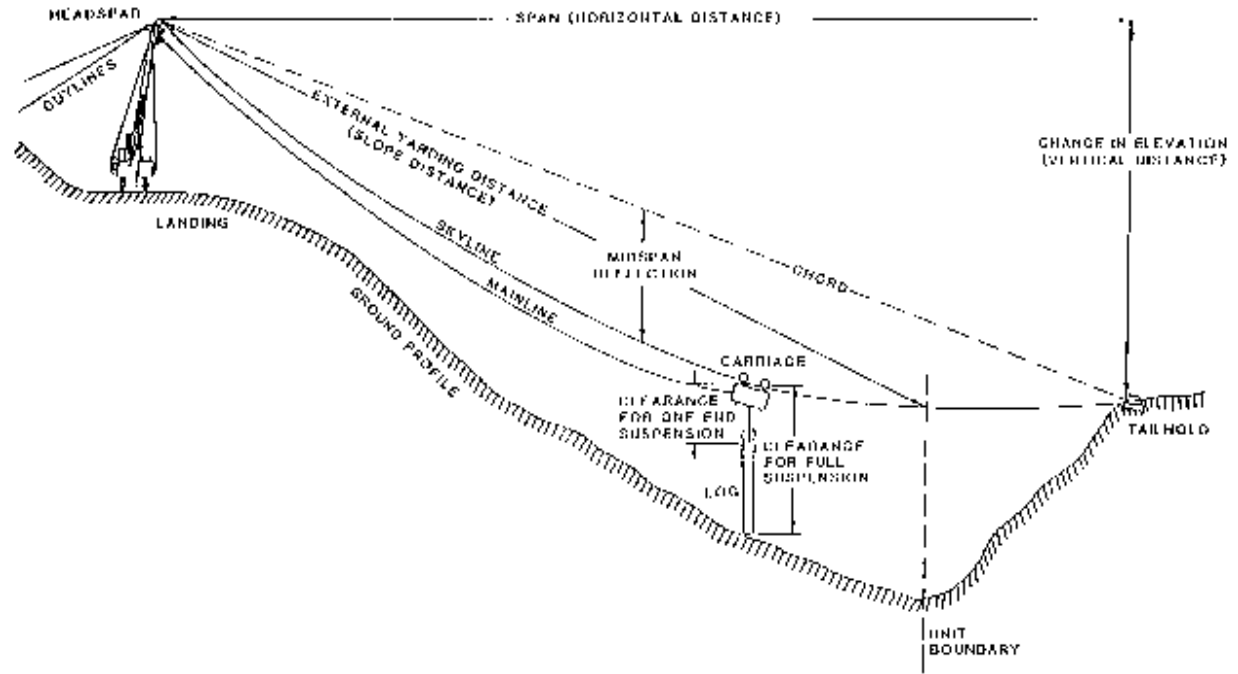


FIGURE 013.01-N1

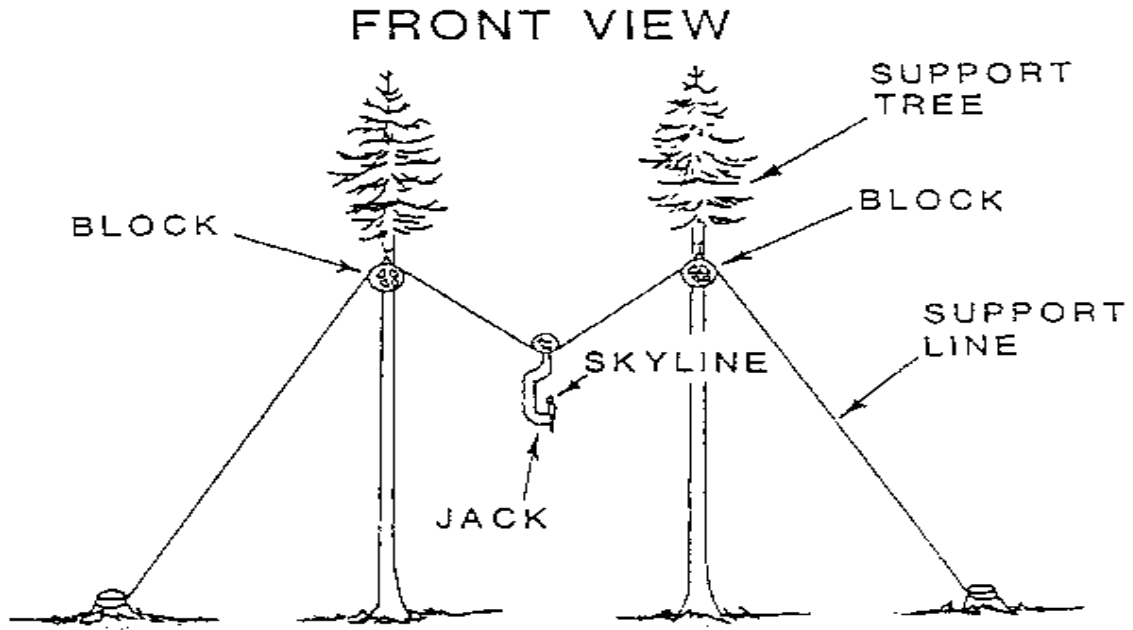
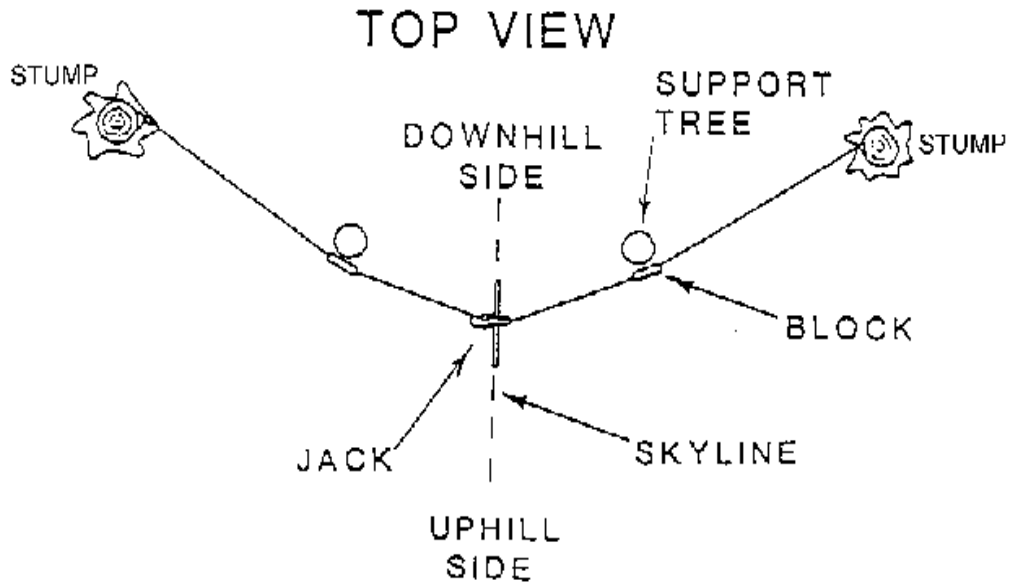


FIGURE 013.01-N2



014. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION

**17.08.10 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**

DOCKET NO. 17-0810-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with canopy and canopy construction for logging equipment and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0810-9601

**IDAPA 17
TITLE 08
Chapter 10**

**17.08.10 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
CANOPY AND CANOPY CONSTRUCTION FOR LOGGING EQUIPMENT**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 10, Idaho Minimum Safety Standards and Practices for Logging -- Canopy and Canopy Construction for Logging Equipment, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. GENERAL REQUIREMENTS.

01. Driver Protection Guard. ()

a. A substantial metal guard for the protection of the driver shall be installed on every piece of equipment, where exposed to overhead hazards. ()

b. This guard shall be strongly constructed to afford adequate protection for the driver against overhead hazards. ()

c. It shall be of sufficient width and height so that it will not impair the movements of the driver or prevent his immediate escape from the equipment in emergencies. ()

d. It shall be of open construction to allow the driver all the visibility possible. ()

02. Canopy Framework. ()

a. The canopy framework shall consist of at least two (2) arches, either transverse or longitudinal. ()

b. If transverse, one (1) arch shall be installed at the rear of the equipment and the other at the center of the equipment. They shall be joined together by three (3) longitudinal braces, one (1) at the top and one (1) at each side of the arches. ()

c. There shall be a shear or deflecting guard extending from the leading edge of the forward arch to the front part of the frame of the tractor or similar equipment. ()

d. If longitudinal arches are used they shall be extended from the rear of the tractor or equipment to the front frame of the tractor or equipment and each arch shall have an intermediate support located approximately at the dash so that ingress or egress will not be impeded. ()

e. Regardless of the type of construction used, the fabrication and method of connecting to the tractor or equipment shall be of such design as to develop a strength equivalent to that of the upright members. ()

03. Canopy Structure. ()

a. The canopy structural framework shall be fabricated of pipe of the following size, or materials of equivalent strength, depending upon the gross weight of the tractor or similar equipment as equipped. Under twenty eight thousand (28,000) lbs., two (2) inch double extra strong pipe (XXS); twenty eight thousand (28,000) to fifty eight thousand (58,000) lbs., three (3) inch double extra strong pipe (XXS); Over fifty eight thousand (58,000) lbs., four (4) inch double extra strong pipe (XXS). ()

04. Gusset Plates or Braces. Gusset plates or braces shall be installed on the canopy framework so that the framework will withstand a horizontal pressure equal to twenty five (25) percent of the gross weight of the tractor or similar equipment, as equipped, when such pressure is applied to any vertical member at a point not more than six (6) inches below the roof of the canopy. ()

05. Clearance Above the Deck. The clearance above the deck of the tractor or similar equipment at points of egress shall be not less than fifty two (52) inches and the clearance above the driver's seat shall be of such height as will allow sufficient clearance above the driver's head. ()

06. Overhead Covering. The overhead covering on the canopy structure shall be of not less than three sixteenth (3/16) inch steel plate except that the forward eighteen (18) inches may be made of one quarter (1/4) inch woven wire having not more than one (1) inch mesh. ()

07. Rear Covering. ()

a. The opening in the rear of the structure shall be covered with one quarter (1/4) inch woven wire having not less than one and one half (1 1/2) inch or more than two (2) inch wire mesh. This covering shall be affixed to the structural members so that ample clearance will be provided between the screen and the back of the operator. ()

b. Structural members shall present smooth, rounded edges and the covering shall be free from projections which would tend to puncture or tear flesh or clothing. ()

08. Pin Connections. ()

a. Pin connections are recommended for joints in the structural frame and especially at connections to the tractor frame or similar equipment frame. ()

b. Gusset plates shall be installed at each place where individual pieces of pipe are joined. ()

09. Sideguards. When practical, sideguards shall be installed to protect the operator from hazards. ()

011. TRACTORS AND SIMILAR LOGGING EQUIPMENT.

01. Operating Condition. The general operating condition of a tractor or equipment shall be sufficiently good to ensure the safety of the driver and other workmen. ()

02. Guards. All guards shall be kept in place and in good repair at all times when the tractor or similar equipment is used. ()

03. Repairs or Adjustments. Repairs or adjustments to clutches, frictions, or other parts of equipment which may cause hazardous movement of equipment shall not be done while engines are running. ()

04. Blades or Similar Equipment. ()

a. Blades or similar equipment shall be blocked or otherwise securely supported when making repairs or performing other work around such equipment when they are elevated from the ground. ()

b. Equipment under repair or adjustment should be tagged out. ()

05. Brakes and Steering. ()
- a. All equipment shall be equipped with a braking system capable of stopping and holding the maximum load on all grades at all times. ()
- b. Any defect found in braking system or steering devices of any equipment used in skidding or yarding operations shall not be used until repaired or replaced. ()
07. Starting of Equipment. Equipment shall be started (cranked) only by the operator or other experienced persons. ()
08. Seatbelts. ()
- a. Seatbelts shall be installed on all tractors and mobile equipment having roll-over protection or in accordance with a design by a Professional Engineer which offers equivalent employee protection. ()
- b. Seatbelts shall be used unless the equipment operator and the person in charge of the job site have reasonable cause to believe that safety of the operator is jeopardized by wearing a seatbelt. ()
09. Fire Equipment. All equipment, especially those used in woods operation shall be equipped with an approved fire extinguisher and shovel. ()
10. Unattended Equipment. When leaving equipment, blades or grapples shall be lowered to the ground and brakes shall be set. ()
- 012. -- 999. (RESERVED).**

IDAPA 17 - INDUSTRIAL COMMISSION

**17.08.11 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
SKIDDING AND YARDING**

DOCKET NO. 17-0811-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with skidding and yarding and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0811-9601

**IDAPA 17
TITLE 08
Chapter 11**

**17.08.11 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
SKIDDING AND YARDING**

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 11, Idaho Minimum Safety Standards and Practices for Logging -- Skidding and Yarding, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. SKIDDING AND YARDING.

- 01. General Requirements. ()
 - a. All personnel shall wear approved head protection and proper clothing at all times in skidding and yarding. ()
 - b. Getting on or off moving equipment is strictly prohibited. ()
 - c. Equipment operators shall move rigging only on signal of authorized person. ()
 - d. Workers shall at all times watch for and protect themselves and their fellow workers from side-winders, rolling logs, up ending logs, snags, and other hazards caused by the movement of equipment, logs and/or lines. ()
 - e. Chokers should be placed near, but not closer than two (2) feet, from the ends of logs if possible. ()
 - f. Choker holes shall be dug from the uphill side of a log if there is any danger of its rolling. ()
 - g. Knots shall not be used to connect separate lengths of chain or cable. ()
 - h. Chaser (hooker) shall not unhook logs (trees) until rigging has stopped and equipment operator is aware of his location. ()
 - i. Riding on drag or logs or any part of equipment used in skidding and yarding except in the area of the driver's seat is prohibited. ()
 - j. A tool handle, stick, iron bar, or similar object shall be used in guiding lines onto drums. Guiding lines with hands is prohibited. ()
 - k. Make sure all personnel are in the clear before skidding turn, drag, log, or tree into landing. ()
 - l. All personnel shall keep out of the bight of line and clear of running lines. ()
 - m. Logs shall not be swung over personnel. ()
 - n. Knot bumping should be done before log is loaded. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.12 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
ROAD TRANSPORTATION

DOCKET NO. 17-0812-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with road transportation and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145
Text of Docket No. 17-0812-9601

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0812-9601

IDAPA 17
TITLE 08
Chapter 12

17.08.12 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
ROAD TRANSPORTATION

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 12, Idaho Minimum Safety Standards and Practices for Logging -- Road Transportation, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. LOG TRUCK TRANSPORTATION.

01. General. The following requirements are supplemental to any Idaho law governing automobiles, trucks, tractors, trailers, and any combination of these units. If there are any discrepancies in the codes between this section and the Federal and Idaho vehicle regulations for the State of Idaho, the governmental regulation will govern (Idaho Code Title 49 Chapter 25). ()

02. Stopping and Holding Devices for Log Trucks. ()

a. Motor logging trucks and trailers must be equipped with brakes and/or other control methods which will safely stop and hold the maximum load on the maximum grade. Air or vacuum brake lines shall be of the type intended for such use and shall have fittings which will not be interchangeable with water or other lines. ()

b. Brake Test - A brake test shall be made before and immediately after moving a vehicle. Any defects shall be eliminated before proceeding. ()

03. Lighting Equipment Required. ()

a. Motor vehicles used on roads not under the control of the State Highway Board, counties or cities, shall have equipment necessary for safe operation, such as head, tail, and stop lights. ()

b. Such lights shall be used during clearance periods of reduced visibility. ()

04. Safe Operating Requirements. ()

a. The driver shall do everything reasonably possible to keep his truck under control at all times and shall not operate in excess of a speed at which he can stop the truck in one-half (1/2) the distance between him and the range of unobstructed vision. ()

b. The driver shall take into consideration the condition of the roadway, weather factors, curves, grades and grade crossings, the mechanical condition of his equipment and other pertinent items. ()

c. The driver shall clear rocks from between dual tires before driving on multi-lane roads. ()

d. A daily inspection shall be made of trucks and trailers with particular attention to steering apparatus, brakes, boosters, brake hoses and connections, reaches, and couplings. Any defects found shall be

corrected before equipment is used. ()

05. Stakes, Bunks, or Chock Blocks. All stakes and bunks, installed on log trucks and trailers, together with the means provided for securing and locking the stakes in hauling position, shall be designed and constructed of materials of such size and dimensions that they will withstand a pressure of fifteen thousand (15,000) pounds applied outward against the tops of the stakes, and, or extensions when used, without yield or permanent set resulting in the stakes, bunks or the means provided for securing and locking the stakes.

NOTE. Test Procedure - A test pressure of fifteen thousand (15,000) pounds is applied to the top of one stake, using the top of the stake opposite as a base for applying pressure. Bunk is not to be secured to floor or other base except in a manner similar to that used to mount it to truck or trailer. Stakes must return to normal upright position at end of test and stakes and all component parts examined and checked with original specifications. If no yield results in any part, the design and construction may be considered as meeting code requirements. ()

06. Stake Extensions. ()

a. Stake extensions shall not be used unless all component parts of the bunking system are of sufficient size and strength to support the added stresses involved. ()

b. Truck drivers shall report, to the proper authority, missing or broken stake extensions. ()

07. Stake and Chock Tripping Mechanisms. Stakes and chocks which trip shall be constructed in such a manner that the tripping mechanism, which releases the stake or chocks, is activated at the opposite side of the load from the stake being tripped. ()

08. Linkage for Stakes or Chocks. ()

a. The linkage used to support the stakes or chocks must be of adequate size and strength to withstand the maximum imposed impact lead. ()

b. "Molly Hogans" or cold shuts are prohibited in chains or cable used for linkage. ()

09. Notify Engineer When Around Truck. ()

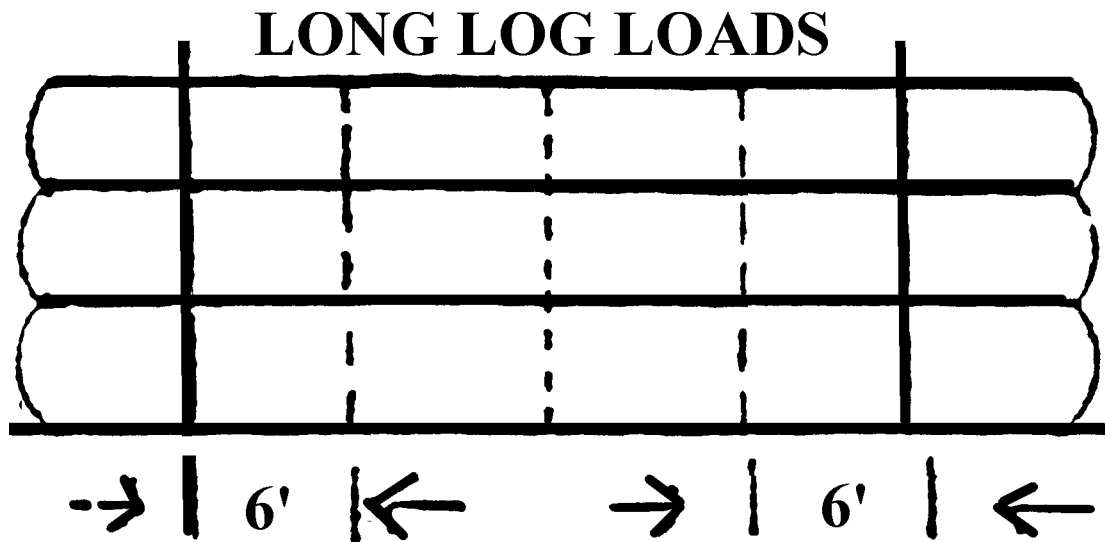
a. Persons shall not walk along side of or be underneath any truck being loaded. ()

b. Prior to performing any duties, such as releasing bunk locks, placing or removing compensating pin, scaling logs, reading scale, chopping limbs or making connections, they shall notify the loading engineer of their intentions and be acknowledged. ()

10. Number of Wrappers Required. ()

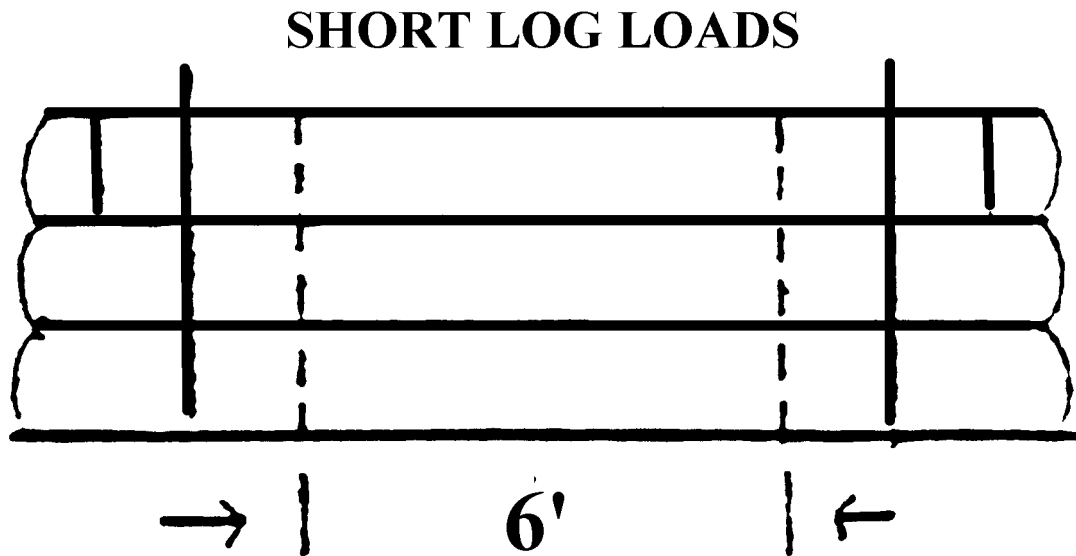
a. Each unit used for hauling logs longer than twenty six (26) feet, shall have the load secured by a minimum of three (3) wrappers, one within six (6) feet of each bunk. See Figure 010.10-A. ()

FIGURE 010.10-A

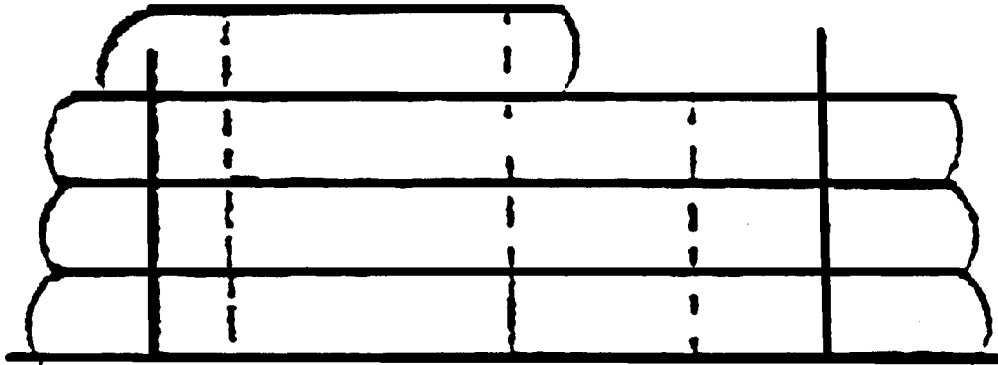


b. All exposed outside logs shall be secured by one (1) wrapper passing near each end of the log. ()
See Figure 010.10-A.

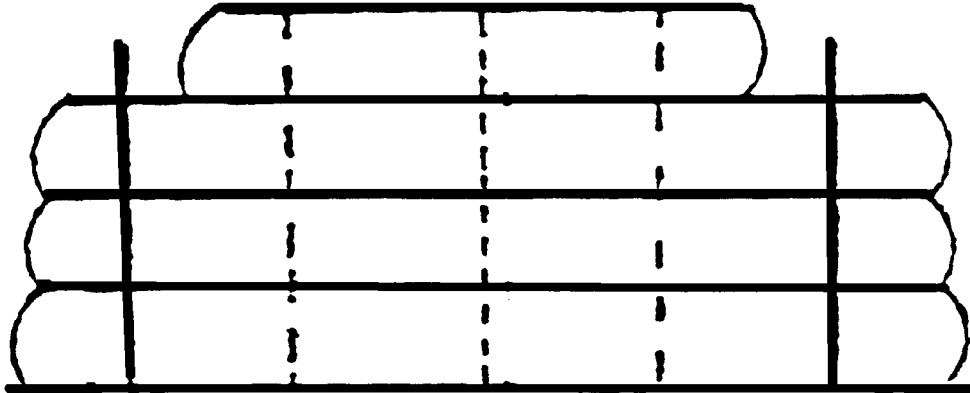
FIGURE 010.10-B



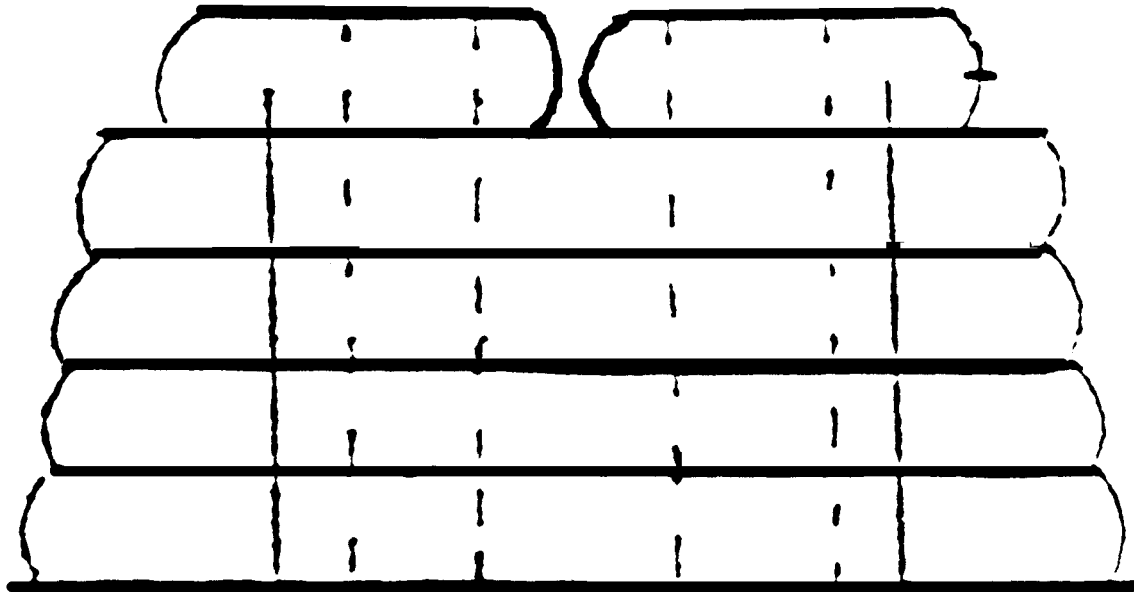
LONG LOG LOAD WITH SHORT LOGS IN REAR OR IN FRONT



LONG LOG LOAD WITH SHORT LOGS IN CENTER



LONG LOG LOAD WITH SHORT LOGS BUTTED



c. On one (1) log load where trailer bunk is equipped with cheese blocks, one (1) wrapper securing log to the trailer bunk will be sufficient. Outside wrappers on short logs shall have a minimum of six (6) feet spread. (See Figure 010.10-C.) ()

NOTE. High loads are defined as logs loaded above bunk stakes. ()

FIGURE 010.10-C

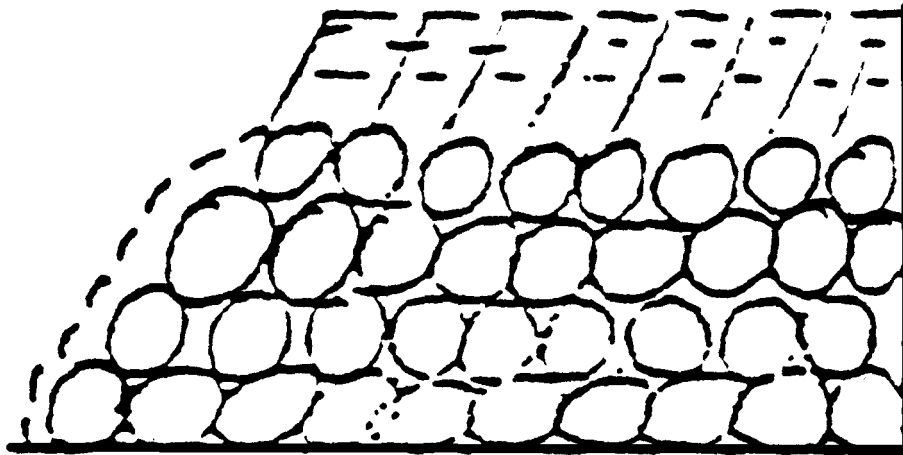
ONE LOG LOAD



11. Requirements for Crosswise Loaded Trucks. ()
- a. When loads of short logs are loaded crosswise, the logs shall be properly contained by use of stake or chock blocks and shall be secured by a minimum of two (2) wrappers. (See Figure 010.11-A.) ()

FIGURE 010.11-A

CROSSWISE LOADED TRUCK



- b. Binders shall be securely fastened to the vehicle. ()
12. Construction of Wrappers. ()
- a. Cables shall have a spliced eye or swaged fittings. ()
- b. "Molly Hogans" or cold shuts are prohibited to make splices or connections. ()
- c. Wrappers shall have a minimum breaking strength of not less than thirteen thousand (13,000) pounds. ()
13. Binder Placement Requirements. ()
- a. Binders shall be placed in a manner whereby they will be released on the side opposite the brow log, or on the side where the unloading equipment operator can see the binders. ()
- b. Truck drivers shall be required to stop vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter the first public road they encounter. ()
14. Precautions When Placing or Removing Binders and Wrappers. ()
- a. Binders and wrappers shall remain on the load until an approved safeguard has been provided to prevent logs from rolling off the side of truck where binders are being released. ()
- b. At least one wrapper shall remain secured while relocating or tightening other binders. ()

15. Binders and Wrappers to be Placed Before Leaving Landing Area. Binders and wrappers shall be placed and tightened around the completed load before shifting the load for proper balance and a wrapper or wrappers shall be placed and secured to hold the load in place before the truck is moved from the landing area or out of sight of the landing crew. ()
16. Adequate Reaches Required. ()
- a. Log trailers must be connected to tractors by reaches of a size and strength to withstand all imposed stresses. ()
- b. Spliced reaches shall not be used. ()
17. Proper Lay of Logs in Stakes or Bunks. ()
- a. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. ()
- b. Logs shall be well saddled without crowding so that there will be no excessive strain on the wrappers or stakes. ()
- c. No more than on half of any log shall extend above the stakes unless properly and securely saddled. ()
18. Traffic travel on right side of road except where posted. All trucks shall keep to the right side of the road. (Except where road is plainly and adequately posted for left side traveling.) ()
19. Towing of Trucks. When trucks must be towed on any road, the person guiding the vehicle being towed shall, by prearranged signals, govern the speed of travel. ()
20. Scaling and Branding. When at the dump or reload and where logs are scaled or branded on the truck, the logs shall be scaled or branded before the wrappers are released. ()
21. Metal Parts Between Bunk and Cab to Be Covered. Suitable material shall be used on treading surfaces between the bunk and cab to prevent persons from slipping on the metal parts. ()
22. Bunks to Be Kept in Good Condition and Repair. ()
- a. Log bunks or any part of bunk assembly bent enough to cause bunks to bind shall be straightened. ()
- b. Bunks shall be sufficiently sharp to prevent logs from slipping. ()
23. Following Other Vehicles. ()
- a. A vehicle not intending to pass shall not follow another closer than one hundred fifty (150) feet. ()
- b. Passing shall be done only when it can be done safely. The passing vehicle shall consider all factors which may be essential; such as condition of the roadway, width of the road and distance of clear visibility ahead. ()
24. Reaches to Be Clamped when Towing Unloaded Trailer. A positive means, in addition to the clamp shall be installed on the reach of log truck trailers when the trailers are being towed without a load. ()
25. Inserting of Compensating Pin. ()

- a. Persons shall never enter the area below suspended logs or trailers. ()
- b. At dumps where the load must remain suspended above the bunks until the truck is moved away and when the trailer is the type with a compensating pin in the reach, a device shall be installed which will allow the trailer to be towed away from the danger area. ()
- 26. Safety Chains. ()
 - a. All trailers shall be secured with a safety chain, or chains, which connect the frame of the truck assembly to the trailer unit. ()
 - b. The chains shall be capable of holding the trailer in line in case of failure of the hitch assembly. ()

011. STEERED TRAILERS.

- 01. Steered Trailers not controlled from the Truck Cab Shall Be Designed, Constructed, and Operated as follows. ()
 - a. Secure Seat. A secure seat with substantial foot rests shall be provided for the steerer at the rear of the bunk. Any arrangement that permits the steerer to ride in front of the bunk is prohibited. ()
 - b. Unobstructed Exit. The seat for the steerer shall be so arranged that the steerers have an unobstructed exit from both sides and the rear. ()
 - c. Bunk Support. The bunk support shall be so constructed that the steerer has a clear view ahead at all times. ()
 - d. Adequate Means of Communication. Adequate means of communication shall be provided between the steerer and the truck driver. ()
 - e. Eye Protection and Respirator. Eye protection and respirator shall be provided for the steerer. ()
 - f. Fenders and Spash Plates. The trailer shall be equipped with fenders or splash plates to protect the steerer from mud and dust so far as possible. ()
 - g. Lights. If used during period of reduced visibility on roads not under the control of the State Highway Board, counties or cities, the trailer shall be equipped with head, tail and stop lights. ()

012. COMMON CARRIERS.

- 01. Responsibility. It shall be the responsibility of the common carrier, and particularly the operator of the common carrier, upon entering the premises of any sawmill, woodworking or allied industry, to exercise all possible caution and to use all necessary safety devices and precautions to their fullest extent. ()
- 02. Audible and Visual Warning Devices. ()
 - a. All common carriers equipped with audible and visual warning devices shall activate such warning devices before entering a danger zone and they shall remain activated as long as the carrier is moving in that zone. ()
 - b. A danger zone shall be defined as an area where men or vehicles are working or normally work. ()
- 03. Train Operations. When train is operating on plant railway system the safety rules shall apply as outlined by the Association of American Railroads governing train, engine and transportation of employees. ()

013. SELF-LOADING LOG TRUCKS.

01. Self-loading Log Trucks. Self-loading log trucks manufactured after January 1, 1981, shall be equipped with: ()

a. A load check valve (velocity fuse) or similar device installed on the main boom. ()

b. A seat that is offset from the point of attachment of the boom. The seat and boom structure shall rotate concurrently. ()

02. Operator. The operator of a self-loading log truck shall not: ()

a. Heel the log over his head; or ()

b. Heel the log on the operator side of the boom of the seat if offset from the point of attachment of the boom. ()

03. Safe and Adequate Access. A safe and adequate means of access to and from the loading work station on self-loading log trucks shall be provided. ()

04. Overhead Hazards. A self-loading log truck shall not load itself or another truck when the loading process is under or within a guyline circle or similar overhead hazard. ()

05. Trailers Secured. Self-loading truck trailers shall be secured to the truck when the trailer is being hauled on the truck. ()

014. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION

**17.08.13 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING
BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND
FOOT LOGS, POND BOATS AND TOW BOATS AND TRAILER LOADING HOISTS**

DOCKET NO. 17-0813-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with logging health, safety, and sanitation and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0813-9601

IDAPA 17
TITLE 08
Chapter 13

17.08.13 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -- LOG DUMPS, LANDING, LOG HANDLING EQUIPMENT, LOADING AND UNLOADING BOOMS, LOG PONDS, RAFTING, TOWING, STIFF BOOMS, BOOM STICKS AND FOOT LOGS, POND BOATS AND TOW BOATS AND TRAILER LOADING HOISTS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act, ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 13, Idaho Minimum Safety Standards and Practices for Logging -- Log Dumps, Landing, Log Handling Equipment, Loading and Unloading Booms, Log Ponds, Rafting, Towing, Stiff Booms, Boom Sticks and Foot Logs, Pond Boats and Tow Boats and Trailer Loading Hoists, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. SPECIFIC REQUIREMENTS.

01. Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading. ()

a. Only authorized persons shall operate log handling equipment. Machine operators shall be capable and experienced personnel. No persons other than the operator may be in the operator's compartment while machine is operating, except for purposes of operating instructions. Unnecessary talking to the operator of log handling equipment while the machine is in operation is prohibited. ()

b. Machine operators shall make necessary inspection of machines each day before starting work. All repairs or adjustments shall be made before any strain or load is placed upon the equipment. ()

c. Substantial barriers or bulkheads to protect the operator shall be provided for all log handling machines where the design, location, or use of such machines exposes the operator to material or loads being handled. Such barriers or bulkheads shall be of adequate area and capable of withstanding impact of materials handled. ()

d. A safe and adequate means of access to, and egress, from the operator's station shall be provided. Necessary ladders, steps, step plates, foot plates, running boards, walkways, grab irons, handrails, etc. shall be provided and maintained. ()

e. All moving parts shall be guarded in an approved manner to afford complete protection to the operator and other workers. ()

f. Throttles and all power controls shall be maintained in good operating condition. ()

- g. Landings shall be prepared and arranged to provide maximum safety for all employees and shall provide ample space for the safe movement of equipment and storage and handling of logs. ()
- h. Adequate means shall be used to prevent logs from rolling into the road or against trucks. Workers shall be sure that logs are securely landed before approaching them. While unhooking chokers workers shall choose the safest approach. This is usually from the upper side of the log. ()
- i. Logs shall not be landed at loading areas until all workers, tractors, trucks, or equipment are in the clear. All persons shall stay in the clear of running lines, moving rigging, and loads until rigging or loads have stopped. ()
- j. The loading machine shall be set so that the operator shall have an unobstructed view of the loading area, or a signalman shall be properly placed and his signal shall be followed. Signaling the operator shall be done by standard, hand signals, whistles, or other positive means of communication. ()
- k. Machines, sleds, or bases shall be of sufficient strength to safely withstand moving, and machines shall be securely anchored to their bases. ()
- l. Mufflers shall be installed on all internal combustion engines of log handling equipment and located or guarded in such a manner as to prevent accidental contact with the muffler or exhaust pipes and afford protection from fumes. ()
- m. Brakes shall be installed on all machine drums and maintained in effective working condition. ()
- n. Brake levers shall be provided with a ratchet or other equally effective means for securely holding the drum. ()
- o. Brake bands shall have a safety factor of five (5) times the stress to be imposed and they shall be of a design which will render them impervious to exposure. Operator shall test brakes before lifting any load at the start of each shift. ()
- p. In no case shall stresses in excess of the manufacturer's recommendation be permitted. Equipment not carrying a manufacturer's recommendation shall not exceed stresses of more than one half of the yield strength of the material used. Conversion of Cranes, Shovels, etc., into yarders shall be in conformity with these rules. Necessary guylines and/or outriggers shall be provided and used to effectively prevent mast, A-frames, etc., from tipping or overturning. ()
- q. The manufacturer's recommendations for line sizes, if in compliance with this Code, shall be followed and such line sizes shall not exceed the rated capacity of the machine using it. ()
- r. Fork lifts or arms, tongs, clams or grapples shall be lowered to their lowest position and all equipment brakes set before the operator leaves the machine. ()
- s. Log unloaders shall not be moved about the premises for distances greater than absolutely necessary with the lift extended or with the loads higher than necessary for clear vision. ()
- t. All log handling machines which have lift arms that create a shear point with the driver's cab or position shall be provided sheer guards that will eliminate the operators exposure to such hazard. Grapple arms or other positive means of keeping logs on the forks shall be required on fork lift type loading machines. ()
- u. All workers shall be in the clear and in view of the machine operator before a lift is made. ()
- v. All mobile log handling machines shall be equipped with rearview mirrors, a horn or other audible warning device, and lights front and rear so as to illuminate the entire length of the load being lifted or carried. An automatic warning device that will activate when the vehicle is moved is preferable in areas where other workers are employed. ()

- w. Logs or loads shall not be swung over occupied equipment or workers and no one shall ride the load or rigging. ()
- x. While logs are being loaded no one shall remain on the chain deck or behind the truck cab protector where they could be pinned between the end of a log and cab, tank, or cab protector. Cab protectors shall be cleaned of all loose gear before trucks are moved from the landing. ()
- y. An unimpaired clearance of not less than three (3) feet shall be maintained from swinging or moving parts of machines, where such swinging or moving parts create a hazard to personnel. If this clearance cannot be maintained, suitable barricades or safeguards shall be installed to isolate the hazardous area. ()
- z. A-frames, towers, masts, etc., shall be designed and constructed to provide adequate structural strength and height for positive control of materials or loads lifted. When in use, they shall be guyed or braced to provide stability and prevent tipping. Their bases shall be secured against possible displacement. ()
- aa. When moving machines on sleds etc., stumps shall be used, when available, in preference to trees. These stumps shall be carefully examined to make sure that they will safely withstand the strains imposed by moving. If there is any doubt, the stumps shall be tied back. Insecure trees used for holds shall be guyed. Workers shall stand in the clear while pulls are being made. When holds are being changed, the machine shall be secured with a separate line if there is danger of the machine sliding. When snubbing machines down steep grades, the main line shall be used for snubbing and the haul back for pulls. Only the operator and those required to assist him shall ride on the machine while it is being moved.
- NOTE: All lines, blocks, etc., and their use shall be in conformity with the applicable provisions of the “Rigging, Lines, Blocks, and Shackles” (IDAPA 17.08.09) of this Standard. ()
- bb. All log handling equipment shall be equipped with brakes capable of holding and controlling the vehicle with capacity load. ()
- cc. A limit stop which will prevent the lift arms from over-traveling shall be installed on all electric powered log unloaders. ()
- dd. Gas powered vehicles shall not be refueled while motor is running nor in the vicinity of smoking or open flames. ()
- ee. All log handling equipment shall be provided with approved fire extinguisher of at least five (5) B.C. rating easily accessible to operator. ()
- ff. Methods of unloading logs shall be properly arranged and used in a manner to provide protection to all employees. ()
- gg. A substantial log dump shall be constructed at each log pond or mill dumping ground. The road bed shall be of hard packed stone, heavy planking or equivalent material. ()
- hh. Where logs are dumped directly into water from truck or rail car, a substantial brow log eighteen (18) inches or more in diameter shall be provided and securely anchored. ()
- ii. After cars or trucks are spotted at such dump or landing, no person will be permitted to pass between brow log and truck or rail car. ()
- jj. The use of plain end hooks without a bell is prohibited. Loading hooks shall be kept in good repair at all times. They shall be equipped with at least one half inch diameter hand ropes in good condition and of sufficient length for workers to be in the clear. When carrying tongs, they shall not be rested on both shoulders with points around the neck. ()
- kk. Where there is danger of tongs or hooks pulling out of the logs, straps shall be used. ()

- ll. All equipment should be so positioned, equipped, or protected so that no part shall be capable of coming within ten feet of any power line. ()
- mm. Bunk logs shall extend not less than twelve (12) inches beyond the bunks. ()
- nn. The method of loading shall be such that the logs in any tier or layer unsecured by stakes or cheese blocks shall have their centers inside of the centers of the outer logs of the next lower tier or layer so that the load is stable without the aid of binders. Logs shall be well saddled without crowding so that there will be no excessive strain on the binders, bunk chains, or stakes. No more than one half (1/2) of any log shall extend above the stakes unless properly and securely saddled. ()
- oo. Binders shall be so placed that they will not be fouled by the unloading machine and that they may be released from the side on which the unloader operates. Proper protection shall be provided for workers while removing wrappers. ()
- pp. Whenever loads consist of logs to be dumped at different landings, lots shall be separated with gut wrappers. Wrappers shall be used for the entire load, as required for single unit loads. Not more than two (2) lots shall be loaded on a single vehicle. ()
- qq. Truck drivers shall be in the clear and in view of the log unloader operator before forks are moved into the load or against it, before a lift is made. All persons are prohibited from standing under, or near, the ends of logs being lifted or moved. ()
- rr. Loads or logs shall not be moved or shifted while binders are being applied or adjusted.
NOTE: For logs in transit see "Log Truck Transportation" (IDAPA 17.08.12, Section 010). ()
- ss. The unloading machine or lines shall be so positioned to securely hold the logs to keep them from rolling off on the side from which the wrappers, bunk blocks, or stake trips are being released and they shall not be released until the machine is so placed. Signs to this effect shall be prominently posted at each landing or dump. An extra wrapper shall be placed to hold the logs if it becomes necessary to move a wrapper to prevent it from being fouled by the unloading machine. Stake finger trips shall be released by using rip chains. The use of hammers, peaveys, etc., is strictly prohibited. ()
- tt. All log dumps, trailer loading areas, and landings shall be kept reasonably free from bark and other debris. ()
- uu. Artificial log ponds, subject to stagnation, shall be drained and refilled at such intervals necessary to keep them in a sanitary condition. ()
- vv. Logs in storage decks shall be so arranged as to prevent logs from rolling off the face of the deck. ()
- ww. All log load wrappers shall be arranged so that they must be released in view of the unloader operator or signal person. When binders are released by remote control devices and when the person releasing the binders is in a safe location, and when in view of the unloading operators, or signal person, the binders may be released from either side. After the unloading machine is in position to hold the load, the binders shall be removed and the person removing them shall be in a safe location in view of the operator. The operator will be given a signal by the person releasing the binders before the machine or load is moved. ()
02. Log Ponds. ()
- a. Pond walks shall be kept in good repair and free of protruding nails and obstructions. ()
- b. Persons working on logs or around booms in water shall wear sharp caked shoes. When conditions such as snow and ice render calks ineffective, other types of shoes with "safety soles" may be worn. ()
- c. Approved buoyant life vests or life jackets shall be worn and fastened by the persons working on

water. ()

d. Pike poles shall be of metal, fiberglass, or continuous, straight-grained No. 1 wood material. Metal or conductive pike poles shall not be used around exposed electrical conductors. Defective poles, blunt or dull pikes shall not be used. They shall be restricted to the use for which they are intended. ()

e. Sufficient walkways and floats shall be proved and securely anchored to insure the safe passage of workers. ()

f. Decks of floats or other walkways shall be kept reasonably level and above the waterline at all times and shall be capable of supporting four (4) feet from log haul. ()

g. Pond walkways shall be at least four (4) feet or more in width for a distance of at least forty (40) feet from log haul. ()

h. Gaps between end of boom sticks or walkways shall not be over twenty four (24) inches. ()

03. Booms-Rafting-Towing. ()

a. Life Rings with a minimum of fifty (50) feet of approved line attached shall be provided at convenient points where water is more than five (5) feet in depth. Life rings shall be maintained so as to retain their positive buoyancy. ()

b. Workmen whose duties require them to work from boats or from floating logs, boom sticks, or walkways along or on water shall be provided with and shall wear, approved, positive, buoyant equipment while performing such duties. ()

04. Stiff Booms. ()

a. All stiff booms shall be made of not less than two (2) boom sticks. Width of stiff booms shall be not less than thirty six (36) inches from outside to outside float logs. Float logs shall be fastened together with not less than four by six (4" x 6") cross ties, or equivalent, or cable lashings notched into float logs. All stiff booms and floating walkways shall be decked with not less than two by six (2" x 6") planking and kept free of snow and other debris. ()

b. All sorting gaps shall have a substantial stiff boom on either side of gap. Stiff booms or walkways shall be planked over with not less than two by six (2" x 6") or wider planks and shall be kept free of tripping hazards. ()

05. Boom Sticks and Foot Logs. ()

a. All regular boom sticks and foot logs shall be made of sound straight timber and shall be free of protruding knots and bark, and shall be of a size to support two (2) workers above the water line. ()

b. Boom sticks which have been condemned shall be marked with three (3) chopped crosses ten (10) feet from the butt end and shall not be reused as boom sticks. ()

c. Gaps between ends of boom sticks shall not be over twenty four (24) inches. All wire shall be removed from boom sticks or boom chains before they are reused or stored. ()

d. When power driven machinery is used on booms or sorting jacks, it shall be placed on raft or float with enough buoyancy to keep machine well above waterline. If electric power is used it shall be grounded in an approved manner. Electric powered hand tools shall not be used unless the tool has a positive ground. ()

e. When dog lines become hazardous, they shall be discarded. ()

f. Booms, ponds, sorting jacks or walkways, shall be provided with sufficient illumination for all employees to have clear vision at all points where work is being carried on. ()

06. Pond Boats and Tow Boats. ()

a. All persons whose duties require them to work from boats, floating logs, boom sticks, or floating walkways shall wear sharp calked shoes. When conditions render calks ineffective, other approved foot gear may be worn. ()

b. All metal decks of pond boats or tow boats shall be covered with a material that will prevent slippage of calks. ()

c. All boats used by workmen shall be provided with at least one (1) life ring with fifty (50) feet of approved line attached. ()

d. All power boats shall be provided with one (1) or more approved fire extinguishers of five (5) B-C rating or more for each fifteen (15) feet in length. ()

e. Power boats shall not be re-fueled while the motor is running. ()

f. All powered boats shall be vented in accordance with U.S. Coast Guard Regulations. ()

g. All powered boats shall conform to operating requirements of the U.S. Coast Guard where applicable. ()

07. Trailer Loading Hoist/ Sawmill Log Dump. ()

a. The hoist shall be designed and constructed in accordance with the National Electrical Code, so as to provide safe loading or unloading of the trailer. ()

b. The hoist shall be equipped with a limiting device to maintain safe take-up limits of line on the hoisting drum. ()

c. Regular service and inspection of the hoist and hoisting equipment shall be made to assure reliable serviceability of the facility. ()

011. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.14 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
HELICOPTER LOGGING

DOCKET NO. 17-0814-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with helicopter logging and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0814-9601

IDAPA 17
TITLE 08
Chapter 14

17.08.14 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES
FOR LOGGING -- HELICOPTER LOGGING

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 14, Idaho Minimum Safety Standards and Practices for Logging -- Helicopter Logging, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. GENERAL REQUIREMENTS.

Safety requirements are as follows: ()

01. Briefings. Prior to each day's operation, a briefing shall be conducted. This briefing shall set forth the daily plan of operation for the pilot and ground personnel. ()

02. Personal Protective Equipment. Personal protective equipment for employees receiving the load shall consist of as a minimum complete eye protection and hard hats secured by chinstraps. ()

03. Loose-fitting Clothing. Loose-fitting clothing likely to flap in the downwash, and perhaps be snagged on the hoist line, shall not be worn. ()

04. Reduced Visibility. When visibility is reduced by dust or other conditions, ground personnel shall keep clear of main and stabilizing rotors. ()

05. Unauthorized Personnel. No unauthorized person shall be allowed to approach within fifty (50) feet of the helicopter when the rotor blades are turning. ()

06. Approaching or Leaving Helicopter. All employees approaching or leaving a helicopter with blades rotating shall remain in full view of the pilot and remain in a crouched position. ()

07. Areas to Avoid in Helicopter. Employees shall avoid the area from the cockpit or cabin rearward unless authorized by the helicopter operator to be there. ()

08. Approach and Departure Zones. Helicopter approach and departure zones shall be designated and no equipment or personnel will occupy these areas during helicopter arrival or departure. ()

09. External Loads. Helicopters with an external load shall not pass over areas where fallers are working. ()

10. Open Fires. Open fires shall not be permitted in an area that could result in such fires being spread by rotor downwash. ()

11. Compliance with FAA Regulations. Helicopters shall be expected to comply with any applicable regulation of the Federal Aviation Administration. ()

12. Protective Precautions. Every practical precaution shall be taken to provide for the protection of

employees from flying objects in the rotor downwash. ()

011. SPECIFIC REQUIREMENTS.

01. Signal Systems. ()

a. Signal systems between air crew and ground personnel shall be understood and checked before hoisting the load. This applies to either radio or hand signal systems. ()

b. There shall be constant reliable communication between the pilot and a designated signalman during the period of loading and unloading. ()

c. The helicopter shall be equipped with a siren to warn workers of hazardous situations. ()

02. Loading Logs. ()

a. It shall be the responsibility of the firm, supervisor, or person who is in charge of the actual loading operation to comply with the Section in these rules applicable to log loading. ()

b. The helicopter operator shall be responsible for the size, weight and manner in which loads are attached to the helicopter. If, for any reason, the helicopter operator believes the lift cannot be made safely, the lift shall not be made. ()

c. When employees are required to perform work under hovering aircraft, a safe means of access shall be provided for employees to reach the hoist line hook and engage or disengage cargo slings. ()

d. Employees shall not work under hovering aircraft except while hooking or unhooking loads. ()

e. The weight of an external load shall not exceed the manufacturer's rating. ()

f. The hook-up crew shall not work on slopes below felled and bucked timber when an unsafe situation exists. Culls left, that have a potential of rolling, should be moved to a safe position. ()

03. Loading and Landing Areas. ()

a. The minimum dimensions of a drop zone shall be determined by the length of the logs being hauled. All zones shall be at least one and one half (1 1/2) times as long, and as wide as the length of the average log being harvested. ()

b. Landing or loading machinery shall be a reasonable distance away from where logs are to be landed. ()

c. Landing crew shall be in the clear before logs are landed. ()

d. The approach to the landing shall be clear and long enough to prevent tree tops from being pulled onto the landing. ()

e. Separate areas shall be designated for landing logs and fueling helicopters. ()

f. Sufficient ground personnel shall be provided for safe helicopter loading and unloading operations. ()

g. A clear area shall be maintained in all helicopter loading and unloading areas. ()

h. Emergency landing areas for injured workers shall be located within a reasonable distance from all working areas. ()

04. Cargo Hooks and Chokers. ()

a. The electrical activating device of all electrically operated cargo hooks shall be designed and installed to prevent inadvertent operation. In addition, these cargo hooks shall be equipped with an emergency mechanical control for releasing the load. ()

b. Logs will be laid on the ground and the helicopter completely free of the chokers before workers approach the logs. ()

c. One end of all the logs in the turn shall be touching the ground and at an angle no greater than forty five (45) degrees before the chokers are released. ()

d. If the load must be lightened, the hook shall be placed on the ground on the uphill side of the turn before the hooker approaches to release the excess logs. ()

012. -- 999. (RESERVED).

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.15 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
COMMONLY USED LOGGING TERMS

DOCKET NO. 17-0815-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P. O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with commonly used logging terms and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0815-9601

IDAPA 17
TITLE 08
Chapter 15

17.08.15 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES
FOR LOGGING -- COMMONLY USED LOGGING TERMS

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 15, Idaho Minimum Safety Standards and Practices for Logging -- Commonly Used Logging Terms, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For additional definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. DEFINITIONS.

01. A-Frame. A structure made of the independent columns (of wood or steel) fastened together at the top and separated a reasonable width at the bottom to stabilize the unit from tipping sideways. ()

02. Arch. A piece of equipment attached to rear of vehicle, used for raising one end of logs to facilitate skidding. ()

03. Back Cut. The final falling cut. ()

04. Barber Chair. Slab portion of tree remaining on the stump above the back cut due to improper falling. ()

05. Bell or Cup Hook With Spike. A hook consisting of a cylindrical cup from whose center there projects a spike. ()

06. Bight. The loop of a line, the ends being "gast" elsewhere, or the angle formed by a line running through a block. ()

07. Binder. Chain, cable, or steel strap used for binding loads of logs. ()

08. Blasting Cap. A metal shell containing a detonating compound. ()

09. Brailling. One section of flat log raft enclosed by boom sticks. To place logs end to end in a long flat raft or boom. ()

10. Brow Log. A log placed parallel to any roadway at a landing or dump to protect vehicles while loading or unloading. ()

11. Bullbuck. The supervisor over cutting crew. ()

12. Buckle Guy Line. Line used to stiffen or support a tree, pole, or structure between the top guys and the base. ()

13. Bunk. The cross support for logs on a logging car or truck. ()

14. Butt Hook. Hook at end of haul-in line for attaching chokers to line. ()
15. Butt Rigging. Arrangement at end of main line for attaching chokers. ()
16. Capped Fuse. A piece of fuse to which a blasting cap has been crimped. ()
17. Carriage Logging. A type of high lead logging using gravity, haul back, or, remote control carriages to yard logs. (Bullet carriage is one type). ()
18. Cat Road. A tractor road. ()
19. Chaser. The member of the yarding crew who unhooks the logs at the landing or fights hang-ups on skid road. ()
20. Chipper. A machine which cuts materials into chips. ()
21. Chock (Bunk Block-Cheese Block). A wedge that prevents logs from rolling off the bunks. ()
22. Cheater. Extension to bunk stakes. ()
23. Choker. A wire rope with special attachments put around log near the end for hauling or lifting. ()
24. Cold Deck. Any pile of logs which is yarded and left for future removal. ()
25. Cold Shut. A link for joining two chains, the link being closed cold with a hammer, not a weld. ()
26. Connecting Wires. Means those wires that connect the leg wire of one electric blasting cap or with the leading wires, when blasting in series. ()
27. Crotch Line. Two short lines attached to hoisting line by means of a ring or shackle, the lower ends being attached to loading hooks and used for loading or unloading. ()
28. Cutter. A term used to designate faller or buckler. ()
29. D or Strap Socket. A socket with a closed loop and arranged to be attached to the end of a line. It is used in place of a spliced eye. ()
30. Dead Man. Buried log or other object used as an anchor. ()
31. Detonator. Means blasting cap, electric blasting cap, or delay electric blasting cap. ()
32. Dog Line. Any line used to tie logs together. ()
33. Donkey. (Short for "Donkey Engine") - Power equipment equipped with drum and cable for moving or transporting logs as in loading or yarding. ()
34. Drag-Turn. Any log or group of logs attached by some means to power and moved from a point of rest. ()
35. Explosive. Any chemical compound or mechanical mixture that is commonly used that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, friction concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life or limb. ()

36. Fair Lead. A combination of a pair of sheaves or roller set transversely or vertically in a unit in front of another pair of sheaves to guide a line coming from any direction and leading it properly to a drum. ()
37. Gin Pole. A raised pole properly guyed and used to support lines and blocks. ()
38. Grapple. A device attached to hoisting line for mechanically handling logs. ()
39. Gut Wrapper. Intermediate binder for an individual tier of logs. ()
40. Guy Lines. The lines used to stay or support spar trees, booms, etc. ()
41. Haul Back. A small wire line traveling between the power skidder and a pulley set near the logs. Used to return the main cable with tongs, chokers, or hooks to the next log. ()
42. Heel Block. The block heel of boom. ()
43. Heel Boom. A type of loading boom where one end of the log is pulled up against the boom. ()
44. Hook Tender, Hooker. The worker who supervises the method of moving the logs from the woods to the place of loading. ()
45. Hazard. Any condition or circumstance which may cause an accident or injury. ()
46. Jaggers. Any projecting broken strand of cable. ()
47. Jammer. A machine used for handling logs. ()
48. Jill Poke. A projecting object out of its normal position. ()
49. Knob. A metal ferrule arranged to be attached to the end of a line, used in place of a spliced eye. ()
50. Landing, Rollway. Any place where logs are placed, after being yarded, awaiting loading or unloading. ()
51. Lang Lay Rope. A wire rope, in which the wires in the strands of the rope are laid in the same direction. ()
52. Leading Wires. Those wires between the "connecting wires" or "leg wires" and a portable generating devise or an approved type blasting battery in series blasting. ()
53. Leaners. A live or dead leaning tree. ()
54. Loading Boom. Any structure projecting from a pivot point to guide a log when lifted. ()
55. Log Stacker. A machine with lift forks used to handle logs. ()
56. Magazine. Any building or other structure used exclusively for the storage of explosives. ()
57. Operation (Show Woods Layout). Any place where logging is being done. ()
58. Mainline. A cable which pulls logs or trees to loading. ()
59. Pan (Skidding Pan). A solid piece of metal placed behind a tractor on which one end of logs rest. ()

60. Peeling Bar or Spud. A tool for removing bark from trees or logs. ()
61. Pike, Pole. A long pole whose end is shod with a sharp pointed steel spike, point, and/or hook. ()
62. Portable Spar or Tower. An engineered structure designed to be used in a manner similar to which a wooden spar tree would be used. ()
63. Powder. Any explosive other than the detonating agent. ()
64. Primer. A cartridge of explosive with a detonator inserted there in. ()
65. Reach. An adjustable beam between trailer and motorized logging vehicle. ()
66. Receding Line. The line on which a skidder or slack-line comparable to the haul back line on a yarder. ()
67. Reload. Any area where logs are dumped and reloaded. ()
68. Running Line. Any line which moves. ()
69. Sail Guy. A guy which holds the outer end of a boom. ()
70. Sail Block. A block hung inverted on the sail guy to hold the tong block in proper position. ()
71. Schoolmarm. A crotched tree consisting chiefly of two (2) trunks. ()
72. Skids. Any group of timbers spaced a short distance apart on which the logs are placed. ()
73. Side, Show, Chance. That unit of a logging operation, including men and equipment that is sufficient to fall, buck, and load a given area ready for transportation of the logs to the mill. ()
74. Side Winders. A piece of log, brush, or limb thrown up or sideways during skidding operation. A tree knocked down by another in falling. ()
75. Signalman, Whistle Punk. The authorized worker who transfers signals from a given location to the operator. ()
76. Skidding. Movement of logs on the ground. ()
77. Skyline. The supporting line on various types of logging systems on which carriage, block, or bullet travels. ()
78. Slack Line. A form of skyline where skyline is spooled on drum and can be raised or lowered. ()
79. Slack Puller. Any device used to increase the movement of a line when its own weight is inadequate. ()
80. Snags. Any dead standing trees. ()
81. Snubbing. A method of retarding or controlling the movement of logs or machine by means of looping the line around a stationary object. ()
82. Spring Board. A board with an iron tip used by fallers to stand on when they must stand above the ground level. ()

83. Strap. Any short piece of line with an eye or "D" in each end. ()
84. Strawline. A small line used for miscellaneous purposes. ()
85. Strip. A definite location of timber allocated to a cutting crew. ()
86. Sweeper. Unexpected and controlled lateral movement of log, tree, etc. during skidding operations. ()
87. Swamp. The falling or clearing of limbs and brush around or along a specific place. ()
88. Tag Line. A line used to control movement during loading, unloading, or skidding operations. ()
89. Tail Hold. Any anchor used for making fast any line. ()
90. Tell Tale. A devise used to serve as a warning for overhead hazards. ()
91. Tight Line. When power is exerted on both mainline and haul back at the same time. ()
92. Tongs. A hooking device used to lift or skid logs. ()
93. Transfer. Changing of a load of logs in a unit from one means of transportation to another. ()
94. Tree Plates. Steel protectors spiked around a tree to prevent the lines from cutting into the trees. ()
95. Undercut. A notch cut in the tree to guide and control the tree in falling. ()
96. Windfall. A tree felled by the wind or other natural causes. ()
97. Widow Maker. A loose limb, top, or piece of bark which may fall on a logger working beneath it. ()
98. Yarding. Movement of logs or trees from the place they are felled (bucked) to a central loading or shipping point. ()
- 011. -- 999. (RESERVED).**

IDAPA 17 - INDUSTRIAL COMMISSION
17.08.16 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING --
RECOMMENDED SAFETY PROGRAM

DOCKET NO. 17-0816-9601

NOTICE OF PROPOSED RULES

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 Section 72-508 and Sections 72-720, 721, 722, and 723, Idaho Code.

PUBLIC HEARING SCHEDULE: 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 October 16, 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 Patricia S. Ramey, Secretary, Industrial Commission, P.O. Box 83720, Boise, ID 83720-0041. Telephone and fax numbers are listed below.

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

The Industrial Commission, in cooperation with the Division of Building Safety, proposes the adoption of rules to replace IDAPA 17.04.04, Idaho Minimum Safety Standards and Practices for Logging, which is being repealed in its entirety. The proposed rules update the state's minimum safety standards and practices dealing with recommended safety program and bring them in line with nationally recognized safety standards for both the public and private sector.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these proposed rules, contact Mike Poulin, Bureau of Logging and Industrial Safety, at (208) 334-2129.

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 October 23, 1996.

DATED this 26th day of August, 1996.

Patricia S. Ramey, Commission Secretary
Industrial Commission
P. O. Box 83720
Boise, Idaho 83720-0041
Telephone: (208) 334-6000
Fax: (208) 334-5145

THE FOLLOWING IS THE TEXT OF DOCKET NO. 17-0816-9601

IDAPA 17
TITLE 08
Chapter 16

17.08.16 - IDAHO MINIMUM SAFETY STANDARDS AND PRACTICES FOR LOGGING -
RECOMMENDED SAFETY PROGRAM

000. LEGAL AUTHORITY.

Pursuant to the provisions of Section 72-508, Idaho Code, the Industrial Commission has the authority to promulgate and adopt reasonable rules for effecting the purposes of the Workers' Compensation Act. ()

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 17, Title 08, Chapter 16, Idaho Minimum Safety Standards and Practices for Logging -- Recommended Safety Program, and shall be applicable to the logging industry in the state of Idaho. ()

002. WRITTEN INTERPRETATIONS.

There are no written statements which pertain to the interpretation of these rules. ()

003. ADMINISTRATIVE APPEALS.

There are no provisions for administrative appeal of these rules. The procedure for appeals in safety matters is prescribed by Sections 72-714 and 72-718 through 72-722, Idaho Code. ()

004. -- 008. (RESERVED).

009. DEFINITIONS.

For definitions refer to IDAPA 17, Title 08, Chapter 01, Section 007. ()

010. INTRODUCTION.

01. Scope. ()

a. This Standard is a part of the accident prevention program of the State of Idaho. This book is dedicated to the safety and well-being of all workers in Idaho's logging industry. It has been prepared and adopted according to the processes prescribed by law. We make this book available to all persons concerned with the maintenance of safe working conditions in the logging industry. ()

b. This Standard contains the primary safety rules for the logging industry. However, other Idaho Safety Standards promulgated and adopted by the Industrial Commission shall be applicable to this industry where not inconsistent with the provisions herein, or where any particular activity which is being carried on is not specifically covered or regulated herein. ()

02. Enforcement. The enforcement of the Standard becomes the responsibility of the Industrial Commission and the Division of Building Safety. This Standard will not serve its entire purpose if its requirements are considered anything but a minimum for safe operation. So much variation exists in the logging industry that each operation should be judged, not by its compliance to the letter of this Standard, but according to a higher standard -- that of absolute safety under all conditions. ()

03. Accident Prevention. Accident prevention is a problem of organization and education. It does not rest upon involved theory or detailed safety codes but consists largely of the desire to institute a common sense safety program and determination to carry out the program effectively. Effective accident prevention embodies the following five principles. management leadership; employee cooperation; effective organization; thorough training; and good supervision. ()

011. FIRE AND SAFETY POLICY.

01. Elements. The basic elements or management responsibility for fire and safety policy are enumerated in this section. ()

02. Management Leadership. The declaration of the safety policy should be made clear to all levels of supervision, purchasing, engineering, industrial and construction; and to all employees that top management has approved the operation's safety program. ()

03. Planning. The program should be based on the following: accounting record of safety cost, accident recording system, accident investigation recommendations, operation inspection recommended corrections, employee suggestions, and job analysis to determine the work hazards. The hazard appraisal can be summarized as follows: mechanical and physical hazards; environmental hazards; and work procedure and practices. ()

04. Management Discharge of Duty. ()

a. If management is to discharge its duty in proper directing of the fire and safety program, it must organized a definite planned program of continuous supervision and leadership by all facets of the management organization. The very fact that safety must be woven into all operations and activities will not require extra managerial time beyond the ordinary to operate a business successfully, i.e., if the entire management team will assume their safety responsibility. ()

b. The first problem of management is to determine the operation hazards. Once these are ascertained and appraised, suitable corrective action can be initiated. If the working unit is operating, the following specific activities should be carried out to find the hazards. These are: job inspection; job analysis; accident investigation (near accident, non-disabling injuries) to determine necessary remedial action to prevent reoccurrence of the accident. ()

05. Hazard Appraisal. The partial list of terms covered by appraisals are summarized briefly as follows: mechanical and physical hazards; adequacy of mechanical guarding of machines and equipment; preventing the use of inferior manufactured and unsafe supplies, equipment, chain, cables, sheaves, tires, power saws, tractor canopy guards, approved head protection, fire extinguishers, solvents, mill saws, etc.; and physical exhaustion such as excessive work hours by truck drivers and mill maintenance employees. ()

06. Environmental Hazards Inherent to the Operation. ()

a. Personal protection devices (approved head protection, ear plugs, knee pads, proper eye protection, respirators, etc.) ()

b. Storage and use of flammable liquids and gases (gasoline, diesel, acetone, acetylene, acids, etc.) ()

c. All employees should be familiar with proper work signals (falling, blasting, high lead signals, loading, mill signals, operation fire signal, etc.) ()

d. Noise and fatigue hazards that are inherent to the industry (planers, cutoff saws, jack hammers, etc.) ()

07. Work Procedures and Practices. ()

a. Hazards directly related to work practices should be carefully observed and evaluated. ()

b. A few of the important work practices which should be investigated are: use, care and maintenance of hand and portable power tools; degree of supervision given the worker; the extent of job training provided; the safety indoctrination and training of new or transferred employees; the proper use of fire extinguishers; the use of personal protective devices (approved head protection, shoes, etc); and the repair and maintenance of equipment with respect to machines, mechanical handling equipment, log loaders, yarding equipment, tractors, fork lifts, overhead cranes, headrigs, etc; ()

08. Reporting of Injuries. ()

a. The employer shall instruct all employees to report all job injuries before the shift ends, to the supervisor at the time injuries occur. Checks specifications for new machines, processes and equipment for compliance with existing safety standards, laws and safety requirements, and shall have such equipment fully inspected before it is placed in used. ()

- i. He shall assist the safety committee in developing agendas for their meetings. ()
13. Foreman Responsibilities. ()
- a. No theorem is more thoroughly proven and widely accepted than: the foreman is the key man in attaining proper work habits in any operation. It is the obligation of management to give the most careful attention to the selection, education, and training of foremen and train him in the proper way to train employees in correct and safe work methods to attain the best production in the safest way. ()
14. First Aid Training. ()
- a. It shall be the responsibility of management to arrange to have as many employees as possible take a full course in First Aid training. It is a must that supervisory personnel shall take an approved First Aid Course, and have a current First Aid card. ()
- b. It is suggested that log truck drivers take the required Red Cross, ten (10) hour First Aid Course or the Standard Bureau of Mines Aid course, or an approved First Aid Course and hold current card. ()
15. Accident Record and Reporting System. ()
- a. The establishment, in the office of the employer, of an accident record and reporting system which will definitely tie into nationally uniform reporting, record, and statistical requirements United States American Standard Method of Recording and Measuring Work Injury Experiences (Z 16.1). ()
- b. Injury frequency rates, shall be calculated annually on a calendar basis commencing the first of January each year. These rates shall be kept on file in the office of the employer for at least four years after the date of entry thereof, and shall be made available to the Industrial Commission and/or Division of Building Safety, upon request. ()
- c. The injury frequency rate shall be the number of lost time injuries to all employees per one million (1,000,000) man hours of exposure. The frequency rate is computed by multiplying the number of lost time injuries by one million (the standard of measurement) and dividing the product by the total number of man hours worked during the period. The formula is expressed as follows: Frequency equals the number of lost time injuries times one million (1,000,000) total man hours of exposure. ()
- d. A lost time injury shall be the term applied to any injury, arising out of, and in the course of employment which makes it impossible for the injured person to return to an established regular job at the beginning of the next regular shift following the shift during which the injury occurred, or some future shift. ()
- e. Man hours of exposure shall be the total number of man hours actually worked by all personnel in the industrial unit during the period for which the rate is being computed. ()
- f. Translating the number of injuries in a plant or organization, into frequency rates serves as a standard measure which enables anyone to compare the industrial injury record of the plant with that of other industrial organizations or with national and state frequency rates for the same industry. The standards that shall be used are the United States American Standard Method of Recording and Measuring Work Injury Experiences (Z 16.1). ()
16. Training and Education. ()
- a. Establishment of effective job training methods and safety education. ()
- b. First Aid courses, proper work signals and job hazard warnings. ()
- c. Pamphlets, bulletin boards, safety meetings, posters, etc. ()
- d. The employer shall establish an adequate job training and safety education program. The

relationship of safety to job quality and modern quantity production methods should be clearly understood. Good work production is governed by careful planning and accurate control of all phases of the operation. Accidents are the result of inadequate planning of faulty operation. ()

e. Safety must be made an essential and integral part of every operation and integrated into the activity if the most successful quantity production is to be attained. The soundness of this statement has been proven many times by comparing the accident cost with the day by day curve of production. ()

f. It is the responsibility of management to train employees in all phases of the work he is assigned. The worker training should begin at the time of employment with a careful presentation of the general safety information he must have to work on and in logging and lumbering or wood working operations. When the worker is placed on the job the worker must be given detailed training on proper work methods for accomplishment of the job. The correct way is the safe way. Telling is not training. ()

g. People learn to do things primarily through doing. The employee's job training should be given by the five step job training method: Tell the employee; show the employee; have the employee do it; correct until the employee does it right; supervise to see that the employee keeps doing it right. ()

h. Education and promotion are a supplemental means of reducing injuries. This device employs any number of methods to accomplish results. A good program may use but will not overemphasize emotional appeal to the workers using such devices as scholarships, stamps, posters, safety meetings, contests, and awards. It's management's responsibility to integrate education and training program and balance its effectiveness to employee training. Unsafe acts or unsafe work practices are the result of failure to train workers in safe work procedures. In establishing or operating a safe and quality work program, an appraisal of unsafe work procedures and poor quality of work is called for, and job training methods initiated to correct these practices. ()

17. Employer, Employee, and Labor Representative Cooperation. ()

a. The workers have a responsibility to obey the units safety rules, smoking rules, report unsafe conditions, to serve on the different safety committees, perform their work in a safe way, and to help fellow workers by showing them how to do their job safely. ()

b. Many safety programs fail because the worker has not been made to feel that it is their program; that they can contribute as well as benefit from the program. It failed because it lacks employee participation and interest. The fact that employees are given the opportunity to participate and to contribute to the program not only opens a reservoir of valuable information on practical experience in accident prevention, it also gives the employee a feeling of being a part of the organization. ()

c. The committee on safety should be made up of personnel selected from management and workers. Management members are supervisors and worker members may be selected by the union or by the employees. ()

d. The labor unions should help develop a safe behavior among the workers. ()

18. Maintenance of Safe Working Conditions. ()

a. The employer shall provide a safe and healthy work area to work, including purchasing of safe equipment and tools and provide proper maintenance of such equipment. ()

b. Since a safe and healthful place to work is the very foundation of the safety program, the mechanical, physical, and environmental conditions will be given first consideration. ()

c. For almost every accident there are two contributing causes - an unsafe condition and an unsafe act. A safe and healthful place to work will diminish or eliminate the first cause, the unsafe condition; but unless the unsafe act is corrected; accidents will continue to occur. Unsafe acts may stem from a number of factors, such as improper selection of the worker for the job, lack of job training, physical or mental limitations or inadequate supervision. When a safety program is first established or a new project with a new crew is started, this may

necessitate a thorough periodic survey of the entire operation to determine hazards. ()

19. First Aid and Personal Protection Equipment. ()

a. Management is responsible for the complying with First Aid requirements and furnishing equipment in accordance with OSHA standards and requirements. Management is responsible to make available and train employees in use of special personal protective equipment in accordance with OSHA standards and requirements (face shields, goggles, ear plugs, helmets, respirators, etc.) ()

20. Remedial Measures of Corrective Action. ()

a. The employees shall support and correct the findings of job analysis, inspections, accident investigations, employee suggestions, etc. ()

b. The assumption of responsibility for fire and accident prevention by management carries with it the continuing responsibility to assess the progress being made on the program, and where progress is unsatisfactory to take what steps are necessary to bring about improvement. Inspection alone is primarily a means of finding and eliminating fire and physical hazards, particularly in connection with enforcement. All educational and promotional activities should be integrated with inspection activities, and should be based on the specific needs of the establishment or operation. Inspection and educational and promotional programs are sometimes looked upon as entirely unrelated activities rather than a single integrated program. ()

c. None of the foregoing activities are of value unless followed by effective corrective action. The responsible executive of top management must establish specific procedures to effect proper and complete corrective action in each area for problems that occur. In well managed establishments the areas of responsibility are clearly defined. The activities are well coordinated, supervision is good, employees safety behavior is excellent, and policies are well defined to permit smooth organization. This is not difficult; the corrective measures are applied as part of the day by day operating procedure. ()

012. -- 999. (RESERVED).

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE
18.01.54 - RULES GOVERNING MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

DOCKET NO. 18-0154-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997 unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. 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: No changes between the text of the proposed rule and the pending rule have been made. The text of the proposed rule can be found in the June 5, 1996 Administrative Bulletin, Volume 96-6, pages 147 through 175. The following is an explanatory statement for adopting the pending 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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Ken Hurt at 208-334-4350.

Dated this 28th day of August, 1996.

James M. Alcorn, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

RULES GOVERNING MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-6, June 5, 1996 Pages 147 through 175.**

**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 20 - DEPARTMENT OF LANDS
20.01.02 - ENVIRONMENTAL AUDIT PROTECTION RULES
DOCKET NO. 20-0102-9601
NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules are effective upon approval of the Idaho Legislature at its next session.

ACTION: The action, under Docket No. 20-0102-9601, concerns the pending adoption of the rules to administer "Environmental Audit Protection Rules," Idaho Department of Lands, IDAPA 20, Title 01, Chapter 02.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 67-5226(1(b)), Idaho Code and Section 9-810(1).

DESCRIPTIVE SUMMARY: There are no substantive changes from the temporary and proposed rule text published February 7, 1996, Volume No. 96-2, pages 36-44 of the Bulletin.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this pending rule, contact Perry Whittaker, Chief, Bureau of Real Estate, at (208) 334-0200.

Dated this 23rd day of July, 1996.

Perry Whittaker
Chief, Bureau of Real Estate
954 West Jefferson
P O Box 83720
Boise, ID 83720-0050
(208) 334-0200
(208) 334-2339 - FAX

IDAPA 20
TITLE 01
Chapter 02

ENVIRONMENTAL AUDIT PROTECTION RULES

There are no substantive changes from the temporary and proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-2, February 7, 1996, pages 36 through 44.**

**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 22 - IDAHO STATE BOARD OF MEDICINE
22.01.06 - RULES FOR THE CERTIFICATION OF ADVANCED EMT-A AND EMT-P PERSONNEL
DOCKET NO. 22-0106-9602
NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Section 39-145, Idaho Code.

PUBLIC HEARING SCHEDULE:

Public hearing concerning this rule-making will be held as follows:

October 10, 1996 - 6:30 p.m.
Hall of Mirrors
West Conference Room
700 West State Street
Boise, ID 83702

The hearing site 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 at the address below.

DESCRIPTIVE SUMMARY: The Summary of this action is found in Bulletin Volume 96-8, dated August 7, 1996, pages 918-922.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this proposed rule, contact Gloria Pedersen, at (208) 334-2822.

DATED this 11th day of September, 1996.

Gloria Pedersen
Idaho State Board of Medicine
280 North 8th Street
PO Box 83720
Boise, ID 83720-0058

Phone: (208) 334-2822
Fax: (208) 334-2801

IDAPA 28 - IDAHO PERSONNEL COMMISSION
28.01.01 - RULES OF THE IDAHO PERSONNEL COMMISSION
DOCKET NO. 28-0101-9602
NOTICE OF PROPOSED RULES

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 Section 67-5309, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule-making will be held as follows:

A public hearing 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 October 16, 1996.

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 below.

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

The proposed rule will eliminate four unnecessary portions of the IPC rules: (1) The salary table; (2) the salary survey benchmark classes; (3) the Hay Guide charts; and (4) the correlated factoring benchmarks. The proposed rule, which will save time, eliminate some rule-making costs, and eliminate unnecessary information, will allow the Commission to adopt the four documents in open meetings after notice and distribute the same to all appointing authorities.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rule, contact Deputy Attorney General Thorpe P. Orton, at (208) 334-3596.

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 October 23, 1996.

Dated this 28th day of August, 1996.

Idaho Personnel Commission
700 West State Street
P.O. Box 83720
Boise, ID 83720-0066
(208) 334-2263
FAX (208) 334-3182

THE FOLLOWING IS THE TEXT OF DOCKET NO. 28-0101-9602

070. COMPENSATION OF EMPLOYEES.

01. Conduct of Salary Surveys. The Personnel Commission shall conduct or approve salary surveys, to determine salary ranges that represent competitive labor market average rates for all positions in the classified service. The state personnel director shall report to the Personnel Commission the findings and recommendations on salary rate changes that result from such surveys. (7-1-94)

02. Relevant Labor Markets for Classifications up to 270 Points. For classifications up to 270 points, the comparator market shall consist of the Idaho in-state market, representing private and public employers in the state. (7-1-94)

03. Relevant Labor Markets for Classifications from 271 to 550 Points. For classifications from 271 to 550 points, the comparator market shall be the Idaho in-state market, representing private and public employers, and a group of nine Western State governments, consisting of Arizona, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming. (7-1-94)

04. Relevant Labor Markets for Classifications above 550 Points. For classifications above 550 points, the comparator market is the nine Western State governments identified in Subsection 070.03 above. (7-1-94)

05. Salary Survey Benchmark Classes. The classifications used in the Commission's salary surveys ~~are listed in Appendix A.~~ shall be adopted by the Commission in a public meeting after notice, and a current list shall be provided to all appointing authorities. (07-01-94)()

06. Salary Schedule. The ~~following are~~ Commission shall adopt the salary ranges for the pay grades in Section 67-5309C, Idaho Code, which represent 85% to 125% of the payline policy formulas in Section 67-5309B, in a public meeting after notice, and a current salary schedule shall be provided to all appointing authorities. (07-01-94)()

Pay-Grade	Minimum	Policy	Maximum
A	\$ 5.48	\$ 6.45	\$ 8.06
B	\$ 6.05	\$ 7.12	\$ 8.90
C	\$ 6.70	\$ 7.89	\$ 9.86
D	\$ 7.47	\$ 8.78	\$10.98
E	\$ 8.30	\$ 9.77	\$12.24
F	\$ 9.33	\$10.98	\$13.73
G	\$10.44	\$12.28	\$15.35
H	\$11.74	\$13.81	\$17.26
I	\$12.78	\$15.03	\$18.79
J	\$13.86	\$16.30	\$20.38
K	\$15.08	\$17.74	\$22.18
L	\$16.49	\$19.40	\$24.25
M	\$18.13	\$21.33	\$26.66
N	\$19.16	\$22.54	\$28.18
O	\$20.63	\$24.27	\$30.34
P	\$22.31	\$26.25	\$32.81
Q	\$24.24	\$28.52	\$35.65
R	\$26.38	\$31.03	\$38.79
S	\$28.13	\$33.09	\$41.37
T	\$30.15	\$35.48	\$44.34
U	\$32.46	\$38.19	\$47.74
V	\$35.14	\$41.34	\$51.67

Pay-Grade	Minimum	Policy	Maximum
W	\$38.20	\$44.94	\$56.18
X	\$41.73	\$49.09	\$61.36

074. ASSIGNMENT OF HAY EVALUATION POINTS.

01. Assignment to Pay Grade. Pursuant to Sections 67-5309B and C, Idaho Code, the pay grade to which a class is allocated shall be determined by the number of Hay evaluation points assigned to each class.

(7-1-94)

02. Guide Charts. The Hay evaluation points assigned to a class shall be the composite numerical value of points factored from the Hay guide charts ~~in Appendix B.~~ The Commission shall adopt the Hay guide charts in an open meeting after notice.

~~(07-01-94)()~~

03. Factoring Benchmarks. The correlated factoring benchmarks ~~in Appendix C~~ shall be used in conjunction with the Hay Guide charts to determine the number of points assigned to a classification. The Commission shall adopt the correlated factoring benchmarks in an open meeting after notice.

~~(07-01-94)()~~

04. Factoring Session. The Personnel Commission staff shall schedule a factoring session in which the appropriate department representative(s) may present to a factoring committee both oral and written testimony concerning the class to be factored. The testimony shall describe the principal duties of the position as described in the class specification and may include a recommendation of the number of Hay evaluation points to be assigned.

(7-1-87)

05. Membership of Factoring Team. The state personnel director or designee shall determine the membership of a factoring committee, which may include Commission staff and department personnel staff who are knowledgeable of the Hay system.

(7-1-87)

06. Factoring Process. The factoring committee shall assign Hay evaluation points in accordance with Rule 074, taking into account the testimony given to the factoring committee, comparisons of the class with similar positions in the department(s), and the position of the class within the organization. The state personnel director or the Commission staff shall notify the department(s) in writing of the decision of the factoring committee, with a summary of the reasons for the assigned rating if a recommendation of the department representative(s) is not accepted.

(7-1-87)

07. Issue Conference. An appointing authority who desires to protest a rating shall request an issue conference with the factoring committee, and present reasons why the assigned rating is in error. The factoring committee may affirm or modify the rating. The state personnel director or Commission staff will provide a letter to the appointing authority stating the outcome of the issue conference and the basis for the committee's rating.

(7-1-87)

08. Finality of Rating. The rating of the factoring committee shall be final unless appealed in accordance with Section 67-5316, Idaho Code.

(7-1-87)

APPENDIX A

SALARY SURVEY BENCHMARK POSITIONS

DATA PROCESSING/MIS POSITIONS:-		
DP Mag Inf System Manager	DP Computer Network Specialist	
DP System Anal (Journey Level)	DP Programmer DP System Programmer	DP Computer Operator DP Programmer Analyst
DP Data Entry Operator		

FINANCE/ADMINISTRATIVE/PROFESSIONAL OTHER POSITIONS:-	
Accounting Manager	Personnel Officer
Account Clerk	Personnel Analyst, Senior
Account Technician	Postal Clerk
Accountant	Public Information Officer
Administrative Secretary	Purchasing Agent
Administrative Assistant	Secretary
Audit Supervisor	Shipping and Receiving Clerk
Auditor Senior	Tax Policy Manager
Public Utility	Tax Compliance Officer
Buyer (Journey Level)	Senior
Budget Analyst	Tax Auditor
Clerk, Records	Training Manager
Controller	Word Proc Spec (Journey Level)
Economist, Chief - DFM	Architect, Project
Economic Development Specialist	Attorney 2
Library Assistant I	Appeals Examiner - DOE
Management Analyst	Legal Assistant
Payroll Specialist	

HIGHWAY POSITIONS:-	
Engineer 3, Transportation	Highway Equipment Supt
Engineer 1, Transportation	Right of Way Agent (Jrny Level)
Engineer, Transportation Staff	Trans Tech (Journey Level)

-HIGHWAY POSITIONS-	
Engineer Asst, Trans Staff	

HEALTH/WELFARE – CLINICAL POSITIONS-	
Physician, Medical Director	Occupational Therapist
Development Disabilities	Physical Therapist
Treatment Mgr	Pharmacist, Clinical
Human Services Supervisor	Dietician
Nursing Service, Director	Nutritionist, Public Health
Nursing Director, Public Health	Radiologic Technologist
Nurse Registered, Supervisor	Therapy Technician
Nurse Registered, Charge	Psychiatric Technician
Nurse Licensed Practical	Clinical Assistant, Senior
Nurse Public Health	Laboratory Technician
Nurse Assistant, Geriatric	

HEALTH/WELFARE – NON-CLINICAL POSITIONS-	
Family/Children's Services Program Manager	Social Worker
Health Education Program Mgr	Welfare Program Specialist
Job Service Manager 3	Welfare Elig Examiner, Senior
Job Services Cons, Sr (Journey Level)	Home Health Services Aide
Child Support Enf Officer	Rehabilitation Counselor II

MANAGEMENT POSITIONS-	
Director, Agriculture	Motor Vehicle Bureau Chief
Director, Corrections	Wildlife Bureau Chief
Director, Fish and Game	Water Resource Prot Bur Chief
Director, Health and Welfare	Child Support Enf Bureau Chief
State Personnel Director	UI Benefits Bureau Chief
Highway Operations Bureau Chief	Developmental Disabilities Bureau Chief
Fish & Game Asst Dir-Plng/Admin	Health Services Bureau Chief

NATURAL RESOURCES POSITIONS:-	
Water Management Division Admin	Parks & Recreation Manager 2-
Engineer, Air Quality	Biologist Wildlife Regional
Engineer - Water Quality	Water resources Agent, Senior
Geographic Info Systems Analyst	Land Resource manager, Senior
Water Qual Anal, Sr Grnd Water	Conservation Officer, Senior
Geologist, Engineering	Environmental Hlth Specialist 2-
Planner, Water Resources	Chemist, Senior
Air Quality Compliance Officer	Comm Tech, Sr (Journey Level)

PUBLIC SAFETY/CORRECTIONS POSITIONS:-	
State Police Captain	Food Service Officer, Corr-
State Police Sergeant	Psychologist Staff - Corr-
State Police Corporal	Prob and Parole Officer, Sr-
State Police Dispatcher	Port-of-Entry Inspector-
Warden	Criminalist, Principal-
Correctional Lieutenant	Fingerprint Technician-
Correctional Officer	Security Officer

TRADES POSITIONS:-	
Maintenance & Operations Spvr	Carpenter-
Shop Foreman	Custodian Foreman-
Building Inspector	Maintenance Craftsman-
HVAC Specialist (Journey Level)	Grounds Maintenance Worker-
Meehanic (Journey Level)	Cook-
Electrician (Journey Level)	Food Service Worker-
Plumber (Journey Level)	Laundry Worker-
Equipment Operator, Const	Custodian-
Painter (Journey Level)	

(7-1-94)

IDAPA 38 - DEPARTMENT OF ADMINISTRATION
38.05.01 - RULES OF THE DIVISION OF PURCHASING
DOCKET NO. 38-0501-9601
NOTICE OF TEMPORARY AND PENDING RULE

EFFECTIVE DATE: These temporary rules are effective September 1, 1996. The pending rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the Legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending/temporary rule. The action is authorized pursuant to sections 67-5717(11) and 67-5732, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending/temporary rule and a statement of any change between the text of the proposed rule and the text of the pending/temporary rule with an explanation of the reasons for any change:

The rules will define necessary terms and specify the methods and procedures regarding the Division of Purchasing's acquisition and procurement of property for the state including, but not limited to, such matters as bid specifications, the competitive bidding process, registration of vendors, and evaluation of bids.

The text of Section 191 has been modified in accordance with Idaho Code Section 67-5227 and, therefore, has been republished with this notice.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(b) and 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

It is necessary to protect the public health, safety, or welfare.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this proposed rule, contact Gerry Silvester, Administrator, Division of Purchasing, Department of Administration, 5569 Kendall Street, P.O. Box 83720, Boise, Idaho 83720-0075, (208) 327-7465.

DATED this 25th day of August, 1996.

Mike Sheeley
650 W. State Street - Room 100
P.O. Box 83720
Boise, ID 83720-0003
(208) 334-3388/fax (208) 334-5315

IDAPA 38
TITLE 05
Chapter 01

RULES OF THE DIVISION OF PURCHASING

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 96-8, August 7, 1996 Pages 959 through 994.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 38-0501-9601

191. ACQUISITION OF CONCESSION SERVICES.

If there is no expenditure of State Funds, the acquisition of concession services including, but not limited to, exclusive-rights contracts, franchises, vending services, options, pouring contracts, service agreements, advertising agreements, broadcast rights to sporting events or other similar types of goods, shall be undertaken by each Purchasing Activity as it determines to be in its best interest. While there is no statutory requirement for competitive bidding for concession services or the applicability of purchasing statutes to the award of contracts for concession services, the Purchasing Activity is encouraged to utilize a competitive process if determined to be in its best interest in accordance with the competitive bidding procedures of Chapter 57, Title 67, Idaho Code, and these rules. (9-1-96)T

01. ~~Value of Concession Services to be Acquired When Revenue to be Received by the State. The value of the concession services to be acquired shall be the amount of revenue or reimbursement reasonably expected to be received by the state during the pendency of the contract period.~~ (—)

02. ~~Value of Concession Services to be Acquired When No Revenue Will be Received by the State. In the event that the state will only acquire a right to obtain or receive benefits or services in connection with the acquisition of concession services, the value of such concession services to be acquired shall be as determined by the Administrator.~~ (—)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.71 - RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM

DOCKET NO. 39-0271-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 49-201, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 186 through 187.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jane Caviness at (208) 334-8700.

DATED this 21st day of August, 1996.

Linda Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
PO Box 7129
Boise, Idaho 83707-1129
(208) 334-8810 phone
(208) 334-8195 fax

IDAPA 39
TITLE 02
Chapter 71

RULES GOVERNING DRIVERS LICENSE VIOLATION POINT COUNT SYSTEM

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 186 through 187.**

**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 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.44 - RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS

DOCKET NO. 39-0344-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Chapters 1 and 20, Title 40 and Chapter 11, Title 58, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 193 through 195.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact J. C. Walton at (208) 334-8509.

DATED this 21st day of August, 1996.

Linda Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
PO Box 7129
Boise, Idaho 83707-1129
(208) 334-8810 phone; (208) 334-8195 fax

IDAPA 39
TITLE 03
Chapter 44

RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 193 through 195.

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 39 - IDAHO TRANSPORTATION DEPARTMENT
39.03.44 - RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS

DOCKET NO. 39-0344-9602

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Chapters 1 and 20, Title 40 and Chapter 11, Title 58, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 194 through 195.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact J. C. Walton at (208) 334-8509.

DATED this 21st day of August, 1996.

Linda Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
PO Box 7129
Boise, Idaho 83707-1129
(208) 334-8810 phone; (208) 334-8195 fax

IDAPA 39
TITLE 03
Chapter 44

RULES GOVERNING HIGHWAY RELOCATION ASSISTANCE FOR
PERSONS DISPLACED BY PUBLIC PROGRAMS

There are no substantive changes from the proposed rule text.

The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 194 through 195.

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 39 - IDAHO TRANSPORTATION DEPARTMENT
39.04.07 - RULES GOVERNING AERIAL SEARCH AND RESCUE

DOCKET NO. 39-0407-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 Section(s) 49-201, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 196 through 199.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jane Caviness at (208) 334-8700.

DATED this 21st day of August, 1996.

Linda Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
PO Box 7129
Boise, Idaho 83707-1129
(208) 334-8810 phone; (208) 334-8195 fax

IDAPA 39
TITLE 04
Chapter 07

RULES GOVERNING AERIAL SEARCH AND RESCUE

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 196 through 199.**

**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 39 - IDAHO TRANSPORTATION DEPARTMENT
39.04.08 - RULES GOVERNING OPERATIONS AT STATE AIRPORTS

DOCKET NO. 39-0408-9601

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rule becomes final and effective on July 1, 1997, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5442 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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 21-111, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the July 3, 1996 Administrative Bulletin, Volume 96-7, pages 200 through 202.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Mark Young at (208) 334-8893.

DATED this 21st day of August, 1996.

Linda Emry, Administrative Secretary
Office of Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
PO Box 7129
Boise, Idaho 83707-1129
(208) 334-8810 phone
(208) 334-8195 fax

IDAPA 39
TITLE 04
Chapter 08

RULES GOVERNING OPERATIONS AT STATE AIRPORTS

There are no substantive changes from the proposed rule text.

**The original text was published in the Idaho Administrative Bulletin,
Volume 96-7, July 3, 1996, pages 200 through 202.**

**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 48 - DEPARTMENT OF COMMERCE
48.01.01 - RULES GOVERNING THE IDAHO COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM

DOCKET NO. 48-0101-9501

NOTICE OF VACATION OF TEMPORARY AND PROPOSED RULEMAKING

ACTION: This action under Docket No. 48-0101-9501 vacates the Temporary and Proposed rules governing the Idaho Community Development Block Grant Program, IDAPA 48, Title 01, Chapter 01, of the Idaho Department of Commerce.

AUTHORITY: In compliance with Section 67-5201, Idaho Code, notice is hereby given that this agency is vacating previous rule making under Docket No. 48-0101-9501.

DESCRIPTIVE SUMMARY: The need to amend the previous rule making is great enough to warrant this vacation and adopt the rules as a new temporary and proposed rule.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule amendments, contact Gloria Mabbutt, Program Manager, at the telephone number or address shown below.

Dated this 5th day of September, 1996.

Gloria Mabbutt, Program Manager
Idaho Department of Commerce
700 West State Street
P.O. Box 83720
Boise, Idaho 83720-0093
Telephone: (208) 334-2470
FAX: (208) 334-2631

IDAPA 48 - IDAHO DEPARTMENT OF COMMERCE
48.01.01 - RULES GOVERNING THE IDAHO COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM

DOCKET NO. 48-0101-9601

NOTICE OF TEMPORARY AND PROPOSED RULE-MAKING

EFFECTIVE DATE: This temporary rule is effective September 1, 1996.

ACTION: This action, under Docket No. 48-0101-9601, concerns the amendment of the rules governing the Idaho Community Development Block Grant Program (ICDBG), Title 01, Chapter 01, Rules of the Idaho Department of Commerce.

AUTHORITY: In compliance with Sections 67-5226 and 67-5221 (1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule and has initiated this proposed rule-making. The action is authorized pursuant to 67-4706, Idaho Code.

PUBLIC HEARING: 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, no later than October 16, 1996.

DESCRIPTIVE SUMMARY: The Idaho Department of Commerce is proposing amendments for the Idaho Community Development Block Grant program rules to incorporate new federal and state requirements to increase efficiency in program implementation and clarify application requirements. These rules will be used for the FY97 funding cycle. The following includes a description in nontechnical language of the substance of the proposed rule making.

Low and Moderate Income Benefits

a. The definition of low and moderate income beneficiaries is clarified, as well as the types of low and moderate income related projects.

Procurement

a. The department is proposing the requirement that procurement of administrative services be completed by submission of the application addendum. Presently an applicant is required to have contracted an administrator prior to submission of the application addendum. This will reduce the paperwork involved in completing the applications.

b. Effective July 1, 1995, Idaho Code requirements for construction procurement has changed. The change impacts cities bidding construction contracts and equipment and materials contracts in excess of \$5,000 and less than \$25,000 which may now be awarded after obtaining three (3) price quotes from bidders who have significant economic presence in Idaho. In the case three (3) price quotations cannot be obtained, the grantee can award to the lowest bidder. If three bids are obtained from companies with significant economic presence in Idaho and another bid is obtained from an out-of-state bidder, the contract needs to be awarded to the low bidder, regardless of the state in which they are located. Other requirements on the procurement process for construction services are clarified.

c. Previously different requirements have applied to cities and counties. Now requirements for construction services costing between \$5,000 and \$25,000 (which applied only to cities) apply to cities and counties. The new requirement allows cities and counties to obtain three bids without formal advertising. Costs in excess of \$25,000 now apply to both cities and counties requiring a competitive bid process.

d. The threshold for using the small purchase method of procurement has increased from \$25,000 to \$100,000. This means that if the cost of project administration, engineering, architectural services or other professional services does not exceed \$100,000, a small purchase method of procurement may be used. All other requirements under this category shall apply.

Economic Development

a. Documentation of job creation will be clarified by requiring the applicant to identify in the grant application the hiring practices which will be used to make jobs available to low to moderate income persons. Applicants will be required to state in the application which criteria will be use for job creation-"available to" criteria or "taken by" criteria. This will assist private businesses and local government officials as they will gain more information on job creation and documentation requirements early in the application stage.

b. Evaluation points for economic development applications have been changed by raising the point value in the planning, cost and schedule categories to 45 points. Idaho inputs points will decrease from 50 to 20 points and minority benefit will decrease from 25 to 15 points. The planning, cost and schedule efforts behind an economic development project become more important for a successful grant application.

c. The requirement that an assessment be conducted for business locating and benefiting from ICDBG activities has changed from three years to one year after completion of project activities. The change will allow project participants to close grants in a more timely manner.

d. Another change is the elimination of the requirement prohibiting subrecipients from working on economic development projects.

f. Eligible infrastructure activities for economic development projects is clarified.

Technical Assistance Program

a. Funds previously allocated for individual technical assistance grants shall be eliminated from the technical assistance set aside. These funds will be used instead for statewide technical assistance to develop local government capacity in areas which include, but are not limited to leadership, planning, budgeting, land use, development of local plans, etc.

Grant Application Schedule

a. The application review and funding schedule will be revised to be more compatible with the availability of funds from the U.S. Department of Housing and Urban Development. The schedule will be revised as follows:

Applications for public facility and housing projects will be due in November, the Friday before the Thanksgiving Holiday.

The addendum for public facility and housing projects will be due the first Friday in March.

Economic Development application will be due quarterly on the third Monday of December, March, June and September.

Applications for senior center will be due the first Friday in March.

Economic Advisory Council meeting will be held in January, April, July and October.

Housing

a. Eligible activities for housing acquisition, rehabilitation and construction and reconstruction for low and moderate income homeowners is defined.

Program Income

a. A change has been made in tracking the states program income. If the total amount of program income earned in one program year (state fiscal year) is less than \$25,000, the amount is not considered program income and is exempt from the regulations.

Gem Community Points

a. The requirement that the proposed ICDBG project be included in the One Year Gem Community Plan has been eliminated. Instead applicants can receive points based on their enrollment or certification status as a Gem Community.

Senior Centers

a. On a case by case basis, community development staff may recommend to the Economic Advisory Council consideration for additional funding up to \$150,000 for new senior centers. Consideration is based upon whether the existing center is a designated meal site; the new facility will serve other significant community needs or groups; architectural plans and estimates are reasonable and the regional Office on Aging supports the project.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:

For assistance on technical questions and submission of written comments, contact Gloria Mabbutt, Program Manager, at the telephone number or address shown below. Submit comments no later than October 23, 1996.

DATED: September 13, 1996

Gloria Mabbutt, Program Manager
Idaho Department of Commerce
700 West State Street
P.O. Box 83720
Boise, Idaho 83720-0093
Telephone: (208) 334-2470

THE FOLLOWING IS THE TEXT OF DOCKET NO. 48-0101-9601

011. GRANT PROGRAM.

01. Grant Types. The following five (5) types of grants are available under the Idaho Community Development Block Grant program: Public Facility or Housing (PFH); Economic Development (ED); Senior Citizen Center (SR); ~~and Imminent Threat (IT); and Technical Assistance Grants (TA).~~ (7-6-94)(9-1-96)T

02. General Descriptions. In any project, eligibility must meet two (2) tests. First, the project must be described by one (1) or more eligible activities (Section 022) and second, the project must qualify in a national objective (Section 015). (7-6-94)

03. Public Facility or Housing Grants. (7-6-94)

a. Public facility projects are those that construct or improve facilities including, but not limited to, sewer or water systems, streets, curbs, gutters, and sidewalks, fire stations, public medical and health facilities, community centers, libraries, group homes, publicly owned commercial or industrial property. Some public facilities such as city halls, courthouses, police stations, jails, and schools are by definition ineligible (Section 052.) or have extreme difficulty meeting a national objective. Other public facilities such as solid waste disposal, parks, maintenance shops are sometimes eligible only in very narrow circumstances. (7-6-94)

b. Housing projects are those that improve or construct housing units for low and moderate income families. Projects include, but are not limited to, rehabilitation of public housing, rental rehabilitation, owner-occupied housing rehabilitation, acquisition of real property for rental rehabilitation, acquisition of land and site development for new rental housing, replacement housing, rehabilitation of school buildings into housing, acquisition of sites, site development and acquisition of manufactured housing for manufactured home parks. (7-6-94)

04. Economic Development Grants. There are two (2) types of Economic Development projects. (7-6-94)

a. The first is the provision of infrastructure, usually sewer, water, or street, to a specific business expansion or new location. Manufacturing or processing companies are the more competitive projects. The grant funds assist with the public costs of extending services in exchange for a commitment from the business to create jobs for low and moderate income persons. (7-6-94)

b. The second grant is to assist with downtown revitalization. The downtown merchants and landowners must organize themselves and develop a plan of specific improvement actions. The downtown area must meet the slum and blight national objective. (7-6-94)

05. Senior Citizen Center Grants. Senior Citizen Center projects are a specific type of public facilities project. Funds are set-aside for these facilities only. The center must be owned or operated for the benefit of senior citizens. All other uses are incidental to Senior Citizen activities and programs. (7-6-94)

06. Imminent Threat Grants. Imminent Threat projects are those which correct or eliminate a recent threat to human health or safety (see Section 021 and Section 108). (7-6-94)

~~07. Technical Assistance Grants. The Technical Assistance Grant is designed to assist those communities facing major economic growth or decline. These grants are by invitation only. (7-6-94)~~

~~08-07.~~ Grant Award System. Since demand for grants far exceeds available funds, a competitive system is used to select grants, except for the imminent threat and technical assistance grants. Grant applications shall be submitted, rated and selected for funding according to the criteria and procedures established by these rules. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

016. BENEFIT TO LOW AND MODERATE INCOME PERSONS.

01. Definition. Members of a family having an income within family income standards established by HUD for housing and community development programs. Unrelated individuals are considered one (1) person families. Low income is defined as families with income of fifty percent (50%) or less of the county median income. Moderate income is defined as families with income of eighty percent (80%) or less of the county median income. HUD established that county median income is the greater of either the county median income or the median income of the "non-entitlement" area of the state. Activities considered to benefit LMI persons are divided into four (4) categories: area benefit activity, limited clientele activity, housing activity, and job creation or retention activity. (7-6-94)

02. Area Benefit Activity. A grant project which meets the needs of LMI persons residing in an area where at least fifty-one percent (51%) of the residents are LMI persons. The benefits of this project are available to all persons in the area regardless of income. Such an area need not have the same boundaries as census tracts or other officially recognized boundaries but must be the entire area served by the project. A project that serves an area that is not primarily residential in character (i.e. street construction in an industrial park) shall not qualify under this category. (7-6-94)

03. Limited Clientele Activity. A grant project which benefits a specific group of people, at least fifty-one percent (51%) of whom are LMI persons. Limited clientele activities also include special projects to remove

material and architectural barriers which restrict the mobility and accessibility of elderly or persons with disabilities to publicly-owned and privately-owned non-residential buildings. To qualify in limited clientele activity, the activity must meet one (1) of the following tests: (7-6-94)

a. Benefits a clientele group who are generally presumed to be principally LMI persons. Currently, the following groups are presumed by HUD to meet this criterion: elderly persons, homeless persons, persons with disabilities, migrant farm workers, abused children, battered spouses, illiterate persons; or (7-6-94)

b. Information on family size and income proves that at least fifty-one percent (51%) of the clientele are persons whose family income does not exceed the LMI limit; or (7-6-94)

c. Income eligibility requirements limit the activity exclusively to LMI persons; or (7-6-94)

d. By the nature and location it may be concluded that the clientele will primarily be LMI persons; or (7-6-94)

e. A special project directed to removal of material and architectural barriers which restrict the mobility and accessibility of elderly or persons with disabilities to publicly owned and privately owned non-residential buildings, facilities and improvements, and the common areas of residential structures containing more than one dwelling unit. (7-6-94)

04. Housing Activity. A grant project which adds to or improves permanent, residential structures which, upon completion, will be occupied by LMI households. This project may include, but not necessarily be limited to, the acquisition or rehabilitation of property, conversion of non-residential structures, and new housing construction. (7-6-94)

a. The housing may be either one (1) family or multifamily structures. If the structure contains two (2) dwelling units, at least one (1) must be so occupied, and if the structure contains more than two (2) dwelling units, at least fifty-one percent (51%) of the units must be so occupied. Where two (2) or more rental buildings being assisted are or will be located on the same or contiguous properties, and the buildings will be under common ownership and management, the grouped buildings may be considered for this purpose as a single structure. For rental housing, occupancy by low and moderate income households must be at affordable rents to qualify under this criterion. The unit of general local government shall adopt and make public its standards for determining "affordable rents" for this purpose. (7-6-94)

b. The following shall also qualify under this criterion. When less than fifty-one percent (51%) of the units in a structure will be occupied by low and moderate income households, ICDBG assistance may be provided in the following limited circumstances: the assistance is for an eligible activity to reduce the development cost of the new construction of a multifamily, non-elderly rental housing project; not less than twenty percent (20%) of the units will be occupied by low and moderate income households at affordable rents; and the proportion of the total cost of developing the project to be borne by ICDBG funds is no greater than the proportion of units in the project that will be occupied by low and moderate income households. (7-6-94)

05. Job Creation or Retention Activity. A grant project which creates or retains permanent jobs, at least fifty-one percent (51%) of which are either taken by LMI persons or considered to be available to LMI persons. (7-6-94)

a. Acceptable documentation on applicant/employee family income includes any of the following: (9-1-96)T

i. Notice that employee/applicant is a referral from state, county, or local employment agency or other entity that agrees to refer individuals who they determine to be low or moderate income based on HUD's criteria. These entities must maintain documentation which is to be available for grantee, Department, or federal inspection; or (9-1-96)T

ii. Written certification signed by the employee/applicant of family income and size to establish income status showing either: The actual income of the family; or, A statement that the family income is below that

required by CDBG standards; These forms must include a statement that they are subject to verification by the local or federal government; or (9-1-96)T

iii. Evidence that employee/applicant qualifies for assistance under another program with income qualification criteria at least as restrictive as those used by HUD (e.g., referrals from the Joint Training Partnership Act (JTPA) Program), except for referrals under the JTPA Title III program for dislocated workers. (9-1-96)T

a-b. For an activity designed to create permanent jobs where at least fifty-one percent (51%) of the jobs, computed on a full time equivalent basis, involve the employment of low and moderate income persons. For an activity that creates jobs, the unit of general local government must document that at least fifty-one percent (51%) of the jobs will be "held by", or will be made "available to", low and moderate income persons. The unit of local government and the business must determine at the time of pre-application whether they will use "held by" or the "available to" criteria as their method of documenting LMI jobs. The option chosen cannot be changed at a later date (7-6-94)(9-1-96)T

b-c. For an activity that retains jobs, the unit of general local government must document that the jobs would actually be lost without the ICDBG assistance and that either or both of the following conditions apply with respect to at least fifty-one percent (51%) of the jobs at the time the ICDBG assistance is provided: The job is known to be held by a low or moderate income person; or the job can reasonably be expected to turn over within the following two (2) years and that it will be filled by, or that steps will be taken to ensure that it is made available to, a low or moderate income person upon turnover. (7-6-94)

e-d. Jobs will be considered to be "available to" low and moderate income persons for these purposes only if: special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and the unit of general local government and the assisted business take actions to ensure that low and moderate income persons receive first consideration for filling such jobs. First consideration shall consist of the business using a hiring practices that in all likelihood will result in over 51% of persons hired being LMI persons, the business must seriously consider/interview an adequate number of LMI applicants, the availability of transportation must be considered to allow LMI persons to commute to the job site. The hiring practice used to make jobs available to LMI persons shall be identified in the pre-application and approved by the Department. (7-6-94)(9-1-96)T

d-e. As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under this paragraph, except: in certain cases, such as where ICDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided the businesses are not otherwise assisted by ICDBG funds; and where ICDBG funds are used to pay for the staff and overhead costs of a subrecipient specified in section 105(a)(15) of the Act making loans to businesses from non-ICDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any one (1) year period. (7-6-94)

e-f. In any case where ICDBG funds are used for public improvement (e.g., water, sewer and road) and the national objective is to be met by job creation or retention as a result of the public improvement, the requirement shall be met as follows: the assistance must be reasonable in relation to the number of jobs expected to be created or retained by the affected business(es) within three (3) years from the completion of the public improvement. Before ICDBG assistance is provided for such an activity, the unit of general local government shall develop an assessment which identifies the businesses located or expected to locate in the area to be served by the public improvement. The assessment shall include for each identified business a projection of the number of jobs to be created or retained as a result of the public improvement; and the jobs to be considered for purposes of meeting the requirement shall be all jobs created or retained as a result of the public improvement by the business(es) identified in the assessment as well as any other business that locates in the area within a period of three (3) years following the completion of the activity; except that, in any case where the amount of ICDBG assistance provided for the public improvement in relation to the number of jobs projected to be created or retained by the business(es) identified in the assessment is such that the amount per job does not exceed ~~three ten~~ thousand dollars ~~(\$3,000)~~ (\$10,000), [unless HUD regulations are more restrictive and then the more restrictive HUD requirement will apply], jobs created by the businesses not identified in the assessment need not be considered. (7-6-94)(9-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

022. ELIGIBLE ACTIVITIES.

An activity listed in ~~this section~~ Sections 023 thru 051 which also meets one (1) of the three (3) national objectives is considered eligible and may be financed in whole or in part with Idaho Community Development Block Grant (ICDBG) funds. Each grantee must ensure, and maintain evidence, that each of its ICDBG-funded activities meets one (1) of the national objectives. A grant project shall consist of a combination of eligible activities. Each activity must also be in compliance with the following conditions: (7-6-94)(9-1-96)T

01. Environmental Review. An environmental review and clearance procedure (contained in the Code of Federal Regulations (24 CFR Part 58)) must be completed for each project consisting of activities as defined in this section. (7-6-94)

02. Cost Principles. Costs incurred must conform with the requirements of OMB Circulars A-87 "Cost Principles Applicable to Grants and Contracts with State and Local Governments" or A-122, "Cost Principles for Nonprofit Organizations". (7-6-94)

03. Mixing Eligible and Ineligible Uses. A public facility eligible for ICDBG assistance may be funded even if it is part of a multiple-use building containing ineligible uses if: (7-6-94)

a. The eligible portion of the building is a designated and discreet area of the building; (7-6-94)

b. The applicant can determine the costs attributable to the eligible use or eligible portion of the facility as distinct from the overall costs of the facility. (7-6-94)

04. Special Assessments. (7-6-94)

a. Definition. The recovery of the capital costs of a public improvement, such as streets or sewer lines, through a fee or charge levied or filed as a lien against a parcel of real estate as a direct result of benefit derived from the installation of a public improvement. The fee amount represents the pro-rata share of the capital costs of the public improvement levied against the benefiting properties. The term does not relate to user fees or taxes or the establishment of the value of real estate for the purpose of levying real estate, property or ad valorem taxes. (7-6-94)

b. Restrictions. For projects funded beginning in 1984, no special assessments will be levied against properties owned and occupied by low and moderate income persons to recover that portion of a capital expenditure funded in whole or in part by ICDBG funds. This includes fees or assessments made as a condition to obtain access to a facility. Grant recipients may levy assessments to recover the portion of a capital expenditure funded from other sources if the assessments of the low and moderate income owner-occupants are paid with ICDBG funds. Funds collected through special assessments are not program income if the assessment of LMI owner-occupants are paid with ICDBG funds. ICDBG funds may be used to pay for assessments levied against property owned and occupied by low and moderate income persons even if the public facility improvements are financed solely from other sources, and if the improvements were carried out in compliance with ICDBG regulations. (7-6-94)

05. Beneficiary Data. Each grantee shall collect and maintain data on the persons to directly benefit from the grant project. The data shall include information on race, gender and ethnic characteristics of persons who are applicants for, participants in, or beneficiaries of the grant project. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

039. ADMINISTRATIVE ACTIVITIES.

Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development, ~~and housing activities, and the costs related to the establishment and administration of federally approved enterprise zones;~~ to carry out management, coordination and monitoring of activities necessary for effective planning and implementation, including the provision of information and resources to residents of areas in which community development and housing activities are to be concentrated with respect to the planning and execution of

such activities including planning under Section 038. These costs shall not exceed ten percent (10%) of ICDBG grant funds and any program income. (7-6-94)(9-1-96)T

040. SPECIAL ECONOMIC DEVELOPMENT ACTIVITIES.

01. Economic Development Activities. Grant funds may be used for economic development activities which directly assist a specific business firm. In authorizing activities, the Department will take into account the amount of permanent employment to be generated which is available to low and moderate income persons, the necessity of the assistance or activity to stimulate private investment and the degree of impact on the economic conditions of the applicant. (7-6-94)

02. Eligible Activities. The following are eligible activities that may be carried out: (7-6-94)

a. Acquisition, construction, reconstruction, or installation of publicly-owned commercial or industrial buildings and structures, and other publicly-owned real property equipment and improvements, including public facilities, utilities, and other on site improvements, including railroad spurs, electrical, gas and telephone services. Such activities may be carried out by the grantee, sub-grantee, or private nonprofit firms. Rehabilitation of privately-owned commercial or industrial buildings is eligible under Subsection 040.02.b; or Subsection 051.01. (7-6-94)(9-1-96)T

b. A project may include the provision of direct financial assistance to private-for-profit businesses including, but not limited to, assistance through grants, loans, loan guarantees, interest supplements, or technical assistance and other forms of support, for any eligible activities necessary or appropriate to carry out an economic development project, excluding those described as ineligible in Subsection 052.01. In order to ensure that any such assistance does not unduly enrich the for-profit business, an analysis shall be conducted to determine that the amount of any financial assistance to be provided is not excessive, taking into account the actual needs of the business in making the project financially feasible and the extent of public benefit expected to be derived from the economic development project. The analysis shall document any factors considered in making the determination that the assistance is "necessary or appropriate" to carry out the project. The requirement for making such a determination applies whether the business is to receive assistance from the grantee or through a sub-grantee; (7-6-94)

c. Other activities eligible under Section 022 of these rules which are necessary or appropriate to carry out an economic development project; and (7-6-94)

d. When the grantee determines such ineligible activities listed in Subsection 052.02 are necessary or appropriate to achieve its community development strategy. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

050. ~~(RESERVED)~~ HOUSING ACQUISITION FOR LMI HOMEOWNERS.

ICDBG funds may be used to facilitate and expand homeownership for LMI persons by: subsidizing interest rates and principle amounts for LMI home buyers; directly finance the home acquisition for LMI owner; acquire mortgage guarantees for LMI homebuyers (grantees and grant funds cannot directly guarantee mortgage financing.); provide up to fifty percent (50%) of a downpayment for LMI homebuyers; pay reasonable closing costs normally associated with the purchase of a home by a LMI homebuyer. (9-1-96)T

051. HOUSING AND COMMERCIAL REHABILITATION AND PRESERVATION ACTIVITIES.

01. Commercial Rehabilitation. ICDBG funds may be used to finance the substantial rehabilitation of privately-owned existing buildings or structures used for business, commercial or industrial purposes. It includes, but is not limited to, structural and foundation modifications, removal of building code violations, utility improvements (electrical, gas, water, sewer, air, telephone, vacuum), energy efficiency improvements, facade modifications, safety systems integral to the building, loading and unloading facilities which are part of a building, and expansion of the square footage of the building. The term is generally considered to mean improvements which become part of the

building. Rehabilitation of a commercial or industrial building owned by a private for-profit business may qualify under the "rehabilitation" category only if it is limited to facade improvements of the exterior of the building and/or the correction of code violations. All other improvements must meet the requirements of the "Special Economic Development" category (Subsection 040.02.b.). The amount of ICDBG funding to finance commercial rehabilitation shall be reasonable compared to the value of the building less the value of the land. (See Subsection 040.02.b.)

(7-6-94)

02. **Housing Rehabilitation.** ICDBG funds may be used to finance the rehabilitation and improvements of privately-owned buildings for residential purposes, low income public housing and other publicly-owned residential buildings. Funds may also be used to assist private individuals and entities, including profit-making and nonprofit organizations, to acquire property for residential rehabilitation and rehabilitation for the use or resale for residential purposes.

(7-6-94)

03. **Financial Assistance.** Assistance may be in the form of grants, loans, loan guarantees, interest supplements or other means to pay the costs related to the following activities:

(7-6-94)

a. Labor, materials, and other costs of rehabilitation of properties, including repair directed toward an accumulation of deferred maintenance, replacement of principal fixtures and components of existing structures, installation of security devices, and renovation through alterations, additions to or enhancement of existing structures, which may be undertaken singly or in combination;

(7-6-94)

b. Loans for refinancing existing indebtedness secured by a residential property rehabilitated with ICDBG funds if such financing is determined to be necessary or appropriate to achieve the community's development objectives;

(7-6-94)

c. Improvements to increase the energy efficiency in residential structures through the installation of storm windows and doors, siding, wall and attic insulation; or conversion, modification, or replacement of heating and cooling equipment, including the use of solar energy equipment;

(7-6-94)

d. Improvements to increase efficiency of residential water usage through water saving faucets and shower heads, repair of water leaks, etc;

(7-6-94)

e. Financing of costs associated with the connection of residential structures to water distribution lines or local sewer collection lines;

(7-6-94)

f. For residential rehabilitation carried out with ICDBG funds, costs of: Initial homeowner warranty premiums; hazard insurance premiums, except where assistance is provided in the form of a grant; and flood insurance premiums for properties covered by the Flood Disaster Protection Act of 1973;

(7-6-94)

g. Cost of acquiring tools to be lent to owners and tenants who will use such tools to carry out rehabilitation;

(7-6-94)

h. The rehabilitation or development of housing assisted under Section 17 of the United States Housing Act of 1937; or

(7-6-94)

i. Renovation of closed school buildings for residential uses.

(7-6-94)

04. **Rehabilitation Services.** Rehabilitation services, such as rehabilitation counseling, energy auditing, preparation of work specifications, loan processing, inspections, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in rehabilitation activities authorized under this section, under Section 312 of the Housing Act of 1964, as amended, under Section 819 of the Act, or under Section 17 of the United States Housing Act of 1937. These services plus Administrative costs shall not exceed fifteen percent (15%) of the grant.

(7-6-94)

05. Use of Grant Funds. A grantee may use grant funds to pay substantial reconstruction of a home, owned and occupied by a LMI family. A grantee may use grant funds to pay substantial reconstruction of a home, owned and occupied by a LMI family, if during rehabilitation construction the need for reconstruction is discovered

or where reconstruction is part of a larger neighborhood revitalization effort and the grantee determines that rehabilitation efforts are not sufficient to restore the home and the cost of reconstruction is less than the fair market value of the property after reconstruction is completed. (9-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

061. NOTICE OF INTENT SOLICITED.

The Notice of Intent to apply shall be submitted ~~on a form provided by the Department in a letter from the Chief Elected Official.~~ Notices for ED projects shall be continuously accepted and reviewed; Notices for SR and PFH shall be submitted ~~before following the Application workshops held in September~~ each year. Submittal is optional, but strongly recommended. First priority for technical assistance and staff travel will be given to those applicants which submit a Notice of Intent to apply. IT projects do not submit a Notice of Intent. (7-6-94)(9-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

074. SECTIONS.

The Application shall consist of the following sections: (7-6-94)

01. Cover. The cover shall contain "An application for an Idaho Community Development Block Grant by the _____ (City/County) of _____ (Name) _____ Date: _____". (one (1) page) (7-6-94)

02. Cover Letter. A cover letter signed by the Mayor or the Chairman of the Board of County Commissioners on official stationery. This is the official letter of application for a grant. (one (1) page) (7-6-94)

03. Table of Contents. (one (1) page) (7-6-94)

04. ICDBG Application Information Form. Fully completed and signed by the applicant. (one (1) page) (7-6-94)

05. Threshold Factors. The first four (4) factors must all be answered in the affirmative before an Application is to be reviewed and ranked. An Application shall include only Subsections 074.05.a. through 074.05.e. An Addendum shall include Subsections 074.05.a. through 074.05.g. (7-6-94)

a. The applicant must be an eligible applicant (Section 012). Describe how the applicant meets the eligibility criteria. If this is a joint or in-behalf-of application, describe agreements and arrangements for managing the grant and the project. (7-6-94)

b. The project shall be an eligible activity(ies). Describe why the project and the various activities are eligible according to the rules in Section 022. (7-6-94)

c. The applicant shall adopt a citizen participation plan and shall conduct a public participation process. Applicants shall submit a copy of the Citizen Participation Plan and results of citizen involvement in developing the project. A copy of the Citizen Participation Plan must be submitted with the Application and Addenda. An ICDBG may be awarded only if the grantee certifies that it is following a detailed citizen participation plan which: provides for and encourages citizen participation, with particular emphasis on participation of persons of low and moderate income who are residents of slum and blight areas or provides for participation of residents in low and moderate income neighborhoods as defined by the applicant; provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds; provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including, at least, the development of needs, the review of proposed activities, and review of program performance. Hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for handicapped persons with disabilities; provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and identifies how

the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate. (7-6-94)(9-1-96)T

d. At least one (1) public hearing is required to permit public examination and appraisal of the Application. Public hearings shall be scheduled in ways and at times to provide for full participation of citizens. The building or facility must be accessible to ~~the handicapped persons with disabilities~~. All information presented in the hearings shall also be available, upon request, in a form usable by persons with ~~hearing or visual impairments disabilities~~. Proper notification shall be given by a public advertisement in a local newspaper no less than seven (7) days prior to the meeting date. The seven (7) days shall be counted beginning the date the advertisement appears and ending the day before the date of the hearing. The notice shall include: a brief description of the proposed project; the amount of funds being requested; the time and place of the public hearing, including a statement that the hearing will be held in a handicapped accessible facility; notification that both written and verbal comments will be accepted; and a description of the availability of services for ~~handicapped persons with disabilities~~, upon request. It is recommended the applicant also post notification of the public hearing at various public locations and use other media notices of the hearing. At a minimum, applicants shall provide in the minutes of the meeting, evidence the following occurred at the public hearing: The Application and Application Handbook were available for review; the amount of funds available for local community development and housing activities was discussed; the range of activities to be undertaken was presented including community impact and benefit to low and moderate income (LMI) persons; verification that citizen's comments and views on the proposed Application were considered prior to submittal and, if determined appropriate, a description of how the Application was modified; a copy of the public notice, minutes and a list of those attending the public hearing(s); a description of any plans for the project regarding citizen participation, i.e., the formation of a citizen's advisory committee; and a description of any ~~handicapped~~ assistance for persons with disabilities requested and provided. (7-6-94)(9-1-96)T

e. The applicant shall have the administrative capacity to administer the grant. This means having ~~contracted~~ completed the procurement process for a Department-approved grant manager in accordance with the Section 212. The grant manager shall be included in project development and Application writing efforts. (7-6-94)(9-1-96)T

f. The applicant shall have adopted a Fair Housing Ordinance or resolution. This ordinance or resolution must have been adopted and publicly advertised within the twelve (12) month period preceding the Application deadline date. (7-6-94)

g. The applicant shall have adopted an Anti-Displacement and Relocation Plan. This ordinance or resolution must have been publicly advertised within the twelve (12) month period preceding the Application deadline date. (7-6-94)

06. General Project Description. This is the critical section of the Application. It should include enough information for the reviewer to clearly understand the community, its needs, the project, and how the grant will help to solve the community problem. The information in each ranking section should substantively expand upon the project description. The narrative should, in three (3) pages, succinctly describe the following items: a description of the community as to size, location and economy; a thorough assessment of all the community's needs and how the proposed project is a priority in comparison with the other needs addressed. The applicant should also include a description which discusses how the existing condition came about, the number of people affected, and the seriousness of the problem(s); the particular project that is being proposed shall be described in detail. Describe the project, the various components, anticipated costs, schedule of activities, maps showing the location of the project to the community (detailed enough to locate it by car) and a map of the boundaries of the project area. This description shall be detailed enough that it can be used to write a contract scope of work; describe the benefits of the project, how it solves the identified need, and how it will enhance the community and its economy. Provide a demographic profile of the persons to benefit. This shall include gender, minority status, handicapped status, and female head of household. Describe how the project meets the state objectives of the ICDBG program (see Sections 000, 010, and 011); and if program income is expected to be generated, a re-use plan must be developed according to Section 175. (7-6-94)

07. ICDBG Budget Form Fully Completed by the Applicant. (one (1) page) (7-6-94)

08. Assurances. The applicant shall sign the Assurances Form certifying that it will comply with the

following federal laws and regulations: National Environmental Policy Act of 1969; Civil Rights Act of 1964 Pub.L 88-352; Civil Rights Act of 1968 Pub.L 90-284; Age Discrimination Act of 1975; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended and the implementing regulations at 49 CFR Part 24; Rehabilitation Act of 1973, Section 504 "Handicapped Accessibility"; Housing and Community Development Act of 1974 as amended Pub. L 93-383; Davis-Bacon Act (40-USC 276a--5); Historic Preservation Act; Anti-Lobbying Certification; Excessive Force Certification; and Section 106 of the Housing and Urban Recovery Act of 1983, certifying they will: minimize displacement and follow a residential anti-displacement and relocation assistance plan; affirmatively further fair housing; provide citizen participation; not use assessments or fees on low and moderate income owner occupants to recover capital costs of ICDBG-funded public improvements. (one (1) page). (7-6-94)

09. Review and Ranking Narrative. The applicant shall address each point category in the order given in the review and ranking section of the applicable grant category, referenced below. If a particular point category is not applicable or not selected, it should be indicated. (7-6-94)

- a. Economic Development Grants: (ten (10) pages) (7-6-94)
- i. Infrastructure (Section 096). (7-6-94)
- ii. Downtown Revitalization (Section 097). (7-6-94)
- b. PFH (Sections 083 through 087) and SR (Section 101) Grants: (7-6-94)
- i. Program Impact and Eligible Activity Point Form (two (2) pages) (7-6-94)
- ii. National Objectives. (one (1) page) (7-6-94)
- iii. Project Categories. (one (1) page) (7-6-94)
- iv. Advisory Council Points Narrative. (one (1) page) (7-6-94)

10. Additional Information From Applicant (Appendix). Maps, letters of support, technical studies and appropriate background documentation should be placed in this section and bound into the Application. (no page limit) (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

082. APPLICATION.

- 01. Notice of Intent. Submitted according to Section 061. (7-6-94)
- 02. Information to be Included in Application. Sections 072 through 074. (7-6-94)
- 03. Deadline. The Application is due ~~the first Friday of November~~ in November, the Friday before Thanksgiving. The Addendum is due the first Friday of ~~February~~ March. (7-6-94)(9-1-96)T
- 04. Presentation. According to Section 065. (7-6-94)
- 05. Restrictions. An applicant is not qualified to apply for a PFH grant if they have a currently funded PFH grant, the funds of which are not eighty percent (80%) drawn down as shown on the Department's records as of the last dates for accepting Applications. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

084. PROGRAM IMPACT.

Three hundred twenty (320) points. Some or all of the points may be granted in each subcategory. The local financing factors, which represents the largest portion of the total number of points each applicant may receive, is intended to ensure that the best overall proposals are selected for funding. The score on this factor is determined by evaluating how effectively local funds are used in comparison with other applicants. The Department may require an applicant to provide supplemental financial information to clarify the local ability to finance all or a portion of a proposed ICDBG project. The applicant should provide evidence or documentation of the nature, amount and/or value of match committed to the project. Housing projects should (if match is not committed) provide the names of the agency, staff person and program(s) which may provide match, a description of the program and a time table for the match approval process. (7-6-94)

01. Percentage of ICDBG Dollars in Total Project (sixty (60) points). All Applications will be ranked by percentage of Community Development funds requested divided by total project costs. Total project costs are the total funds committed from all sources - federal, state, local and private funds. The applicant must clearly identify the other funding sources with dollar amounts from each. The rankings shall be divided into four (4) equal categories. The lowest ICDBG percent (%) receives the most points and the highest ICDBG percent (%) receives the least points. Points will be assigned according to the following schedule: (7-6-94)

- a. First Quartile - sixty (60) points. (7-6-94)
- b. Second Quartile - forty (40) points. (7-6-94)
- c. Third Quartile - twenty (20) points. (7-6-94)
- d. Fourth Quartile - zero (0) points. (7-6-94)

02. Percentage of Local Matching Funds (sixty (60) points). All Applications will be ranked by the percentage of local matching funds divided by the total of local match and ICDBG funds. The highest percentage of local dollars will receive the highest points. See Subsection 053.03 for definition of local match. The rankings shall be divided into four (4) equal categories. The highest local match percent (%) receives the most points and the lowest local match percent (%) receives the least points. Points will be assigned according to the following schedule: (7-6-94)

- a. First Quartile - sixty (60) points. (7-6-94)
- b. Second Quartile - forty (40) points. (7-6-94)
- c. Third Quartile - twenty (20) points. (7-6-94)
- d. Fourth Quartile - zero (0) points. (7-6-94)

03. ICDBG Dollars Per Person (fifty (50) points). The ratio of total persons directly benefited by the project, compared to ICDBG funds requested (ICDBG dollars per person) shall be ranked and divided into quartiles. The lowest ICDBG dollars receives the most points and the highest ICDBG dollars receives the least points. The points shall be assigned to the ratio of ICDBG dollars per person as follows: (7-6-94)

- a. First Quartile - fifty (50) points. (7-6-94)
- b. Second Quartile - thirty (30) points. (7-6-94)
- c. Third Quartile - fifteen (15) points. (7-6-94)
- d. Fourth Quartile - zero (0) points. (7-6-94)

04. Local Matching Funds Per Person (fifty (50) points). The ratio of total persons directly benefited by the project, compared to local matching funds shall be ranked and divided into quartiles. The Department may request supplemental financial data from any applicant to determine local ability to finance a proposed project or clarify a

community's financial situation. The Department may take into consideration a community's ability to contribute local matching funds in determining all rating and ranking points. The highest local funds per person receives the most points and the lowest local funds per person receives the least points. The points shall be assigned to the ratio of local matching funds per person as follows: (7-6-94)

- a. First Quartile - fifty (50) points. (7-6-94)
- b. Second Quartile - thirty (30) points. (7-6-94)
- c. Third Quartile - fifteen (15) points. (7-6-94)
- d. Fourth Quartile - zero (0) points. (7-6-94)

05. Eligible Activity Priority Ranking (one hundred (100) points). Each eligible activity (Sections 022. through 051) is assigned a priority point factor. The applicant should list the activities and the ICDBG funds budgeted to each. These points shall be assigned to an Application based upon the percentage of the total ICDBG funds committed to each activity and multiplied by the priority points assigned to each. The total of the priority points so calculated is the total of the priority points for the Application. Health and safety-related projects are defined as sewer, water, fire protection facilities, medical facilities, nursing homes, streets, and other similar projects. Social service facilities are defined to include community centers, senior centers, libraries, assisted housing, shelter care, senior housing, auditoriums, cultural facilities, recreation facilities, and parks. (7-6-94)

TABLE 1 -- "Eligible Activity Priority Ranking"

Acquisition of Real Property	twenty-five (25) points
Acquisition of Real Property for Housing Projects	fifty (50) points
Public Facilities and Improvements - Health and Safety Related	one hundred (100) points
Public Facilities and Improvements - Housing Related	seventy-five(75) points
Public Facilities and Improvements - Social Service Related	fifty (50) points
Code Enforcement	fifty (50) points
Clearance and Demolition	ten (10) points
Removal of Architectural Barriers	fifty (50) points
Rental Income Payments	zero (0) points
Disposition of Property	ten (10) points
Public Services	zero (0) points
Completion of Urban Renewal Projects	zero (0) points
Relocation Payments	twenty-five (25) points
Planning Activities	zero (0) points
Administration Activities	one hundred (100) points
Grants to Nonprofit Community Organizations	zero (0) points
Grants to Nonprofit Community Organizations for Housing Projects	seventy-five (75) points
Energy Planning	zero (0) points
Housing Rehabilitation	seventy-five (75) points

(7-6-94)

~~06. Distressed Communities/Downtown Projects (twenty (20) points). All or none of these points will be awarded. Full points will be awarded to projects which are located in a downtown area. These points will be given to communities which are experiencing high unemployment or loss of major businesses/employers, which have been declared economic disaster areas. High unemployment is calculated on a county wide basis as determined by the Department of Employment. To receive full points, the annual unemployment rate shall be one and one-half (1 1/2) times higher than the most current annual state average.~~ (7-6-94)

085. NATIONAL OBJECTIVES

Two hundred sixty (260) points. The Application must qualify in one (1) of two (2) national objective categories: benefit to low and moderate income persons or the prevention or elimination of slum and blight. If the Application does not qualify in at least one (1) category it will be declared ineligible for review and ranking. The Application will not be considered further. The applicant must choose only one (1) of the two (2) categories in which to compete.

(7-6-94)

01. Benefit to Low and Moderate Income (LMI) Persons (two hundred sixty (260) points). To qualify in the LMI category the applicant shall demonstrate at least fifty-one percent (51%) benefit to LMI persons ~~and have eighty (80) points from the Need and Impact categories.~~ (7-6-94)(9-1-96)T

a. The applicant shall show that the project shall principally benefit a majority of LMI residents of the project area. Benefit is shown only if it meets one (1) of the following criteria: the activity shall be carried out in a neighborhood consisting of fifty-one percent (51%) LMI persons and provide services to such persons; the activity shall involve facilities designed for use predominantly by persons of LMI; or the activity shall improve permanent, residential structures which will be occupied by LMI households upon completion. See Section 016 for more information. (7-6-94)

b. All benefits shall be verified by an appropriate source(s). Numbers shall be documented either by census data or a reliable survey. This material shall be verifiable by the Department of Commerce. Multiplier effects or ratios shall not be considered in assigning benefit points because these numbers do not show direct benefit. The cost of planning, management, and administration shall not be included in calculating benefit of LMI persons. (7-6-94)

c. Applicants shall provide additional documentation that low and moderate income persons are receiving direct benefits of the program as determined by the following: (i) a narrative description with maps showing the location of the project area (census tract or enumeration districts must also be included when identifying these areas); (ii) the total number of households and persons in the project area; (iii) the total number of persons shown to be LMI in the project area; (iv) the percentage of LMI persons in the project area; (v) identification of all the needs of LMI persons in the project area including the scope and magnitude of these needs; (vi) the map(s) must also outline the area where there is a concentration of these needs; (vii) the total number of "minority households" in the project area and their needs, ie. The term "minority household" is defined as one where one (1) or more adults are Black, Hispanic, Asian and Pacific Islanders, American Indian, or other non-white. If minority household information is not available from a survey, then Census data on the number of minority persons sixteen (16) years and over is acceptable; (8) the total number of "handicapped households" in the project area. The term "handicapped household" is defined as one in which there are one (1) or more persons who are physically or mentally disabled or handicapped. If handicapped household information is not available from a survey, then Census data on the number of disabled persons sixteen (16) years and over is acceptable and a description of LMI citizen participation during the data gathering process. (7-6-94)

d. LMI Need points for Public Facility projects will be determined according to the following standards. Critical Need receives the full eighty (80) points. Critical is defined as existing (officially identified) violations of federal or state health or safety regulations. Moderate Need is an officially identified problem related to health and safety regulations, but the situation is not in violation of any regulation. Moderate Need receives sixty (60) points. Potential Need is related to solving a current situation that would become a violation if left uncorrected. Potential Needs receives forty (40) points. Community Need is a general improvement not related to health and safety, but is a major improvement in community services and infrastructure. Community Need receives twenty (20) points. (7-6-94)

e. Identification of Impact (eighty (80) points). The applicant shall submit the following: specific identification of the project activities that will be undertaken to meet identified LMI needs. A distinction must also be made regarding direct and indirect benefits; a discussion of project impact in providing long-term permanent solutions to alleviate the need(s) identified above; identify procedures that are or will be developed to measure impact throughout the project; and describe and provide documentation of the process used to identify the LMI needs. Documented health and safety needs are awarded higher points. (7-6-94)

02. Housing Need and Impact. (7-6-94)

a. Identification of Need (eighty (80) points). An applicant shall develop a housing conditions study to determine the need for a housing grant. Information to be collected about the community shall include population and growth, family size, the number of elderly, handicapped, and minority persons, and family incomes. Housing information collected shall be total number of units, number of rental units, age of housing, vacancy rates, overcrowding, number of substandard units in the community, and the number of each type of housing, i.e. owner, rental, institutional and seasonal. Historical trends should be included in this information. The housing need shall be reviewed and assigned points by the following criteria: percent (%) of housing stock older than 1970; percent (%) vacancy rates of rental units; estimated population growth rates since 1990 Census; number of overcrowded units and percent (%) of total housing units; and number of substandard units and percent (%) of total housing units. Housing applications shall be compared to each other and to the 1990 census statewide averages in each category. Data in any category which does not exceed the statewide average will receive a maximum of forty (40) points, even though the formula points may be a higher value. Each category shall be ranked by the seriousness of the problem demonstrated by the data. The most serious will be assigned eighty (80) points. Each rank will be separated by the number of points found by dividing eighty (80) by the number of housing applications. The average of the five (5) category points shall be the total need points assigned to the application. If the housing application does not exceed the statewide averages in a category, the rankings shall be calculated using forty (40) points. Substandard unit is defined as a housing unit which does not meet the Uniform Building Code standards. Overcrowding is defined as a housing unit occupied by more than one and one-half (1-1/2) persons per room as defined by the U.S. Census. (7-6-94)

b. Identification of Impact (eighty (80) points). The housing application shall demonstrate that the proposed project shall have a substantial impact on the needs identified above. In addition, the application shall be assigned points based upon the number and percentage of families living in poverty and the ICDBG dollars per bedroom. Housing units of more than four (4) bedrooms will be counted as a four (4) bedroom unit. Each category shall be ranked by the seriousness of the problem demonstrated by the data. The most serious will be assigned eighty (80) points. Each rank will be separated by the number of points found by dividing eighty (80) by the number of housing applications. The average of the two (2) category points shall be the total need points assigned to the application. (7-6-94)

c. Low and Moderate Income Percentage Points (one hundred (100) points). Points will be assigned according to the percentage of LMI in the project area. They are: (7-6-94)

TABLE 2 -- "Percentage of LMI in Project Area"

Percentage	Points
0 - 50.00%	zero (0)
51.00 - 60.00%	twenty (20)
60.01 - 70.00%	forty (40)
70.01 - 80.00%	sixty (60)
80.01 - 90.00%	eighty (80)
90.01 - 100.00%	one hundred (100)

(7-6-94)

03. Prevention or Elimination of Slum and Blight (two hundred sixty (260) points). To qualify in the Slum and Blight category, the applicant shall receive at least one hundred (100) total points by demonstrating that the proposed project will have a direct impact on the elimination or prevention of slum and blight conditions. In evaluating impact, the information described below shall be considered (see Slum and Blight definition, Section 020).

(7-6-94)

a. Provide the following community data: location of the project area including a narrative description and map(s) showing the boundaries of the area; and an official declaration by the governing body that the area is an "Area of Slum and Blight".

(7-6-94)

b. Identify need (one hundred thirty (130) points). Describe the nature and seriousness of existing conditions/needs in the project area. References to published engineering studies or surveys or letters from appropriate local agencies shall be included. Use maps to locate the conditions and their relationship to each other. The applicant shall describe the nature and seriousness of the need as it exists in the following areas: the number, location, and type of deteriorating structures present in the project area; the unsafe/unsanitary conditions that exist in the structures and area; the infrastructure and site improvements that are deteriorating (i.e., streets, sidewalks, parking lots, utilities, driveways, fences and landscaping); the danger to life and/or property that exists from fire, hazards or other causes; or the condition of the property that impairs economic growth in the community by being an economic or social liability.

(7-6-94)

c. Identify Impact (one hundred thirty (130) points). Specify how project activities will eliminate or prevent conditions of slum and blight. Identify the impact of the proposed project in providing permanent solutions to alleviate the identifiable conditions. Identify the procedure that is or will be developed to measure impact throughout the project.

(7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

090. PROJECT CATEGORIES.

Two hundred ~~and twenty (200)~~ (220) points. PFH Applications shall address each of the categories below. The project description and its benefits should be discussed in previous sections. This section is a measure of the preparedness of the project and the community to undertake the project. To earn points, the applicant must demonstrate that the appropriate actions, procedures, agencies, permits, financing and inspections to initiate and complete the project were discovered and show how much has been completed. The object is to have well thought out projects which will then be quickly executed if funded. The items identified in the following five categories must be related to each other. For example: if a building permit is required; it should be described in the Planning section; what has been done to secure the permit should be described in the Previous Action section; a date should be assigned to receiving the permit in the Schedule section and any costs associated with securing the permit should be described in the Cost section; Any efforts by the Gem team to assist in the process should be described in the Gem Community section.

(7-6-94)(9-1-96)T

01. Planning (~~forty (40) points~~) (fifty (50) points). The applicant shall describe the process used to plan the project and describe the components of the project. The completeness of the process and project detail earn more points. Describe the problem identification process, the public involvement, the appropriate agency(s) involvement. Describe the steps and actions necessary to implement or construct the project, including, but not limited to, permits, approvals, easements and property acquisition, demolition, relocation, other funding needed and the process to secure it, zoning, environmental problems, historic preservation, preliminary architectural or engineering, construction period, service hookups, fees and special assessments, program income, grant administration, accounting and audits.

(7-6-94)(9-1-96)T

02. Previous Actions (~~forty (40) points~~) (fifty (50) points). This is a measure of how prepared the applicant is to undertake the project and how much of the planning described above has actually been accomplished. The faster a project can be implemented and completed (given the nature of the project), the more points the Application will earn. Also to be considered is all the other related actions a community has accomplished to prepare

to undertake the project. For example, if a community wishes to improve its water storage capacity, other related actions might include water conservation, energy efficiency, other water system improvements, and water rate review. ~~(7-6-94)~~(9-1-96)T

03. Cost Analysis (fifty (50) points). Cost estimates for the project should be an accurate and realistic analysis of the administrative, legal, accounting, engineering or architectural services, property acquisition, construction and closeout costs. The various sources of funding should be assigned to the appropriate parts of the project. The source of the cost estimate should be described and documented. (7-6-94)

04. Schedule (forty (40) points). All of the activities needed to successfully administer and construct a project should be carefully scheduled to advance the project to completion rapidly and smoothly. The following items must be included in the schedule along with any additional necessary items. The schedule should include compliance activities such as asbestos, historic preservation and permits. (7-6-94)

TABLE 3 -- Schedule	
	DATE
Grant Award	
Administrative Contract	
Engineering/Architectural Contract	
Environmental Review Begins	
Environmental Release	
Adoption and Publication of 504 Policy on Nondiscrimination	
Establish 504 Review Committee	
Bid Document Approval	
Bid Opening	
Preconstruction Conference	
Acquisition Completed	
Second Public Hearing	
Civil Rights Report Completed	
Start Construction	
Adoption and Public Notification of Grievance Procedures	
Twenty-Five Percent (25%) Complete	
Fifty Percent (50%) Complete	
Complete 504 Self-Evaluation	
Seventy-Five Percent (75%) Complete	
Construction Completed and Accepted	
Complete 504 Transition Plan (if needed)	
Monitoring Visit	

TABLE 3 -- Schedule	
Final Report	
Closeout	
Audit	

(7-6-94)

05. ~~Certified Gem Communities (forty (40) points). In order to promote the ongoing planning process and to more directly relate the grant funding to local economic development efforts, a proposed project should be identified as a priority in the one (1) year Gem Community Plan. Certified Communities which generally include the proposed project in their one (1) year Gem Community Plan are awarded the full forty (40) points. The proposed project must be identified in the current one (1) year plan on file with the Department at the date of application. The project must also be related to the goals and objectives of the plan. Applicants which are "Certified Gem Communities" will receive twenty (20) points. Applicants which are enrolled in the "Certified Gem Communities" will receive ten (10) points. A Certified Gem Community is one which has been certified for the first time and/or recertified, according to the Department's records as of the deadline date for Application or Addendum submission. To promote the ongoing planning process and to more directly relate the grant funding to the local economic development efforts, points will be awarded to local efforts to inventory their infrastructure. To receive the other twenty (20) points, any applicant shall have completed an "Infrastructure Inventory" which details the condition, character, quality and quantity of infrastructure such as water and sewer systems, fire and safety facilities, police protection, streets, roads and bridges, park and recreation facilities government offices and cultural facilities.~~

~~(7-6-94)(9-1-96)T~~

(BREAK IN CONTINUITY OF SECTIONS)

093. ECONOMIC DEVELOPMENT GRANTS.

Economic Development (ED) projects are combinations of eligible activities which are directed toward economic development through the stimulation of private investment, community revitalization, and expansion of economic opportunities principally for LMI persons. These projects meet the national objectives through job creation principally for LMI persons or are designed to prevent or eliminate slum and blight for business and commercial areas for the stimulation of economic development. This generally includes projects which provide public infrastructure for business and industrial park development, rehabilitate publicly-owned commercial and industrial buildings, and revitalize downtown areas. The two (2) categories of ED grants, Business Expansion and Downtown Revitalization, have separate review and ranking criteria. See Award Process, Section 098. for Application and award process details. Economic Development Grants will be funded to a maximum of five hundred thousand dollars (\$500,000). (7-6-94)

01. Provision of Public Infrastructure. Cities and counties may apply for grant funds to extend publicly owned infrastructure to a commercial or industrial site. The intent is to help pay the public costs of business development. The infrastructure generally may not extend onto or become part of the private property. The infrastructure may include, but not limited to: sewer, water, street, rail, storm drain, power, gas, phone, and similar systems. A business(es) shall commit to occupying the site(s) served by the infrastructure. The applicant must demonstrate a direct relationship between the infrastructure; the business decision to occupy the site and the job creation principally for Low and Moderate Income (LMI) persons. The infrastructure capacity, in excess of the business needs, is not an allowable grant expense. Such unallowable expense should be apportioned to the other property being served by the excess capacity. (9-1-96)T

02. Rehabilitation of Publicly Owned Commercial or Industrial Real Estate. Application may be made for grant funds to acquire and/or rehabilitate commercial or industrial real estate upon meeting the following criteria. (9-1-96)T

a. The business cannot secure financing for the proposed property due to local economic conditions and/or bank requirements or restrictions, but could secure financing for similar property in other locations. (9-1-96)T

b. If the real estate is already publicly owned, a description of the acquisition of the property, its current and historical use, and written management policies and practices shall be included in the application.

(9-1-96)T

c. Rental or lease policies and rates must be described and copies of draft lease agreements must be included in the application.

(9-1-96)T

d. A fair market rent analysis must be prepared to demonstrate the cost of similar property. Rent payments must be at fair market value for the locality.

(9-1-96)T

e. A program income reuse plan shall be developed in accordance with section 171, and included in the application. Rent subsidy to the business is not allowed.

(9-1-96)T

f. Grant assisted construction must be general in nature and not specific to the business' criteria. Leaseholder improvements are not an allowable expense.

(9-1-96)T

g. Sale of CDBG assisted or improved real estate cannot occur without Department approval. A deed restriction to this effect shall be executed. Sale of the property must be at the appraised value and monies received is considered program income and is subject to all CDBG regulations.

(9-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

096. REVIEW AND RANKING NARRATIVE FOR BUSINESS EXPANSION PROJECTS.

The following are the review and ranking narrative requirements for those projects which assist business expansion through the provision of infrastructure and creation of jobs:

(7-6-94)

01. Minimum Criteria.

(7-6-94)

a. The project must meet the national objective of benefiting LMI persons through job creation. Fifty-one percent (51%) of all the new jobs created or retained must be held by or made available to a member of a low and moderate income family. (LMI as defined in Section 016). Family income must be certified by the employee at time of hire and must be able to be verified or may be ~~referred~~ documented through a JTPA screening referral agency.

~~(7-6-94)~~(9-1-96)T

b. The applicant and the business must certify compliance with applicable federal circulars A-87, A-102, A-110, and A-122 and meet the necessary assurances as listed in Subsection 074.08 as applicable.

(7-6-94)

c. A public hearing shall be held on the Application in accordance with Subsection 074.05.d. (7-6-94)

d. The project may qualify as a Special Economic Development Project under Subsection 040.02.a. If the project qualifies under Subsection 040.02.b., a determination of Necessary or Appropriate is required.

(7-6-94)

e. Attach an eight and one-half inch (8 1/2") x eleven inch (11") map showing the location of the proposed project in the community. Attach a site plan of the proposed project showing existing and proposed improvements both business and infrastructure; existing and proposed land uses in the surrounding area and natural features and conditions on the site and nearby.

~~(7-6-94)~~(9-1-96)T

f. (Attachment) A brief analysis of the business to be assisted, including the market for the product/ services to be produced, the business' position in the market, and the financial and managerial capabilities of the business(es) to be assisted. This should also include financial ~~data~~ statements and balance sheets for the business(es) to be assisted indicating sales, income, and net position for the prior three years, and the names and experience of senior managers of the business.

~~(7-6-94)~~(9-1-96)T

g. (Attachment) A letter of commitment from the business(es) stating their agreement to be part of the

grant project, their ability to accomplish their expansion, their understanding of and compliance with all applicable federal regulations, their understanding of and compliance with the payback liability if the jobs creation does not meet federal standards; and their willingness to make available all records and information necessary to document all jobs created. (7-6-94)(9-1-96)T

h. (Attachment) A description of the type and number of all the jobs to be created, a calculation of fulltime equivalents (FTE), and a beginning payroll of the business(es) at the location of the proposed project, a detailed description of the hiring process and any training to be provided. The information should include both current job information and the job creation anticipated projected for to within two (2) years of beyond the completion of project completion the grant funded construction. If training is necessary, a training plan and schedule outlining the responsibilities must be included in the application. (7-6-94)(9-1-96)T

02. Ranking Criteria (one thousand (1,000) points possible). (7-6-94)

a. Direct new or retained jobs, in fulltime equivalents (FTE), created within two (2) years of project grant construction completion. Direct new jobs are those jobs created as a result of the ICDBG grant, over and above employment at the project site prior to the grant, and which do not displace any other employment in the same labor market area. A job creation cost of more than ten thousand dollars (\$10,000) ICDBG per job will not be considered. Points are assigned by the formula: (Number of jobs) X (maximum grant) divided by (the requested ICDBG funds), up to two hundred (200) points. (7-6-94)(9-1-96)T

b. Business Risk and Management. The probability of achieving the projected jobs and payroll within one (1) and two (2) years, as determined by the Department. The determination may be made on the basis of: the business plan and schedule, and the financial position and a credit analysis of the business; the performance record of senior management of the business project; and other criteria reasonably required by the Department. Projects receiving less than seventy-five (75) points in this category will be eliminated from further consideration. (zero (0) to one hundred (100) points). (7-6-94)(9-1-96)T

c. Planning, Cost and Schedule (one hundred and ~~thirty-five (135)~~ thirty-five (135) points possible). Describe planning efforts to enhance economic development. A detailed and reliable cost estimate and a project construction schedule is required of all Applications. Cost analysis and schedule will receive equal emphasis. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (Subsection 090.04) (7-6-94)(9-1-96)T

i. Planning. ~~Fifty (50)~~ Forty-five (45) points. Describe planning efforts to identify and detail all steps related to the implementation of the entire project. Identify all participants in the process. Describe all the partnerships and relationships involved in implementing the project. This will include local government actions, the business actions, other agency and utility actions, real estate, environmental, legal, financial and grant considerations. (7-6-94)(9-1-96)T

ii. Schedule. ~~Fifty (50)~~ Forty-five (45) points. A detailed and reliable schedule of all actions identified in the plan. Also a separate grant funded project construction schedule is required of all Applications. (7-6-94)(9-1-96)T

iii. Cost. ~~Fifty (50)~~ Forty-five (45) points. Detailed cost estimates of all actions, permits, construction, real estate etc. should be prepared by an engineer or architect. Because of the priority the Department and Economic Advisory Council places on project costs and schedule, applicants are advised to seek experienced construction management counsel for their Application. (Subsection 090.04) (7-6-94)(9-1-96)T

d. Idaho Inputs. (twenty (20) points) A ratio The percentage of the value of Idaho-produced inputs or products included in the total production/service cost for the business(es) assisted by the project, exclusive of payroll (percentage points divided by two (2), (zero (0) to ~~fifty (50)~~ twenty (20) points)). This is a measure of the value added to Idaho products. Include in the narrative a description of the products, their material components, the source of the components, the value of the components, and the finished product. (7-6-94)(9-1-96)T

e. Minority Benefit. Percentage of the direct new jobs projected to be filled by minority applicants.

(Percentage points, zero (0) to ~~twenty-five (25)~~ fifteen (15)).

~~(7-6-94)~~(9-1-96)T

f. Local Investment Leverage. (one hundred (100) points) The percentage of ICDBG funds in the total of local matching funds plus ICDBG funds in the project. Applicants shall state if there is a Revolving Loan Fund available in their region and, if so, describe what attempts have been made to secure funds for the project. Program Income from previous grants to be used in this project may be considered as local match. (one hundred (100) minus ICDBG percentage). (7-6-94)

g. Distressed Areas. Projects located in a county which has an average annual unemployment above the statewide average shall receive twenty-five (25) points. (7-6-94)

h. Rural Impact. Jobs created in smaller communities have a greater stabilizing influence than in larger communities. The points shall be assigned as follows: (7-6-94)

TABLE 4
"Rural Impact On Jobs"
Community Population

Population (latest census estimates)	Points 25 Total
0 - 1,000	25
1,001 - 3,000	15
3,001 - 10,000	5
10,001 - 50,000	0

(7-6-94)

i. Gem Community. ~~To promote the ongoing planning process and more directly relate the grant funding to local economic development efforts, a proposed project should be identified as a priority in the One Year Gem Community Plan. Certified Communities which generally include the proposed project in their One Year Gem Community plan are awarded the full fifty (50) points. The proposed project must be identified in the current one year plan on file with the Department at the date of application. The project must also be related to the goals and objectives of the plan.~~ Applicants which are "Certified Gem Communities" will receive ~~twenty (20)~~ thirty (30) points. Applicants which are enrolled in the "Gem Community Program" will receive fifteen (15) points. Certified Communities must be currently certified or recertified as of the quarterly deadline date to be eligible for these points.

~~(7-6-94)~~(9-1-96)T

j. Private Leverage. (one hundred (100) points) ~~This is the~~ The percentage of ICDBG funds in the sum of total private investment plus ICDBG funds in the project. This includes the business' private investment in the capital facilities, real estate and business site development costs. Payroll and startup costs are not included in this calculation. (one hundred (100) minus ICDBG percentage). (7-6-94)(9-1-96)T

k. Activities. Points will only be awarded for the percentage of ICDBG dollars committed to the acquisition, construction, or reconstruction of public infrastructure (Section 024); and for publicly-owned commercial building rehabilitation for the purpose of assisting a business or businesses. (Percentage of twenty-five (25) points). (7-6-94)

l. Grant Management. If the grant funded activities are managed by the grantee, twenty-five (25) points will be awarded. Grantee management includes management under contract with a Department approved Grant Manager. ~~Subgranting of any ICDBG funds will receive zero (0) points.~~ (7-6-94)(9-1-96)T

m. Economic Advisory Council Evaluation. The EAC will evaluate each Application on the basis of overall value, including its ability to make a significant impact on the Idaho economy and the commitment of the community to the project. (two hundred (200) points). (7-6-94)

03. ~~Threshold Criteria. A minimum of forty (40) points is required from the combination of Subsections 096.02.k. and 096.02.l. for the Application to maintain its eligibility for review.~~ (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

099. SENIOR CITIZEN CENTER GRANTS.

Senior Citizen Center (SR) Grants, which address the need for community centers for senior citizen groups, are part of a competitive application process which is separate from the PFH project grants in the annual grant selection process. They are only for Senior Citizen Centers, not for other facilities such as shelter homes, nursing homes, senior housing and other geriatric facilities. Only cities or counties may apply. SR grants will be funded to a maximum of one hundred thousand dollars (\$100,000). For construction of a new Senior Center and on case-by-case basis: the staff may recommend for the EAC's consideration additional funding above the one hundred thousand dollar (\$100,000) grant limit, but not to exceed a total grant of one hundred fifty thousand dollars (\$150,000). Consideration of additional funds will be based upon whether the existing center is a designated meal site serving three or more meals per week; the new facility will serve other significant community needs or groups; architectural plans and cost estimates are reasonable and well planned to suit the documented needs of the seniors, and with the supporting advice of the regional office on aging. See Section 107 entitled Award Process, for details on the award process.

(7-6-94)(9-1-96)T

01. Eligible Uses. The following are eligible uses of Senior Citizen Center Grants: construction of facilities; purchase of facilities; rehabilitation of facilities; purchase of essential fixtures (a fixture is defined as equipment that is permanently attached to the building); and removal of architectural barriers for the handicapped.

(7-6-94)

02. Local match Committed to the Project. Match can be in the form of dollars, land, building materials and fixtures, volunteer labor, and waived fees. In the case of new construction or purchase and rehabilitation, the appraised or assessed value of donated real estate can be part of the match. Value of an existing senior citizen facility cannot be used as match when the grant is for rehabilitation and/or expansion of the facility. Firm commitments of donated money, material and/or real estate must accompany the Application.

(7-6-94)

03. Priorities in Funding. The first priority for funding will be remodeling existing facilities to meet Title III Standards, to meet building codes, to provide adequate handicapped access and facilities and to provide adequate kitchen facilities for serving the current senior citizen membership. The second priority for funding will be: construction of a new facility to replace an existing center. This will be considered only when the applicant demonstrates that the existing facility cannot be restored to adequate facility standards or that the cost of rehabilitation exceeds the cost of new construction, or that the facility is too small for the number of Seniors who presently use the facility and expansion costs of the existing structure exceed new construction costs; or the construction of a Senior Center facility in a community where no facility now exists; but only where: other Senior Center facilities are not available; and if adequate local operating funds are committed.

(7-6-94)

100. APPLICATION.

The Application shall identify the eligible components of the physical plant of the center and define which items are critical, necessary, or nice to have for the health and safety of the seniors. The projects with the highest needs and the greatest preparedness to proceed would be recommended for funding.

(7-6-94)

01. Notice of Intent. (See Section 061.)

(7-6-94)

02. Deadline. SR Applications will be due on the first Friday of ~~February~~ March each year. The Application shall be submitted according to Section 062. The EAC will review the Applications and make funding recommendations at the ~~March~~ April Council meeting.

(7-6-94)(9-1-96)T

03. Information to be Included. The Application shall contain the information required by Section 074. The general project description (Subsection 074.06) shall contain the additional information described below. The Application shall be on the forms provided by the Department and according to the format described in Sections 072

and 073. The Application shall also address the center's geographic service area, the number of seniors in the service area, other demographic data including minority and handicapped status, and the needs and impact of the project upon the lives of the senior citizens. (7-6-94)

04. Restrictions. An applicant is not qualified to apply for a SR grant if it has a currently funded senior citizen facility grant, the funds of which are not eighty percent (80%) drawn down as shown on the Department's records as of the last date for accepting Applications. (7-6-94)

05. The General Project Description Shall Address the Following Information. (7-6-94)

a. Health services. If the center is a designated meal site, provide information of the number of meal days weekly and the number of meals served weekly, monthly, and annually. This information should include the Meals on Wheels Program. Other health services provided to seniors at the center should be described. Also, the average number of social activities scheduled per month should be included. Any provision or plans to provide adult day care should be described. (7-6-94)

b. Building information. The Application shall describe the building's physical condition including the square footage of the building, roof condition, exterior conditions, foundation conditions, parking and floor and other structural conditions. (7-6-94)

c. Interior building. The conditions of the interior of the center should be described, including electrical and plumbing conditions, handicapped access to building and interior spaces, handicapped bathrooms, heating and air conditioning equipment conditions, energy efficiency and weatherization of building, kitchen and food storage conditions and fire safety conditions. (7-6-94)

d. Match committed. The amount of local funds and in-kind match that the center can commit to the project should be described and documented. (7-6-94)

e. Planning of the project. The planning efforts for the senior center project should be described. This may include the efforts to determine the needs of the center, and the solicitation of community and local government support. Items such as Health and Safety inspections, architectural or engineering designs, Area Agency inspections and recommendations, schedules of project construction and cost estimates may be included. (7-6-94)

06. Presentation. Following selection of the Application by the Department staff. According to Section 065. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

~~111. — 115.~~ **(RESERVED).**

111. SPECIAL ALLOCATIONS - IMMINENT THREAT URGENT NEED.

Special Urgent Need Allocations shall be administered by the department when:

01. Presidentrally Declared Disaster. The threat is determined to be a Presidentially Declared Disaster; and (9-1-96)T

02. Appropriation Allocated. A special Idaho Community Development Block Grant appropriation has been allocated to the Department through the Idaho Community Development Block Grant Program. (9-1-96)T

112. APPLICATION.

01. Information to Be Included. Information to be included shall be consistent with subsection 109.02. (9-1-96)T

02. Special Uurgent Need Grants. Special urgent need grants under this program can be submitted by

eligible applicants when conditions in Section 111 exist. (9-1-96)T

113. IMMINENT THREAT DETERMINATION.

01. An Imminent Threat/Urgent Need. An Imminent Threat/Urgent Need is defined in Section 021. (9-1-96)T

02. Documentation. Communities requesting an imminent threat grant shall contain all information shown in Subsections 110.02.a., b., and d., 110.03 to 110.04. (9-1-96)T

114. -- 115. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

118. TECHNICAL ASSISTANCE GRANTS.

To assist communities in their planning efforts and discourage uncoordinated piecemeal approaches to solving community problems, one percent (1%) of the annual Community Development allocation shall be set aside for technical assistance grants. ~~Of this amount eighty percent (80%) shall be set aside for statewide technical assistance program. Twenty percent (20%) shall be set aside for direct technical assistance grants to qualified communities. Each grant to a community will not exceed ten thousand dollars (\$10,000) and would be available on a quarterly basis. An application may be submitted only by invitation of the Department Director.~~ (7-6-94)(9-1-96)T

119. STATEWIDE TECHNICAL ASSISTANCE GRANT.

01. Purpose. To create a statewide information base which all communities can use in their economic development, community development, ~~and~~ growth management, housing activities, and grant compliance. (7-6-94)(9-1-96)T

02. ~~Eligible Service Providers. Contract for Services. Only statewide, nonprofit, local government membership organizations are eligible to receive a grant contract under this section. Grant contracts will be negotiated between the Department and an organization. The Department may contract for these services.~~ (7-6-94)(9-1-96)T

03. Technical Assistance Program. ~~The Service Provider shall~~ Shall hire professional staff and provide office space and secretarial assistance to collect, develop, and provide information and materials ~~upon request of local governments. Such materials and information may include~~ including, but not limited to, "how to" information and "boiler plate" ordinances on capital improvement planning and budgeting; tax increment financing; impact fees; zoning; subdivisions; housing information; housing plans; community development and economic development plans; other ordinances and information on development as may be appropriate ~~or requested. The service provider may also provide direct hands on assistance to communities which contract for a specific service or assistance and who will cash match the assistance dollar for dollar.~~ (7-6-94)(9-1-96)T

~~120. DIRECT TECHNICAL ASSISTANCE GRANT PURPOSE.~~

01. ~~Technical Assistance Grant. A technical assistance grant is used for the purpose of assisting qualified communities in developing local leadership skills, developing multijurisdictional approach to regional problems, formalizing their planning efforts, and encouraging a written plan to identify long range goals and short range objectives relative to economic and community development.~~ (7-6-94)

02. ~~Eligible Uses. The following are Technical Assistance Grant eligible uses: gathering data, studies and analysis; preparation of plans including, but not limited to updating or developing comprehensive plans, Community Development Plans, Capital Improvement Programs, and housing plans; and development of codes, ordinances and regulations necessary to implement such plans.~~ (7-6-94)

~~121. INVITATION TO SUBMIT A DIRECT TECHNICAL ASSISTANCE GRANT APPLICATION.~~

~~01. Threshold Criteria. In order to be invited for a Technical Assistance Grant, a community must demonstrate either: high growth is predicted in the next twelve (12) months from business expansion or the current growth rate is above the state average for the past year; or where there is a loss (within the past twelve (12) months) of major business employer resulting in a net job loss with in the same labor market area; or a natural disaster has happened within the past six (6) months. (7-6-94)~~

~~02. Problem Statement. The community must describe and provide evidence of the threshold criteria and document the impacts and problems resulting or expected from the threshold criteria. (7-6-94)~~

~~03. Additional Conditions. In addition, the community must demonstrate the following conditions exist: the lack of experienced technical staff; it will take multijurisdictional action, coordination and responsibility to manage the growth/decline or to implement the plans and project. Local match funds are committed and documented. Match can be in the form of local dollars, services, other grants, and in-kind administrative costs. The community shall commit one dollar (\$1) in match for every three dollars (\$3) of grant funds. Extensive community involvement and discussion of the problem, including elected officials and interested citizens. This involvement should include, but not be limited to, public hearings, town meetings, task forces, workshops, and training sessions. (7-6-94)~~

~~04. Technical Assistance Grant Process. Technical assistance grants are not intended to be just studies and data collection but are to include a process to integrate the information into the decision making processes. The community shall describe how they intend to use the grant funds and what results will be expected. The technical assistance grant process may include the following steps: identify community needs; set long term goals and short term objectives, including infrastructure design; develop projects and/or regulations to implement goals and objectives; evaluate the progress of such projects and/or regulations in accomplishing these goals and objectives; and carry out other management, coordination and monitoring of activities necessary to implement plans effectively. (7-6-94)~~

~~122. REVIEW PROCESS.~~

~~A community may request the assistance of the Department to determine if they qualify for a Technical Assistance Grant. Department staff shall investigate and analyze the community's situation to determine if the community meets the above criteria. A written report and recommendation will be provided to the Department Director and the community for review. The Director may invite the community to apply for a Technical Assistance Grant. (7-6-94)~~

~~123. APPLICATION.~~

~~A Technical Assistance Grant Application shall contain all information required in Section 072. through Subsection 074.09. The Department staff shall assist the applicant in the development of the project. The applicant shall describe the intent and goals of the planning grant, the various local governmental units committed to the planning process, the proposed method of accomplishing the planning and the practical results that can be expected. Applications shall be submitted by the first Monday of the month preceding a quarterly EAC meeting. The Community may make a presentation to the Council according to Section 065. (7-6-94)~~

~~124. AWARD PROCESS.~~

~~The Department staff shall review the proposed project, the Application, and any additional information requested. The Department shall make a recommendation to the Economic Advisory Council which shall review the recommendation and recommend either funding or no funding to the Governor. (7-6-94)~~

~~125. -- 134. (RESERVED).~~

~~120. -- 134. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

152. GRANT AWARD.

01. Funding Allocations. Each year the Department will receive an allocation from the Department of Housing and Urban Development. This allocation is derived from the formula contained in 42 USC, Sec. 5301, the Housing and Community Development Act of 1974, as amended. The allocation shall be generally divided in the following manner: first, one hundred thousand dollars (\$100,000) plus two percent (2%) of the total shall be reserved for the Department's administrative costs; second, one percent (1%) of the total shall be reserved for Technical Assistance Grants; third, five percent (5%) or three hundred thousand dollars (\$300,000), whichever is less, of the total allocation shall be set aside for Imminent Threat (IT) grants; fourth, ~~five six percent (5%) (6%)~~ or ~~three hundred fifty thousand dollars (\$350,000)~~ six hundred thousand dollars (\$600,000) whichever is less, of the total allocation, shall be set aside for Senior Citizen Center (SR) grants; fifth, any program income, recaptured funds, or carryover funds from the previous fiscal years shall be added to the remainder; and finally, of the remainder, fifty percent (50%) shall be reserved for Public Facilities or Housing (PFH) grants and fifty percent (50%) for Economic Development (ED) grants. (7-6-94)(9-1-96)T

02. Shifting of Funds. The above allocation divisions are to establish target amounts for decision making by the Economic Advisory Council (EAC). This division shall be made for the ~~first quarter~~ January EAC meeting. These targets may be modified by the Department Director with the advice of the EAC. The allocation system shall be updated quarterly before each quarterly EAC meeting to include any additional recaptured funds, program income, or carryover funds. Of the allocation for ED grants, one quarter of the amount shall be set aside for funding full-applications during the quarter following each EAC meeting. The quarterly set-aside amount may be modified at the discretion of the Department Director upon the advice of the Council. Any funds not awarded in the PFH category shall be shifted to the first quarter ED category. If in any quarter there are surplus funds in the ED category, the Department Director, with the advice of the EAC, may shift funds back to the PFH or SR category to fund standby projects. Otherwise, surplus funds not awarded to ED projects in a quarter shall be carried into the succeeding quarter ED set-aside. (7-6-94)(9-1-96)T

03. Standby Applications. At its ~~first~~ quarterly meeting in ~~March~~ April of each year, the Economic Advisory Council (EAC) may recommend PFH or SR Applications for funding even though not enough funds are available to fund the project(s). These Applications become "standby projects". Standby projects shall be eligible for funding should additional funds become available or surplus funds exist in the ED category. At any subsequent quarterly meeting, the Advisory Council may review and recommend a standby project to the Governor for funding. Standby status shall continue through the fourth quarterly meeting. Any standby projects not funded shall automatically be invited to submit an Addendum for the next Fiscal Year, thus bypassing the Application stage of the application process. However, the Application must remain eligible and must continue to meet all requirements of the program regulations. The standby applicant shall update its Application during the Addendum process. (7-6-94)(9-1-96)T

04. Termination of Project Selection for Funding. (7-6-94)

a. If, during the period between the award of a grant and signing of a grant contract, a project loses its viability, its status of being selected for funding may be terminated by the Department. The Department shall, by letter, notify the applicant that in the judgment of the Department, the applicant's project is no longer viable and that the applicant has a clearly stated period of time no less than fourteen (14) days to demonstrate the project's viability. If viability cannot be demonstrated within the stated period of time the award of the grant status shall be considered terminated and the funds be made available for the next standby project. (7-6-94)

b. After a grant contract has been executed, the Department shall periodically evaluate the progress of the project. If, at any time, the project loses viability and/or cannot be completed as described in the Application, the Department shall, by letter, notify the grantee that the grant contract shall be terminated within a clearly stated period of time of no less than fourteen (14) days from the date of the letter. The grantee may, within the stated period of time, demonstrate substantial progress on the project and request the Department revoke the termination. If viability cannot be demonstrated within the specified amount of time, the grant shall be considered terminated. (7-6-94)

c. Loss of viability will be defined to include: the inability to secure the other project financing; the lack of due diligence to pursue the implementation of project requirements; the lack of local coordination with all funding and regulatory agencies; the inability to develop agreements necessary to manage the cash flow and

ownership of the project where several different entities are involved in the project; and the inability to complete a project of the same general size and benefits as presented in the application. (7-6-94)

05. Excessive Funds. In the event a project can be completed for less than the grant amount, the difference between actual project costs and the grant amount shall be reserved by the Department for standby projects, or added to the total of the next fiscal year allocation for distribution. The Department shall amend the grant contract to reflect the reduced costs. In extraordinary circumstances the excess funds may be used for an eligible activity which further enhances the project as described in the Application. Before the Department decides to allow the additional activity, the grantee must demonstrate the activity will provide an equal or greater benefit than the original project; it will increase the benefits to low and moderate income persons, it will be completed within the original time frame, and the additional activity will be completed with the excess funds. The grantee must also show completion of the original project, its objectives and benefits. (7-6-94)

06. Amendment of Project. A funded project as described in the Application shall not be changed without prior approval from the Department Director. Any amendment of the project shall be reviewed to determine if the project will retain its competitive ranking in the Application review and ranking system. Any amendment shall provide equal or greater benefits than the original project. In unusual circumstances, the Department Director may approve a grant amendment increasing the grant amount, provided unobligated funds are available. In unusual circumstances the Department Director may waive the ten percent (10%) limitation on administrative costs when, in the opinion of the Department, the complexity of the project warrants an increase. (7-6-94)

07. Allowable Costs. Once an applicant has been invited to submit an Addendum and prior to the effective date of a grant contract an applicant submitting an Addendum may obligate and spend out of local funds for the purpose below. If awarded a grant and after the effective date of the grant contract, the grantee may be reimbursed for these costs provided such locally funded activities are undertaken in compliance with the program requirements (including but not limited to procurement, financial, acquisition, environmental and the ten percent (10%) limitation on administrative costs). Other project costs shall not be incurred until the Special Terms and Conditions of the contract are completed by the grantee and the funds released by the Department. (See Section 080.) (7-6-94)

a. Planning, Design and Administration. Procure and proceed with administrative and architectural or engineering services, adopting the Fair Housing Resolution and the Anti-Displacement Plan, and having public hearings. (7-6-94)

b. Project Costs, such as: preliminary and final Engineering Design, preliminary and final Architectural Design, conducting the Environmental Assessment, and completing procedural requirements for acquisition, but not the cost of the property. (7-6-94)

08. Audit Requirements. All ICDBG projects shall be audited annually or biannually in accordance with Sections 50-1010 and 31-1701, Idaho Code, the Single Audit Act of 1984, the implementing regulations in OMB Circular A-128, and all applicable federal audit standards, and other applicable state laws. Audits shall include any management letters associated with the audit. The audit shall be submitted to the Legislative Auditors Office within thirty (30) days of completion. Grantees shall require sub-grantees to provide audits conducted according to applicable federal and state laws, regulations and standards. The grantee shall have these audits reviewed as part of the grantee's audit. This review shall be commented and noted in the audit report. This review shall opine that sub-grantees are in compliance with the applicable program laws, regulations, contracts, and standards. (7-6-94)

(BREAK IN CONTINUITY OF SECTIONS)

161. PROFESSIONAL SERVICES.

01. Costs Below ~~Twenty-Five One-hundred~~ Thousand Dollars ~~(\$25,000)~~ (\$100,000). If the cost of the grant management, engineering, architectural or other professional services does not exceed ~~twenty-five one-hundred~~ thousand dollars ~~(\$25,000)~~ (\$100,000), then a "small purchase" method or informal method of procurement can be used. The grantee should write or call two (2) or more potentially qualified professionals and request written qualifications. Verbal requests for qualifications must be clearly documented in the grantee's file. This documentation

shall, at a minimum, be date, person's name, company name, services discussed, dollar amounts or basis of rates quoted. Once qualifications have been reviewed, the grantee shall inform the proposers of the selection and provide the reasons the professional was selected or rejected. (7-6-94)(9-1-96)T

02. Costs in Excess of ~~Twenty-Five~~ One-Hundred Thousand Dollars (~~(\$25,000)~~ (\$100,000)). If the amount of grant management, engineering, architectural or other professional services exceeds ~~twenty-Five~~ One-hundred thousand dollars (~~(\$25,000)~~ (\$100,000)) then a formal competitive negotiation method of procurement shall be utilized. The appropriate procedures for the competitive negotiation procurement method are as follows: (7-6-94)(9-1-96)T

a. Prepare request for proposals (RFP). RFP must include all factors that will be used to evaluate submissions. Evaluation factors must be outlined and the weight of each factor must be identified. (7-6-94)

b. Publish the RFP in local newspaper of general circulation. The RFP must be published at least once. The proposal due date must be at least two (2) weeks after the publishing date. The RFP must also be sent to the Disadvantaged Resource Center. It is advisable to send a copy of the Request to local and area firms that may be qualified to respond. (7-6-94)

c. Establish a selection committee. This may be the governing body, a citizen review committee, or a combination of members of both. (7-6-94)

d. Evaluate all submitted RFPs for completeness and appropriateness. Review and rank the proposals according to the review criteria. All grant managers selected must be certified by the Department. Check with the Department for certification before awarding grant management contracts. Notify, in writing, all proposers about the decision and the reasons for the committee's selection or rejection. (7-6-94)

e. Draft a services contract and send the draft, a copy of the RFP, the minutes of the selection committee decision, and a sample of the ranking document to the Department for approval. Do not execute the contract until Department approval is received. All contracts for professional services must be submitted to the Department for review and approval thirty (30) days before the intended effective date. (7-6-94)

162. CONSTRUCTION SERVICES.

01. Costs Under Five Thousand Dollars (\$5,000). If the cost of the construction is under five thousand dollars (\$5,000), then the "small purchase" method of procurement may be used. The grantee should write or call two (2) or more potentially qualified contractors and request written or verbal quotations for the construction needed. The documentation of this transaction shall include, at a minimum, the date of communication, the person's name, the company name, the services discussed, the dollar amounts, and the basis of rates quoted. Once a contractor has been selected, the grantee shall inform the contractors of the selection and the reasons they were selected or rejected. (7-6-94)

~~02. Costs in Excess of Five Thousand Dollars (\$5,000). If the cost of the construction is over five thousand dollars (\$5,000), then the competitive sealed bid procedure must be followed. In most cases the grant manager and the project engineer will prepare the bid documents for review. The steps required to award construction contracts through the competitive sealed bid process are as follows: For Cities Only - Costs Over Five Thousand Dollars (\$5,000) and Under Twenty-five Thousand Dollars (\$25,000). (7-6-94)~~

~~a. Prepare bid documents (7-6-94)~~

~~b. Contact the Department for most current wage decisions to be included in the bid documents. (7-6-94)~~

~~e. Submit the bid documents to the Department for review and approval. Bid documents shall be submitted to the Department thirty (30) days prior to the proposed bid opening. Failure to meet the thirty (30) day time frame may result in the city/county and grant manager being liable for lacking or wrong information. (7-6-94)~~

~~d. Publicly advertise bids in local newspaper of general circulation (minimum two (2) weeks before~~

~~the bid opening, and counties need to publish twice, at least one (1) week apart, with first publication thirty (30) days before bid opening.~~ (7-6-94)

a. Price quotes - when an expenditure exceeds five thousand dollars (\$5,000) and is less than twenty-five thousand dollars (\$25,000) three (3) price quotes are required to be obtained from registered vendors having a significant economic presence in Idaho. (9-1-96)T

b. Responsible vendor - when a city finds it impractical or impossible to obtain three (3) quotations for the proposed transaction then the city may procure the goods or services from the lowest responsible bidder/vendor. (9-1-96)T

c. Bid security - cities are no longer required to obtain bid security but may at its discretion require bid security when it is in the best interest of the city. (9-1-96)T

d. Competitive bids - when an expenditure exceeds twenty-five thousand dollars (\$25,000) it shall be contracted for and let to the lowest responsible bidder. Where both bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. (9-1-96)T

e. Check with the Department ten (10) days prior to bid opening to update Davis-Bacon wage rates. (7-6-94)

f. Open and read bids publicly at the time and place specified in the newspaper publication. Document the bid opening proceedings with official minutes. (7-6-94)

g. Choose a responsible, apparent low bidder. ~~If two (2) bids are the same, preference shall be given to the bidder that has significant Idaho economic presence as defined in Section 69-2349, Idaho Code.~~ (7-6-94)(9-1-96)

h. Check with the Department for clearance of the successful bidder against the Federal Debarred List. This needs to be done prior to the Notice of Award being sent to the apparent low bidder. (7-6-94)

i. Award the contract. (7-6-94)

032. Costs in Excess of Twenty-five Thousand Dollars (\$25,000). If the cost of the construction is over twenty-five thousand dollars (\$25,000), then the competitive sealed bid procedure must be followed. In most cases the grant manager and the project engineer will prepare the bid documents for review. The steps required to award construction contracts through the competitive sealed bid process are as follows: (7-6-94)

a. Prepare bid documents. (9-1-96)T

b. Contact the Department for most current wage decision to be included in the bid documents. (9-1-96)T

c. Submit the bid documents to the Department for review and approval. Bid documents shall be submitted to the Department thirty (30) days prior to the proposed bid opening. Failure to meet the thirty (30) day time frame may result in the city/ county and grant manager being liable for lacking or wrong information. (9-1-96)T

d. Publicly advertise bids in local newspaper of general circulation (minimum two (2) weeks for cities, thirty (30) days for counties). Cities shall publish twice, not less than one (1) week apart, two (2) weeks before the bid opening, and counties need to publish twice, at least one (1) week apart, with first publication thirty (30) days before bid opening. (9-1-96)T

e. Check with the Department ten (10) days prior to bid opening to update Davis-Bacon wage rates. (9-1-96)T

f. Open and read bids publicly at the time and place specified in the newspaper publication.

Document the bid opening proceedings with official minutes. (9-1-96)T

g. Choose a responsible, apparent low bidder. If two (2) bids are the same, preference shall be given to the bidder that has significant Idaho economic presence as defined in section 69-2349 Idaho Code. (9-1-96)T

h. Check with the Department for clearance of the successful bidder against the Federal Debarred List. This needs to be done prior to the Notice of Award being sent to the apparent low bidder. (9-1-96)T

i. Award the contract. (9-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

171. PROGRAM INCOME.

01. Definition. Program income is monies earned by a grantee or its sub-grantee that were generated from the use of ICDBG funds. Program income includes, but is not limited to, the following: payments of principal and interest on loans made using ICDBG funds; proceeds from the sale of loans made with ICDBG funds; interest earned on ICDBG funds held in a revolving fund account; proceeds from the lease or disposition of real property acquired with ICDBG funds; gross income from the use or rental of property acquired, constructed or improved with ICDBG funds less the costs incidental to the generation of the income; interest earned on any program income pending disposition of such income; proceeds from the disposition of equipment purchased with ICDBG funds; proceeds from sale of loans secured by ICDBG funds; funds collected through "special assessments" made against properties owned and occupied by non-LMI households, where the "special assessment" is used to recover all or part of the ICDBG funds used to improve a public facility; and gross income for an equity position or interest in a for-profit entity which was acquired with ICDBG funds. (7-6-94)

02. Requirements on Usage. A grantee or sub-grantee may retain the program income only as long as it is used for the purpose and jurisdiction for which the funds were originally granted. Any other use of program income shall require the grantee to repay the program income to the Department. Other governing requirements of program income depend on when the income is received and the status of the grant. See Section 173. (Carry Forward of Program Income to Subsequent Grants), Section 176. (Program Income on Hand at Closeout), and Section 181. (Program Income Remaining in Closed Out Projects) for more applicable requirements. (7-6-94)

03. Responsibility of Grantee or Sub-grantee. Program income that is retained by the grantee or its sub-grantees and earned before or after grant closeout remains the revenue and responsibility of the local government grantee. These conditions shall be contained in the sub-grant contract between the local government grantee and the sub-grantee. (7-6-94)

04. Exception to Requirements. Receipts derived from the operation of a public work or facility which received an ICDBG grant for its construction do not constitute program income. Examples of receipts include admission fees paid by persons using recreational facilities constructed with grant funds and service fees paid by households using a water facility constructed with grant funds. (7-6-94)

05. Minor Amounts Exemption. If the total amount of program income earned in one program year (state fiscal year) is less than ~~ten thousand dollars (\$10,000)~~ twenty five thousand dollars (\$25,000); the amount is not considered program income and is exempt from these regulations. The total amount is the total earned by the grantee and its subrecipients from all open ICDBG grants. ~~(7-6-94)~~(9-1-96)

Subject Index

- A**
A First Time Provider 119
A Provider's Failure to Meet Any of the Conditions 119
A new ICF/MR living unit for an existing operator is subject to first time facility requirements 120
ABBREVIATIONS 186, 189, 193
ACCESS Unit 139
ACCESS Unit Authorization 151
ACCESSIBILITY 155
ACQUISITION OF CONCESSION SERVICES 303
ADDITIONAL STANDARDS FOR PERSONNEL PROVIDING DEVELOPMENTAL DISABILITY SERVICES 157
ADMINISTRATION 186
ADMINISTRATIVE ACTIVITIES 316
ADMINISTRATIVE APPEALS 31, 180, 189, 193, 195, 210, 213, 215, 232, 271, 288
ADMINISTRATIVE PROVISIONS 162
ADOPTION OF LATER EDITION 25
AFFIRMATIVE ACTION 162
ALL OTHER REPORTS 169
ALLOWABLE COSTS 107
ALTERNATE CARE CASE MANAGEMENT 170
ANNUAL PROGRESS REPORT AND PLAN 162
ANSI 184
APPENDIX A SALARY SURVEY BENCHMARK POSITIONS 299
APPLICANT SCREENING 149
APPLICATION 321, 332, 333
APPLICATION FOR LICENSURE 143
AREAS CLOSED TO HUNTING OF GAME BIRDS 48
AREAS CLOSED TO HUNTING OF MIGRATORY BIRDS 63
AREAS CLOSED TO THE TRAPPING OF PREDATORY AND UNPROTECTED WILDLIFE AND THE TAKING OF FUR-BEARING ANIMALS 72
ASME 184
ASSESSMENT 167
ASSIGNMENT OF HAY EVALUATION POINTS 298
Abdominoplasty or Panniculectomy 96
Ability of Providers 170
Abortion 87
Accelerated Depreciation 110
Access Unit (ACCESS) 88
Accessibility 159, 161
Accident Prevention 288
Accident Record and Reporting System 290
Accident/Injury Reports 161
Accounting Practices 132
Accrual Basis 98
Acquisitions 110
Activating Pulse-tone Limitations 216
Ada County 64, 72
Additional Consumer Rights 148
Additional Information From Applicant 321
Additional Information and Requirements 206
Additional Requirements 147
Additional Standards 196
Adequate Documentation 130
Adjustment, Repair or Alteration 216
Administrative Staffing 158
Administrator 19
Agency Review 144
All Connections to be Weatherproof 216
All Patients Requesting Surgery 95
Allowable Cost 98
Allowable Costs 337
Allowable Increment 127
Allowable Loading or Stress 232
Allowable Owner Administrative Compensation 133
Alteration 20, 180
Ambulatory Surgical Center (ASC) 88
Amendment of Project 337
Amortization 98
An Imminent Threat/Urgent Need 334
Annual 140
Annual Training 158
Applicant Notification 145
Application 166
Application for Certificate of Competency 27
Application for Licensure 143
Applications 58
Appraisal 98
Approach and Departure Zones 278
Approaching or Leaving Helicopter 278
Appropriate Use of Interventions 150
Appropriation Allocated 333
Approved 180, 195
Area 1 44, 45, 46
Area 2 44, 45, 46
Area 3 44, 46, 47
Area Benefit Activity 313
Areas to Avoid in Helicopter 278
Arrangement and Operation 232
Assets 98
Assignment to Pay Grade 298
Assurances 320
Attendance for Seriously Injured 201
Audible Signaling Device at the Machine to be Activated 216
Audible Signaling to be Installed and Used 216
Audiologist 140
Authority Having Jurisdiction 180
Authorized Personnel 180
Auto and Travel Expense 107
Availability of License 146
- B**
BENEFIT TO LOW AND MODERATE INCOME PERSONS 313
BOBWHITE QUAIL AND CALIFORNIA QUAIL SEASONS, BAG AND POSSESSION LIMITS 45
Bad Debts 98, 107
Badger 72
Bag Limit 66
Bag and Possession Limits 67, 69
Bank and Finance Charges 107
Baseline 140
Beneficiaries 98
Beneficiary Data 316
Benefit to Low and Moderate Income (LMI) 324
Betterments 98
Big Game Animals 37
Bill 88
Binders and Wrappers to be Placed Before Leaving Landing Area 267
Blocks 237

- Board 19, 140
Bobcat 75
Boiler and Pressure Vessel Inspections 32
Boise River From its Mouth Upstream to Barber Dam 61
Boom Sticks and Foot Logs 275
Booms-Rafting-Towing 275
Briefings 278
Building Code 180
Building Code Inspector 20
Bureau 19, 88
Bureau of Developmental Disabilities 140
Bureau of Systems and Operations 88
Buy-In Coverage 88
- C**
CERTIFICATION TESTING 22
CHANGE OF PHYSICAL LOCATION 145
CHANGES TO THE NURSING FACILITY RATE 128
CHILD PROTECTION SERVICES 166
CITIZEN REVIEW PANELS 169
CLASSIFICATION OF WILDLIFE 36
COMMUNITY RESOURCES 167
COMMUNITY SITES 161
COMPENSATION OF EMPLOYEES 296
CONFIDENTIALITY OF RECORDS 162
CONSIDERATIONS FOR PLACEMENT IN ALTERNATIVE CARE 169
CONSTRUCTION SERVICES 338
CONSTRUCTION, REPAIR, ALTERATION, OR DISMANTLING 193
CONSUMER RIGHTS 147
COOPERATION OF SERVICES 157
COSTS EXCLUDED FROM THE CAP 121
COSTS SUBJECT TO A CAP FOR NURSING FACILITIES 123
Cable Cutting 237
Capacity 159
Capitalize 98
Case Management 165
Category I Sanctions 88
Category II Sanctions 88
Central Office 88
Certified 180
Certified Gem Communities 328
Certified Registered Nurse Anesthetist (CRNA) 88
Certified Supervisors 26
Change of Ownership of Existing ICF/MR Living Unit 120
Charity Allowances 110
Checking Traps 70
Children's Services 157
Chokers 232
Claim 88
Clearwater River From its Mouth Upstream to the Memorial Bridge of U.S. Highway 12 at Lewiston 61
Clearwater River and Middle Fork Clearwater River 61
Clips 236
Collateral Contacts 88
Collateral Interviews 168
Commercial Rehabilitation 317
Commission 195
Common Ownership 98
Common Snipe 52
Communication 201
Community Based 165
Community Living Home 93
Compensation 98
Compensation for Persons Related to an Owner 134
Compensation of Owners 108
Competent Person 180
Completion of Electrical Inspection Tag 14
Compliance with FAA Regulations 278
Computing Efficiency Increment 119, 127
Conduct of Salary Surveys 296
Conformity 143
Construction 186
Consultant Fees 111
Consumer 140
Consumer Involvement 149
Contact with Child 171
Content of Application 143
Contents 171
Contested Case Provisions 145
Contraception 89
Contract for Services 334
Contracted Service 107
Controlled Beaver Trapping Units 75
Controlled Hunt Seasons, Bag and Possession Limits, and Permits 59
Controlled Hunts 59
Controlled Mink and Muskrat Trapping Units 81
Cost Allowability - Regulation 111
Cost Analysis 327
Cost Center 98
Cost Data to Determine the Cap 117
Cost Increases Greater than Three Percent (3%) 122
Cost Projection 118, 126
Cost Ranking 118, 126
Cost Reimbursement System 98
Cost Report 98
Cost Statements 98
Costs Below One-Hundred Thousand Dollars (\$100,000) 337
Costs Excluded From The Percentile Cap 125
Costs Subject to the Cap 117
Costs Under Five Thousand Dollars (\$5,000) 338
Costs in Excess of One-Hundred Thousand Dollars (\$100,000)) 338
Costs in Excess of Twenty-five Thousand Dollars (\$25,000) 339
Costs of Related Party Leases 117
Costs which Can Be Paid Directly by the Department to Non ICF/MR Providers 118
Cover 319
Cover Letter 319
Craters of the Moon 72
Craters of the Moon National Monument 63
Crisis Response 165
Customary Charges 99
- D**
DBS 184
DEFINITIONS 19, 87, 98, 139, 180, 186, 193, 195, 201, 210, 213, 215, 219, 222, 225, 232, 255, 259, 261, 271, 278, 282, 288
DENIAL, SUSPENSION OR REVOCATION OF LICENSE 146
DESIGNATED LOGGING CAMPS 207
DEVELOPMENT OF POSITIVE SOCIAL BEHAVIORS 149

- DEVELOPMENT OF THE RATE 128
- DISPOSITION OF REPORTS 168
- DIVISION DISAPPROVAL OF LISTED OR LABELED EQUIPMENT AND SYSTEMS 20
- Daily Test Required 215
- Damaged or Worn Wire Rope 238
- Day Treatment Services 99, 120
- Deadline 321, 332
- Deadlines 112
- Decreases 122
- Definition 313, 340
- Department 89, 99, 140, 180, 195
- Depreciation 99, 107, 117, 122
- Description on Outside of Case 216
- Designated Attendant 180
- Designated Level 180
- Determining Costs 123
- Determining Reimbursement 119, 127
- Developmental Disabilities Facility 140
- Developmental Disabilities Professional (DDP) 140
- Developmental Disability 140
- Developmental Specialist 140
- Developmental Therapy 156
- Direct Supervision 17
- Director 19, 89, 99, 141, 181
- Discharge Planning 171
- Dispositional Hearings 173
- Division 19
- Division of Family and Community Services 141
- Document Fees 21
- Documentation 334
- Documentation of Program Changes 154
- Doves 55
- Ducks Including Mergansers and American Coot 51, 66, 68
- Ducks, Geese or Brant 41
- Dumbwaiter 181
- Durable Medical Equipment (DME) 89
- E**
- ECONOMIC DEVELOPMENT GRANTS 328
- EFFICIENCY INCREMENT 119, 127
- ELECTRICAL CONTRACTORS' INSPECTION TAGS 13
- ELIGIBILITY REQUIREMENTS 165
- ELIGIBLE ACTIVITIES 316
- EMERGENCY REVOCATION 146
- EMPLOYEE'S RESPONSIBILITY 198
- EMPLOYER'S RESPONSIBILITY 196
- EXEMPT COSTS 120
- EXPIRATION AND RENEWAL OF LICENSE 146
- EXPLOSIVES AND BLASTING 210
- Early September Canada Goose Hunts 43
- Earthquake Protective Devices 181
- Economic Development Activities 317
- Economic Development Grants 313
- Education, Training and Employment Programs 165
- Educational Services 89
- Effectiveness of Guys 234
- Efficiency Increment 122
- Electric Signal Systems to be Properly Installed and Adjusted 216
- Elements 288
- Elevator 181
- Elevator Inspections 31
- Elevator Machine Room/Mechanical Spaces 187
- Eligibility Documentation 152
- Eligibility Manuals 89
- Eligibility to Contract 143
- Eligible Activities 317
- Eligible Activity Priority Ranking 323
- Eligible Child 166
- Eligible Uses 332
- Emergency 89
- Emergency Evacuation of Passengers from Elevators 187
- Employee Accidents 198
- Employee Benefits 108
- Employee Responsibilities 198
- Employees 161
- Employer, Employee, and Labor Representative Cooperation 291
- Endangerment of Life 89
- Enforcement 196, 288
- Enforcing Authority 182
- Environment 159, 161
- Environmental Hazards Inherent to the Operation 289
- Environmental Review 316
- Equal Employment Opportunity 162
- Equipment 195
- Equipment Classification 232
- Equity 99
- Escalator 182
- Evacuation Plans 160
- Evaluation 141
- Evaluations 150, 152
- Evidence of Review 145
- Examination of Records 129
- Examinations 27
- Exception to Requirements 340
- Exceptions 34, 196
- Excessive Funds 337
- Excluded Costs 120
- Excluded costs may be retrospectively settled according to the provisions of Section 247 of these rules 120
- Exempt Costs 122
- Exemptions 187
- Existing Buildings, Structures, and Equipment 196
- Expenses 112
- Exposed to Contact 196
- External Loads 278
- Eye Protection 203
- F**
- FAILURE TO FILE 112
- FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR MIGRATORY GAME BIRDS 66, 68
- FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME ANIMALS 66
- FALCONRY SEASONS, BAG AND POSSESSION LIMITS FOR UPLAND GAME BIRDS 65
- FALLING AND BUCKING 225
- FAMILY SERVICES PROVIDED 165
- FEES 21, 24
- FILING DATES 111
- FIRE PREVENTION, PROTECTION AND SUPPRESSION 206
- FIRST AID 201
- FOREST GROUSE (BLUE, RUFFED, AND SPRUCE) 45

- FUNDS 155
Facility 99
Factoring Benchmarks 298
Factoring Process 298
Factoring Session 298
Family Assessment 169
Family Involvement 170
Fees 58, 110, 191
Finality of Rating 298
Financial Arrangements 170
Financial Assistance 318
Financial and Support Services 171
Fire and Safety Standards 159
First Aid Kits 202
First Aid Training 202, 290
Fiscal Year 99
Flammable Liquids 207
Food Preparation and Storage 160
Foot and Leg Protection 204
Forced Sale 99
Foreman Responsibilities 290
Fox 75
Fraudulent or False Claims 120
Frequency 129
Frequency of Plan Development 154
Fund Raising 110
Funded Depreciation 99
Funding Allocations 336
Furbearing Animals 40
- G**
- GAAP 99
GARAGES AND MACHINE SHOPS
AND RELATED AREAS 213
GENERAL REQUIREMENTS 215
GRANT AWARD 336
GRANT PROGRAM 312
GUYLINES 233
Game Birds 37
Game Fish 38
Geese 50
Geese Including Dark Geese - Black
Brant, Canada, Emperor, and
White-Fronted 53
General 48, 232
General Beaver Season 72
General Descriptions 312
General Mink Season 77
General Muskrat Season 79
General Project Description 320
General Requirements 196, 203, 206,
210, 213, 225, 230, 233, 235
Generally Accepted Accounting Princi-
ples 99
Goodwill 99, 111
Grandfathered Rate 104
Grant Award System 313
Grant Management 331
Grant Types 312
Guarded 195
Guide Charts 298
- H**
- HEALTH 161
HIM-15 100
HOUSING ACQUISITION FOR LMI
HOMEOWNERS. 317
HOUSING AND COMMERCIAL RE-
HABILITATION AND PRESER-
VATION ACTIVITIES 317
Habilitation 141
Hagerman Fossil Beds National Monu-
ment 63
Hagerman Fossil Beds National Monu-
ment in Twin Falls County 72
Hand Protection 204
Handling of Consumer's Medications
161
Hare 66
Harriman State Park Wildlife Refuge
64
Hazard 195
Hazard Appraisal 289
Head Protection 204
Health Authority 89
Hearing Protection 206
Historical Cost 100
Hoistway Enclosure 182
Holding Companies 110
Home Health Services 89
Home Office and Day Treatment Prop-
erty Costs 107
Housekeeping and Maintenance Servic-
es 160
Housing Activity 314
Housing Need and Impact 325
Housing Rehabilitation 318
Hunt Rules 58
- I**
- ICDBG Application Information Form
319
ICDBG Budget Form Fully Completed
by the Applicant 320
ICDBG Dollars Per Person 322
ICF/MR 100
ICF/MR CAPPED COST 117
ICWA 170
IDAHO OWNER-ADMINISTRATIVE
OR COMPENSATION 133
IDAPA 184
ILLUSTRATION OF UNDERCUTS
227
IMMINENT THREAT DETERMINA-
TION 334
INCLUSIVE GENDER 180, 195
INSPECTIONS 189
INTERPRETATION AND APPLICA-
TION OF THIS RULE 196
INTRODUCTION 288
ISSUANCE AND TRANSFER OF LI-
CENSE 145
ISSUANCE OF A PROVISIONAL LI-
CENSE, DENIAL OR REVOCA-
TION OF LICENSE 145
ISSUANCE OF TEMPORARY LI-
CENSE 145
Idaho Code 147
Idaho National Engineering Laborato-
ry 64, 72
Imminent Threat Grants 313
Implementation Plan 150, 154
Improvements 100
In Kind 20
In-Plant Inspections 24
In-State Care 89
Income 166
Incorporation by Reference 186
Increases of More Than One Dollar (\$1)
Per Patient Day in Costs 121
Individual Program Plan 153
Individual Support Plan 150
Information for Provider 170
Information to Be Included 333
Information to be Included 332
Information to be Included in Applica-
tion 321
Initial License 141
In-patient Hospital Services 89
Insignia 20
Insignia Administrative Replacement
Fee 24
Insignia Replacement Fee 24
Inspection and Tests 183
Inspection of Care Team (IOCT) 89
Inspection of Rigging 233
Inspection, Maintenance and Sanitiz-
ing 203
Installation 183
-

- Installation Placed Out of Service 183
Insurance 108
Intake 152
Intake. 150
Intent to Issue Provisional License 145
Interest 100, 108, 111, 117, 122
Interest on Capital Indebtedness 100
Interest on Current Indebtedness 100
Interested Physician 90
Interference, Overlap, Fade-out or Blackout 217
Interim Payments 128
Interim Reimbursement Rate (IRR) 100
Intermediary 100
Intermediate Care Facility Services 90
Intermediate Care Facility for the Mentally Retarded 100
Internal Control 132
Interpretations 196
Interview of Family 168
Interview of a Child 167
Invalid 169
Issuance of License 145
Issue Conference 298
Issues Not Covered 196
It is Recommended, or Should 196
- J**
- JURISDICTION OF PLAN CHECKING FOR STATE BUILDINGS 22
Job Creation or Retention Activity 314
Jurisdiction 196
Jurisdiction of the Requirements of Plan Checking 22
- K**
- Keyman Insurance 100
- L**
- LEGAL AUTHORITY 18, 31, 139, 180, 186, 189, 193, 194, 201, 210, 213, 215, 219, 225, 232, 271, 288
LICENSING OF OTHER LICENSED FACILITIES 143
LICENSURE OF DDA'S 143
LINES, SHACKLES AND BLOCKS 235
LOST OR DAMAGED INSIGNIA 23
Labeled 19, 183
- Law Enforcement Authority 90
Lease 100
Lease Payments 117, 122
Lease or Rental Payments 108
Leased Freestanding Nursing Facilities 105
Leasehold Improvements 100
Leases For Property 107
Legend Drug 90
Level of Care 100
License Not Transferable 146
License Required 143
License Return 146
Licensed Bed Capacity 100
Licensed Psychologist 90
Licensed, Qualified Professionals 90
Life Jackets, Vests and Life Rings 204
Life Lines - Safety Belts 205
Limit 45
Limited Clientele Activity 313
Line Hazards 232
Listed 19, 183
Listing Agency 19
Little Salmon River From its Mouth Upstream to the U.S. Highway 95 Bridge Near Smokey Boulder Road 61
Local Matching Funds Per Person 322
Local match Committed to the Project 332
Lock-in Program 90
Log Dumps, Landings, Log Handling Equipment, Loading, and Unloading 271
Log Ponds 274
Log or Logs 196
Loose-fitting Clothing 278
Lower Rate 128
- M**
- MAI Appraisal 101
MANAGEMENT INFORMATION SYSTEM 146
MANDATORY CHECK AND REPORT - PELT TAG REQUIREMENTS 71
MASTER JOURNEYMAN ELECTRICIAN 15
MECHANICAL DELIMBERS AND FELLER BUNCHERS 230
MEPA 170
MIGRATORY GAME BIRD SEA-
- SONS, BAG AND POSSESSION LIMITS 51
MOBILE HOME VEHICLE CERTIFIED SUPERVISORS 26
Main Floor 183
Maintenance 183
Maintenance of Safe Working Conditions 291
Major Movable Equipment 101, 121
Management Discharge of Duty 289
Management Leadership 288
Management Responsibility 198
Mandatory Check and Report 71
Marten 77
Medicaid 101
Medical Care Treatment Plan 90
Medical Supplies 90
Medicare-Covered Costs 110
Membership of Factoring Team 298
Method of Informing Consumers of Their Rights 148
Migratory Birds 39
Migratory Game Birds 49
Minimum Criteria 329
Minimum Guyline Requirements 235
Minor Amounts Exemption 340
Minor Movable Equipment 101
Mixing Eligible and Ineligible Uses 316
Model 20
Morbid Obesity 90
More Than One (1) Owner or Related Party May Receive Compensation for Hours Actually Worked 134
Mourning Dove 51, 67, 69
Multi-disciplinary Family Services 165
- N**
- NATIONAL OBJECTIVES 324
NEC 184
NFPA 184
NONALLOWABLE COSTS 110
NONRESIDENT DEER AND ELK TAG QUOTAS 33
NOTICE OF INTENT SOLICITED 319
National Accreditation 143
National Wildlife Refuges 72
Necessity for Assistance 166
Net Book Value 101
New ICR/MR Living Unit. 120
Nez Perce National Historical Park

- 64, 72
Nonambulatory 101
Nondiscrimination 162
Non-legend Drug 90
Nonpatient Care Related Activities 110
Nonprofit Organization 101
Nonproperty, Nonutility Costs 122
Normalization 141
Notice of Intent 321, 332
Notification 187
Notification of Change 145
Notification of Referrant 168
Notification to referent 167
Number of Transmitters Required 217
Nurse Midwife 90
Nurse Practitioner 91
Nursing Facility (NF) 91
Nursing Home Facility 101
- O**
OBLIGATION TO REPORT 149
OFFICIAL SHOOTING HOURS FOR MIGRATORY GAME BIRDS 55
Objective 141
Objectives and Plans 149
Obligation to Contract 143
Occupational Therapist 141
Occupational Therapy 156
One Worker to Give Signals 215
Open Application 143
Open Fires 278
Optional Services 156
Organization 110
Orthotic 91
Orthotic and Prosthetic Professional 91
Other Areas 72
Other Fees 24
Other Inspections 24
Other Locations 64
Otologist 91
Out-of-state Care 91
Out-patient Hospital Services 91
Oxygen-Related Equipment 91
- P**
PAYMENT PROCEDURES 157
PHEASANT SEASONS, BAG AND POSSESSION LIMITS 44
PHYSICAL PLAN 159
POINT SYSTEM FOR PLACING OWNER-ADMINISTRATOR OF EXTENDED CARE FACILITY WITHIN RANGE OF REASONABLE COMPENSATION 134
POLICY 139
PRINCIPLE 116, 122, 128
PROFESSIONAL SERVICES 337
PROGRAM IMPACT 322
PROGRAM INCOME 340
PROHIBITED OCCUPANCY 21
PROHIBITED SALE OR OCCUPANCY NOTICE 21
PROJECT CATEGORIES 326
PROPERTY AND UTILITY COSTS 122
PROPERTY REIMBURSEMENT 102, 116
PROPERTY REIMBURSEMENT TO INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED (ICF/MR CLASS) 106
PROSPECTIVE CAPS 122
PROSPECTIVE RATES FOR ICF/MR 116
PROVISIONAL LICENSE 146
PSIG 184
Paraprofessional 141
Paraprofessionals 157
Parental Responsibilities 170
Patient 92
Patient Day 101
Payette River From its Mouth Upstream to Black Canyon Dam 62
Payment of Fees 24
Payroll Taxes 108
Pelt Tags 71
Penetrate a Floor 183
Per diem costs 117
Percentage of ICDBG Dollars in Total Project 322
Percentage of Local Matching Funds 322
Period Beginning January 1, 1989 106
Period Ending December 31, 1985 106
Period Ending December 31, 1986 106
Period Ending December 31, 1987 106
Period Ending December 31, 1988 106
Periodical Review 172
Person Centered Planning Process 141
Personal Protective Equipment 278
Phase I Emergency Recall 183
Phase II Emergency In-Car Operation 184
Pheasant, Quail or Partridge 41
Physical Therapist 141
Physical Therapy 156
Physician 92, 141, 156
Physician Recommendation 154
Physician's Assistant 92
Pins 237
Pit 184
Placing, Condition, and Operation of Rigging 232
Plan Checking Not Required 22
Plan Rechecking Fee 21
Plan of Care 92
Planning 289, 326
Policies and Procedures 161
Pond Boats and Tow Boats 276
Positive Approaches/Least Restrictive Alternatives 149
Positive Social Skills 149
Possession Limit 45, 66
Posting of Electrical Inspection Tag 14
Precautions When Placing or Removing Binders and Wrappers 266
Premium or Subscription Charge 92
Preparation for Placement 170
Presentation 321
Presidentially Declared Disaster 333
Preventative Services 165
Prevention or Elimination of Slum and Blight 326
Previous Actions 326
Principle 111
Priorities in Funding 332
Priority I 166
Priority II 167
Priority III 167
Private Rate 101
Private Residence 184
Procedure Excluded 94
Professionals 156, 157
Program Changes 151
Program Components 147
Program Documentation 151, 154
Program Plan Components 153
Projection 117
-

- Property 92
Property Costs 101, 108
Property Insurance 108, 117, 122
Property Leases 107
Property Rental Rate 101, 102
Property Taxes 117, 123
Property and Utility Costs 122
Proprietary 102
Prosthetic Device 92
Protected Rights 149
Protective Precautions 278
Provider 92, 102, 141
Provider Agreement 92, 141
Provider Reimbursement Manual 92
Provisional License 141
Psychologist 142
Psychology Assistant 92, 142
Psychotherapy 155
Public Facility or Housing Grants 312
Purpose 147
- Q**
QUALITY ASSURANCE 147
QUALITY INCENTIVES 136
- R**
RADIO SIGNALING SYSTEMS 216
RATE SETTING 128
REIMBURSEMENT PROVISIONS FOR STATE OWNED OR OPERATED ICF/MR FACILITIES 98
RELATED PARTY TRANSACTIONS 111
REMOVAL OF ORDERS AND NOTICES 21
REPEAL OF EXISTING RULES AND REGULATIONS 19
REPORTING 146
REPORTING FORMS 112
REQUIRED LICENSING 143
REQUIRED SERVICES 155
REQUIREMENTS FOR THE ALTERNATE CARE PLAN (SECTION 422 COMPLIANCE) 171
RESPONSE PRIORITIES 166
RETROSPECTIVE SETTLEMENT 119
REVIEW AND RANKING NARRATIVE FOR BUSINESS EXPANSION PROJECTS 329
RIGHT OF ENTRY 21
RISK ASSESSMENT OF REPORTS 167
Rabbit 66
Raccoon 81
Ranking Criteria 330
Rate Adjustment 128
Rate Waiver 128
Reasonable Property Insurance 102
Recipient 93, 102
Records 151, 155
Recreational Therapy (Services) 93
Reduced Visibility 278
Reefing 233
Refunds 34
Regional Advisory Review 154
Regional Nurse Reviewer (RNR) 93
Registration Fees 187
Regular Season Ducks, Geese, American Coot and Common Snipe 56
Rehabilitation 142
Rehabilitation of Publicly Owned Commercial or Industrial Real Estate 328
Rehabilitation services 318
Rehabilitative and Habilitative Services 142
Reimbursement of Costs 121
Related Entities 102
Related Party Interest 110
Related Party Nonallowable Costs 110
Related Party Refunds 110
Release of Non-Target Catches 71
Relevant Labor Markets for Classifications above 550 Points 297
Relevant Labor Markets for Classifications from 271 to 550 Points 297
Relevant Labor Markets for Classifications up to 270 Points 296
Removal of Identifying Information 169
Removing Trapped Animals of Another 71
Remuneration 191
Repair 184
Repairs and Maintenance 108
Replacement 184
Reporting of Injuries 289
Reports 191
Request for Hearing 145
Request for Statement 169
Requested Inspection or Reinspection 24
Requirements 129, 189, 193
Requirements on Usage 340
Residence with Relative 166
Respiratory Equipment 205
Responsibility of Grantee or Sub-grantee 340
Restricted Fur-bearing Animals 72
Restrictions 106, 321, 333
Revenues 112
Review and Approval 149
Review and Ranking Narrative 321
Review of New Provider Fiscal Records 129
Rigging 215
Role of Law Enforcement 168
- S**
SAFETY EQUIPMENT AND PERSONAL PROTECTIVE EQUIPMENT 203
SAFETY INSPECTIONS 31
SAGE GROUSE SEASONS, BAG AND POSSESSION LIMITS 45
SALE, RENT, LEASE OR OCCUPANCY OF A UNIT BEARING SUCH ORDER OR NOTICE 21
SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS 58
SANDHILL CRANES 58
SEASONS 72
SECTIONS 319
SENIOR CITIZEN CENTER GRANTS 332
SERVICES NOT COVERED BY MEDICAL ASSISTANCE 94
SEVERABILITY 180, 195
SHARP-TAILED GROUSE SEASONS, BAG AND POSSESSION LIMITS 46
SIGNALING 215
SPECIAL ALLOCATIONS- IMMIGRANT THREAT URGENT NEED 333
SPECIAL ECONOMIC DEVELOPMENT ACTIVITIES 317
SPECIALTY EXPERIENCE REQUIREMENT 16
SPECIFIC REQUIREMENTS 271
SPRING SEASONS AND LIMITS 60
STAFFING REQUIREMENTS FOR AGENCIES 156
STANDARDS AND REQUIRE-

- MENTS 129
- STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITH AUTHORIZED INDIVIDUAL SUPPORT PLANS 150
- STANDARDS FOR DDA'S PROVIDING SERVICES TO CONSUMERS WITHOUT TARGETED SERVICE COORDINATORS 152
- STATE PLAN 162
- STOP WORK ORDERS 21
- SUPERVISORY REVIEW - CERTAIN PRIORITY I AND II CASES 167
- SURGICAL PROCEDURES FOR WEIGHT LOSS 95
- Safe Loading 232
- Safety Devices 193
- Safety Factor or Factor of Safety 195
- Safety and Occupational Health Inspections 31
- Salaries 108
- Salary Schedule 297
- Salary Survey Benchmark Classes 297
- Salmon River From Long Tom Creek Upstream to Redfish Lake Creek 61
- Salmon River From its Mouth Upstream to Long Tom Creek 60
- Sanitation 208
- Schedule 327
- Schedule of fees 27
- Scope 196, 288
- Season 45
- See Figures 013.01-A through 013.01-N 239
- Senior Citizen Center Grants 313
- Service 142
- Service Categories Excluded 94
- Services through School District 157
- Shackles 237
- Shall, Must, Will 195
- Signal Must be Clear and Distinct 215
- Skilled Nursing Care 102
- Skilled Nursing Facility 102
- Snake River From the Washington State Line at the Confluence of the Snake and Clearwater Rivers Upstream to Hells Canyon Dam 61
- Snake River from Hells Canyon Dam Upstream to Oxbow Dam 62
- Social Security Act 93
- Social Worker 142
- Special Assessments 316
- Special Rates 125
- Special urgent need grants 333
- Special, Early September Canada Geese 56
- Specialized Family Home 93
- Specialty Electrician Trainee 16
- Specific Skill Assessments 150
- Specified Service Providers 158
- Speech and Hearing Therapy 156
- Speech and Language Pathologist 142
- Splices 236
- Standard Safeguard 195
- Standby Applications 336
- Stanley Creek 72
- State Developmental Disability Authority 142
- Stiff Booms 275
- Storage of Records 162
- Stretcher or Spine Board 202
- Study Requirements 198
- Subluxation 93
- Substantial 195
- Substantial Compliance 142
- Sufficient Training 158
- Supervision 93, 142
- Supplies 108
- Support Documentation 153
- Surgery for the correction of obesity 95
- Systems Plan 20
- T**
- TABLE 501 - OFFICIAL SHOOTING HOURS FOR MOURNING DOVE AND EARLY SEPTEMBER CANADA GOOSE, AND SANDHILL CRANE HUNTING 56
- TAGS, STAMPS AND PERMITS 41
- TEMPORARY SITE LIMITATION 145
- THE ROLE OF DDA'S 143
- TITLE AND SCOPE 18, 31, 139, 186, 189, 193, 195, 201, 210, 213, 215, 225, 232, 271, 288
- TRAINING 158
- TRAPS 70
- TYPICAL RIGGING SYSTEMS 239
- Table of Contents 319
- Tag Quotas 33
- Targeted Service Coordinator 142
- Taxes 108
- Technical Assistance Program 334
- Technical Service 20
- Technical Service Fee 21
- Temporary Developmental Disabilities Site Approval 142
- Termination of Project Selection for Funding 336
- Testing of Tone-Signal Controlled Devices 217
- Testing/Listing Agency 19
- The Administrative Compensation Schedule 133
- The Documentation of Life Threatening Complications 95
- The General Project Description Shall Address the Following Information 333
- The Maximum Allowable Compensation 133
- Third Party 93
- Threshold Factors 319
- Throwing Material Prohibited 216
- Title XIX 93, 102
- Title XVIII 93, 102
- Trailer Loading Hoist/ Sawmill Log Dump 276
- Training Alternate Behavior 149
- Training Group Size Sessions 162
- Training and Education 290
- Transferring Flammable Liquids and Powdered Materials 207
- Transit damage 20
- Transition Planning 171
- Transportation 93, 201
- Transportation of Flammable Liquids 207
- Trees and Snags 208
- Types of Inspections 189
- U**
- U.L. Underwriters Laboratories 142
- UBC 184
- UL 184
- Unable to Determine 169
- Unauthorized Personnel 278
- Underlying Causes 149
- Upland Game Animals 37
- Upland Game Birds 65
- Use of Conventional Space Transmis-

sion of Radio Signals 216
Use of Grant Funds 318
Use of Jerk Wire Prohibited 216
Utilities 102
Utility Costs 123
Utilization Control (UC) 93
Utilization Control Team (UCT) 93

V

VALID REPORTS 169
VARIANCE OR WAIVER 146
VOLUNTEERS 158
Valid 168
Value of Concession Services to be Ac-
quired When No Revenue Will be
Received by the State 303
Value of Concession Services to be Ac-
quired When Revenue to be Re-
ceived by the State 303
Vehicle Safety 161
Vending Machines 110
Verifiable 168
Vocational Services 93
Voice Communication 217

W

WMA Pheasant Permit 44
WRITTEN INTERPRETATIONS
31, 180, 189, 193, 195, 201, 210,
215, 232, 271, 288
Waivers 112
Weather Proof 184
Weatherproof Wire and Attachments to
be Used 216
When an Owner Provides Services to
More Than One (1) Provider 134
Wild Turkey 42
Wire Rope Certification 238
Work Clothing 205
Work Procedures and Practices 289
Written Consent 162
Written Decision 145
Written Informed Consent 149

Y

Yellow Pages Advertising 111
Yellowstone National Park 64, 72
Youth Waterfowl Hunting Day 54

Z

and Light Geese - Ross' and Snow 53