

IDAHO ADMINISTRATIVE BULLETIN

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February 5, 1997

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16.02.03 - RULES GOVERNING EMERGENCY MEDICAL SERVICES
DOCKET NO. 16-0203-9601

CORRECTION TO NOTICE OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE

CORRECTION: The following notice is being reprinted due to an error made by the Office of Administrative Rules. The error was made in the citation section at the end of the notice and is being corrected in this notice. The original notice published in the January 1, 1997, Administrative Bulletin, Volume 97-1 on pages 121 and 122. The text of the rule is not being republished.

EFFECTIVE DATE: The amendments to the temporary rule are effective July 1, 1996. These proposed rules have been adopted by the agency and are now pending review by the 1997 Idaho State Legislature for final adoption. The pending rules becomes final and effective on July 1, 1997, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 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 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 39-145, Idaho Code.

DESCRIPTIVE SUMMARY: The temporary and proposed rules have been amended in response to public comment and are being amended pursuant to Section 67-5227, Idaho Code. Changes include an increase in qualifications for instructors; identification of industry standards by the applicant for an ambulance license; quarterly submission of ambulance response reports; clarification of the criminal background check; requirement for affiliation for recertification; and new rules on administrative license actions.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the August 7, 1996, Administrative Bulletin, Volume 96-8, pages 108 through 122.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 10th day of January, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administrative
PO Box 83720, Boise, ID 83720-0011

IDAPA 16
TITLE 02
Chapter 03

RULES GOVERNING EMERGENCY MEDICAL SERVICES

There are substantive change 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 108 through 122.

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
16.02.19 - RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS
FOR FOOD ESTABLISHMENTS (UNICODE)

DOCKET NO. 16-0219-9601

CORRECTION TO NOTICE OF PENDING RULE

CORRECTION: The following notice is being reprinted due to an error made by the Office of Administrative Rules. The error was made in the citation section at the end of the notice and is being corrected in this notice. The original notice published in the January 1, 1997, Administrative Bulletin, Volume 97-1 on page 132. The text of the rule is not being republished.

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) 39-1605, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the August 7, 1996, Administrative Bulletin, Volume 96-8, pages 124 through 127.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 10th day of January, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administrative
PO Box 83720, Boise, ID 83720-0011

IDAPA 16
TITLE 02
Chapter 19

RULES GOVERNING FOOD SAFETY AND SANITATION STANDARDS
FOR FOOD ESTABLISHMENTS (UNICODE)

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, August 7, 1996, Volume 96-8,
pages 124 through 127.

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. 16-0304-9603

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 rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 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 a pending rule. The action is authorized pursuant to Sections 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 November 6, 1996 Administrative Bulletin, Volume 96-11, pages 88 through 95.

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

DATED this 5th day of February, 1997.

Staci Welsh
Administrative Procedures Coordinator
DHW - Legal Services Division
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
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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 96-11, November 6, 1996,
pages 88 through 95.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
1998 Idaho State Legislature for final adoption.**

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

CORRECTION TO NOTICE OF PENDING RULE AND AMENDMENTS TO TEMPORARY RULE

CORRECTION: The following notice is being reprinted due to an error made by the Office of Administrative Rules. The error was made in the citation section at the end of the notice and is being corrected in this notice. The original notice published in the January 1, 1997, Administrative Bulletin, Volume 97-1 on page 202. The text of the rule is not being republished.

EFFECTIVE DATE: The amendments to the temporary rule are effective October 1, 1996. 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 rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules 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 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Sections 56-108, 56-113, and 56-202, Idaho Code.

DESCRIPTIVE SUMMARY: The proposed rules have been amended in response to public comment and to make typographical, transcriptional, and clerical corrections to the rules, and are being amended pursuant to Section 67-5227, Idaho Code.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the October 2, 1996, Administrative Bulletin, Volume 96-10, pages 90 through 129.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 10th day of January, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administrative
PO Box 83720, Boise, ID 83720-0011

IDAPA 16
TITLE 03
Chapter 10

RULES GOVERNING MEDICAID PROVIDER REIMBURSEMENT

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 96-10, October 2, 1996, pages 90 through 129.

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
16.04.11 - RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES
DOCKET NO. 16-0411-9601

CORRECTION TO NOTICE OF PENDING RULE

CORRECTION: The following notice is being reprinted due to an error made by the Office of Administrative Rules. The error was made in the citation section at the end of the notice and is being corrected in this notice. The original notice published in the January 1, 1997, Administrative Bulletin, Volume 97-1 on page 220. The text of the rule is not being republished.

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) 39-4601 through 39-4608, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the October 2, 1996, Administrative Bulletin, Volume 96-10, page 130.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction, contact Dennis Stevenson at (208) 334-3558.

DATED this 10th day of January, 1997.

Dennis Stevenson
Office of the Administrative Rules Coordinator
Department of Administrative
PO Box 83720, Boise, ID 83720-0011

IDAPA 16
TITLE 04
Chapter 11

RULES GOVERNING DEVELOPMENTAL DISABILITIES AGENCIES

There are no substantive changes
from the proposed rule text.

The original text was published in the Idaho
Administrative Bulletin, Volume 96-10, October 2, 1996, page 130.

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

16.04.14 - RULES GOVERNING THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

DOCKET NO. 16-0414-9701

NOTICE OF TEMPORARY RULES

EFFECTIVE DATE: These temporary rules are effective November 1, 1996.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted temporary rules. The action is authorized pursuant to Section(s) 56-202 and 56-203, Idaho Code.

DESCRIPTIVE SUMMARY: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to protect the public health, safety, or welfare, to comply with deadlines in amendments to governing law or federal programs, and to confer a benefit.

The Department is proposing to revise IDAPA 16.04.14, Rules Governing the Low Income Home Energy Assistance Program to comply with Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) as amended in the Human Services Amendments of 1994 (Public Law 103-252), to include additional program eligibility criteria, use of household income, energy needs and actual energy consumption costs for households using natural gas and electricity, where known in the benefit calculation, and provide further rule clarification.

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

DATED this 5th day of February, 1997.

Staci Welsh
Administrative Procedures Coordinator
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TEXT OF DOCKET NO. 16-0414-9701

005. FORMS - BY NUMBER AND NAME.

For the purposes of implementing LIHEAP, the following forms will be used: (3-1-85)

01.	HW0406. The form entitled "Appeal."	(9-24-81)
02.	HW0478. The form entitled "Client Assessment Application".	(12-1-95)T
03.	HW0478A. The form entitled "Client Assessment Application".	(11-1-93)
04.	HW0480. The form entitled "Notice of Returned Energy Assistance Warrant."	(3-5-91)
05.	HW0481. The form entitled "Instructions for LIHEAP Application."	(3-1-85)
06.	HW0482. The form entitled "Referral for LIHEAP Application."	(3-1-85)
07.	HW452-201. The form entitled "Batch Cover Sheet."	(3-12-86)

- 08. HW0485. The form entitled "Batch Control Log." (3-12-86)
- 09. HW0486. The form entitled "LIHEAP Notice of Denial." (3-1-85)
- ~~10. HW0487. The form entitled "LIHEAP Notice of Award." (3-1-85)~~
- ~~11. HW0487A. The form entitled "LIHEAP Notice of Award." (3-5-91)~~
- 120. HW0476. The form entitled "Self-Employment Verification for LIHEAP Applicants." (3-17-92)
- 131. HW0679. The form entitled "Privacy Act Information and Resident Status Certification". (11-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

150. ELIGIBILITY REQUIREMENTS.

All households assisted through LIHEAP except for assistance provided pursuant to Subsection 101.03.a., must meet both income eligibility requirements and non-financial eligibility requirements. Households' failing to meet the income eligibility or non-financial eligibility requirements will be denied LIHEAP assistance. ~~(12-31-91)~~(11-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

152. NONFINANCIAL ELIGIBILITY REQUIREMENTS.

The LIHEAP nonfinancial eligibility requirements are as follows: (3-1-85)

- 01. Residence. The household must reside in the state of Idaho at the time it makes application for LIHEAP benefits. There must be no durational residence requirement. Benefits are not transferable to an out-of-state residence. (3-1-85)
- 02. Application. The household must make a written application on forms prescribed by DHW. (9-24-81)
- 03. Living Situation. The household must reside in housing in which it is vulnerable to the increase in home energy costs and must incur home heating costs either directly or as an undesignated portion of rent or by cutting and transporting wood for its own use. Ineligible living situations include: (4-5-82)
 - a. Hospital; (9-24-81)
 - b. Nursing home; (9-24-81)
 - c. Shelter home; (9-24-81)
 - d. Commercial boarding house; (9-24-81)
 - e. Alcohol or drug treatment and rehabilitation center; (9-24-81)
 - f. Maternity home. (9-24-81)
- 04. Indians. An Indian household whose tribe has entered into a separate agreement to receive a direct LIHEAP grant to administer benefits directly to tribal members are not entitled to benefits under this program unless tribal funds are not available and/or funds are depleted and an emergency exists. Tribes which have entered into separate agreements include: (3-1-85)

- a. Shoshone-Bannock Tribe; (9-24-81)
- b. Kootenai Tribe; (3-2-87)
- c. Nez Perce Tribe. (9-24-81)
- 05. Resident Status. Applicants are required to certify all household members' resident status. (3-5-91)
- 06. Resident Aliens. Aliens who entered the United States illegally before January 1, 1982, and who have obtained the status of aliens lawfully admitted for temporary residence pursuant to section 245A or 210A of the Immigration and Nationality Act, with the exceptions stated below, are temporarily excluded from receiving LIHEAP benefits. (12-31-91)
 - a. Applicants are required to provide documentation issued by the U.S. Immigration and Naturalization Service setting forth the status of any and all alien members of the applicant household. (6-8-90)
 - b. Persons who have received 210A or 245A classification and are Cuban or Haitian entrants will be considered as eligible to apply for LIHEAP benefits. The term "Cuban and Haitian entrant" means: (6-8-90)
 - i. Any individual granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti; and (6-8-90)
 - ii. Any other national of Cuba or Haiti who was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act; or is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or has an application for asylum pending with the Immigration and Naturalization Service. (6-8-90)
 - c. If a person ineligible under Subsection 152.06 meets one (1) of the definitions of aged, blind or disabled, as defined in Subsections 152.06.c.i. through 152.06.c.iii., and also meets the eligibility requirements pursuant to Section 150, that person shall be considered eligible. (12-31-91)
 - i. A person is considered aged if they are sixty-five (65) years of age or older. (6-8-90)
 - ii. An individual shall be considered blind if he has central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered as having a central visual acuity of 20/200 or less. An individual shall also be considered blind if he is blind as defined under a state plan approved under Title X or XVI of the Social Security Act, as in effect for October, 1972 and received aid under such plan (on the basis of blindness) for December, 1973 so long as he is continuously blind as so defined. (6-8-90)
 - iii. A disability determination shall be made in the following manner: (6-8-90)
 - (a) An individual shall be considered disabled if he is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months (or in the case of a child under the age of eighteen (18), if he suffers from any medically determinable physical or mental impairment of comparable severity). (6-8-90)
 - (b) An individual shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work. For purposes of the preceding sentence (with respect to individuals), "work which exists in the national economy" means work which exists in significant numbers either in the region where such individual lives or in several regions of the country. (6-8-90)

(c) A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. (6-8-90)

(d) In determining whether an individual is able to engage in substantial gainful activity by reason of his earnings, where his disability is sufficiently severe to result in a functional limitation requiring assistance in order for him to work, there shall be excluded from such earnings an amount equal to the cost (to such individual) of any attendant care services, medical devices, equipment, prostheses and similar items and services (not including routine drugs or routine medical services unless such drugs or services are necessary for the control of the disabling condition) which are necessary for that purpose, whether or not such assistance is also needed to enable him to carry out his normal daily functions; except that the amounts to be excluded shall be subject to reasonable limits. Notwithstanding the provisions of Subsection 152.06.c.ii., an individual whose services or earnings meet such criteria shall be found not to be disabled. (12-31-91)

(e) Notwithstanding the provisions of Subsection 152.06.c.iii.(a) through Subsection 152.06.c.iii.(d), an individual shall also be considered disabled if he is totally and permanently disabled as defined under a state plan approved under Title XIV or XVI of the Social Security Act as in effect October, 1972 and received aid under such plan (on the basis of disability) for December, 1973 (and for at least one (1) month prior to July, 1973 so long as he is continuously disabled as so defined). (12-31-91)

(f) In determining whether an individual's physical or mental impairment or impairments are of a sufficient medical severity that such impairment or impairments could be the basis of eligibility, the Department shall consider the combined effect of all the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity. If the Department finds a medically severe combination of impairments, the combined impact of the impairments shall be considered throughout the disability determination process. (6-8-90)

d. If a household includes a person(s) who has 210A or 245A status, and that person(s) does not meet one (1) of the definitions in Subsection 152.06.b. or Subsection 152.06.c., they shall be included in the determination of household eligibility or benefit levels pursuant to Subsections 151.04. (11-1-93)

07. Energy Conservation Education. The household must participate in an energy conservation education session presented by the CAA as part of their application for assistance. (11-1-96)T

08. Residential Weatherization Energy Audit. The household must agree to allow the CAA to perform an energy audit of their residence, except when the following condition(s) exist: (11-1-96)T

a. Where the household residence has previously been weatherized by the CAA; or (11-1-96)T

b. The household does not own their residence, the CAA must obtain an agreement from the property owner prior to the household agreement; or (11-1-96)T

c. The household can document the existence of a medical or other condition which prohibits the CAA from performing the energy audit. (11-1-96)T

(BREAK IN CONTINUITY OF SECTIONS)

201. APPLICATION PROCESS.

Applicant households must be given a prompt opportunity to apply without delay. (9-24-81)

01. Date of Application. The application process begins the date the completed, date-stamped and signed HW0478 or HWO478A, "Application for Client Assessment" and ~~HW0479, "Low Income Certification Form,"~~ with accompanying documentation are received by a CAA office. (11-1-93)(11-1-96)T

02. Representation of Applicant. An applicant household may be assisted by a person or persons of the household's choice and, when accompanied by such persons, may be represented by them. (9-24-81)

03. Written Application. An applicant household must be provided the forms necessary for DHW to make an eligibility determination. Such forms must contain a statement that clearly explains to the household that it is civilly or criminally liable for the truthfulness of the information it includes on the forms. (9-24-81)

04. Signature. The application must be signed by the head of the household if he is able, or by his designee. (9-24-81)

a. The household must be allowed to designate the head of the household. (9-24-81)

b. Whenever the head of the household is unavailable to sign the application in person, he must designate, in writing, the name of a person to sign the application in his behalf. (4-5-82)

i. The designee's signature must be followed by his address, if different from that of the household, and by the word "designee." (9-24-81)

ii. Employees of the CAA office or DHW must not be designated to sign the application. (9-24-81)

05. Signature by Mark. A signature by mark requires two (2) witnesses. The signatures and addresses of the witnesses must appear on the application, followed by the word "witness." (9-24-81)

06. Information to Applicant Households. Each applicant household must be informed of the LIHEAP eligibility requirements outlined herein, and the household's right to a hearing according to Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, Sections 300, et seq., and Section 503, "Rules Governing Contested Cases and Declaratory Rulings," if it disagrees with any action taken by DHW with respect to its application for LIHEAP benefits. The HW0478 and HW0478A "Application for Client Assessment" contain this information. (11-1-93)

07. Assistance with Application. Each applicant household must be provided assistance, when needed, in completing the application forms or in obtaining required documentation. The CAA office must provide this assistance and must additionally provide interpreters for households with limited English language skills and to non-English speaking households. (9-24-81)

(BREAK IN CONTINUITY OF SECTIONS)

203. NOTIFICATION OF DECISION.

Each applicant household must be notified, in writing, of the decision made with regard to its LIHEAP application. (3-1-85)

01. Approvals. The notification for households whose application is approved, HW0478 or HW0478A, Client Assessment Application HW0487 and HW0487A, "LIHEAP Notice of Award," states the amount of the household's energy assistance instructions on using the energy assistance warrant. The warrant states instructions on using the energy assistance benefit payment the date and the amount of benefit. (~~3-5-91~~)(11-1-96)T

02. Denials or Withdrawals. The notification for households whose application is denied, HW0486, "LIHEAP Notice of Denial," must contain the date, the reason for denial and an explanation of the household's right to a hearing as outlined in Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, Sections 300, et seq., and Section 503, "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

03. Decrease. If the household's amount of payments is to be less than indicated in a previous notice, the household must receive a notice of the reason for the decrease in amount. (4-5-82)

04. Time Limits. The notification must be provided within the time limits specified in Subsection 202.01. (12-31-91)

204. BENEFIT DETERMINATION.

Eligible households will have their benefit amount determined according to the household's county of residence, source of home energy, energy burden, income, and highest energy needs based upon the household's unique situation i.e. children under six (6) years of age, individuals with disabilities and frail individuals sixty (60) years of age or older. ~~(12-1-95)~~(11-1-96)T

01. Area of Residence. For purposes of LIHEAP benefits, the state has been partitioned into five (5) heating areas and each county with like numbers of heating degree days has been assigned to a particular area as shown in the table below: (3-1-85)

COUNTY BREAKDOWNS IN HEATING AREAS			
AREA I		AREA IV	
Payette	5723	Boundary	7179
Canyon	5727	Bingham	7271
Ada	5840	Bonner	7330
Owyhee	5842	Franklin	7344
Gem	5886	Adams	7396
Gooding	5987	Oneida	7413
AREA II		Clearwater	7439
Nez Perce	6206	Bannock	7465
Washington	6240	Caribou	7505
Twin Falls	6262	Lemhi	7703
Jerome	6346	AREA V	
Elmore	6399	Blaine	7932
AREA III		Bonneville	8040
Kootenai	6664	Custer	8184
Benewah	6689	Jefferson	8291
Latah	6727	Madison	8320
Lewis	6729	Clark	8372
Minidoka	6782	Bear Lake	8413
Idaho	6860	Teton	8498
Cassia	6876	Butte	8617
Lincoln	6927	Camas	8701
Boise	6979	Fremont	8919
Shoshone	7010	Valley	9064
Power	7038		

02. Heating Source. For purposes of LIHEAP benefits, average annual heating costs fixed as of November 1 ~~and benefits will be calculated according to~~ or where available, the actual annual heating costs for electricity or natural gas will be used to calculate the household's benefit. Additionally, the household's type of energy used, energy needs, family size, method of payment for home energy, and area of residence will be used in the benefit calculation. ~~(12-1-95)F(11-1-96)T~~

03. Household Income. The households' ~~energy burden, unique energy needs and their~~ income for the application as determined by Subsection 151.02 will be used to determine the percentage of their energy burden to be covered by the benefit amount. ~~All other households not having unique energy needs will have the percentage of their energy burden to be covered determined by the lowest percentage of benefit amount.~~ (12-1-95)F(11-1-96)T

04. Household Energy Need. The households' unique situation that results from the household size being greater than one (1) member; having members of vulnerable populations including small children under the age of six (6); frail elderly individuals, sixty (60) years of age or older; or individuals with disabilities, will be used to determine the benefit amount. (11-1-96)T

IDAPA 39 - DEPARTMENT OF TRANSPORTATION
39.03.17 - RULES GOVERNING OVERSIZE PERMITS FOR MOBILE/MODULAR HOMES
DOCKET NO. 39-0317-9701

NOTICE OF AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: These amended rules are effective January 1, 1997.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has amended a temporary rule. The action is authorized pursuant to Section(s) 40-312 and 49-1004, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for amending the existing temporary rule.

Section 200, Subsection 08, Axles, makes an erroneous reference to CFR Title 23, which should be Title 24. Section 400, Subsection 09, Permits, lists the allowable overall width on a Black Route as 16', which should be 18'. An explanatory paragraph makes reference to structures exceeding sixteen (16) feet "at the base" which should read "overall width". This same paragraph should include the reference to when these structures are being towed on their own axles "on two lane highways".

Only the sections that have changes are printed in this bulletin. The original text of the proposed rules was published in the Idaho Administrative Bulletin, Volume 97-1, pages 312 through 316.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Reggie Phipps, at (208) 334-8418.

DATED this 24th day of December, 1996.

Linda L. Emry
Administrative Secretary
Idaho Transportation Department
3311 West State Street (83703)
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TEXT OF DOCKET 39-0317-9701

200. MANUFACTURED HOMES AND OFFICE TRAILERS BEING TOWED.

01. Connection Device. A ball hitch coupler. (10-2-89)

02. Length. Not in excess of eighty (80) feet including tongue. (10-2-89)

03. Width. Shall be limited to fourteen (14) feet at the base and shall not exceed sixteen (16) feet overall width including the eaves unless the mobile home qualifies for the grandfather rights established in Section 200.03. of this rule. The eave extension to the left shall not exceed one (1) foot. (8-25-94)

** Determination of manufactured home or office trailer width shall be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3) inches on each side of load. (1-1-97)T

04. Eaves. The eaves may extend up to sixteen (16) inches as long as the eighteen (18) feet maximum overall width limitation is not exceeded. (1-1-97)T

05. Weight. The maximum allowable load for any vehicle tire operated on any public highway shall be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). (1-1-97)T

06. Running Gear Assembly - General. The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) shall be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes under this category shall be in accordance with Federal Motor Carrier Safety Regulations, part 393. (1-1-97)T

07. Construction. Construction shall be in accordance with CFR Title 24, for the year the manufactured home was built. (1-1-97)T

08. Axles. All axles shall be in accordance with CFR Title 234, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have a minimum of four (4) axles. (1-1-97)T

09. Brakes. Brakes shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have brakes on a minimum of three (3) axles. (1-1-97)T

10. Lights. The unit shall have stop lights, turn signals and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393 (1-1-97)T

11. Safety Chains. Two (2) safety chains shall be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the manufactured home while in transit. Chain shall be three eighths (3/8) inch diameter steel. Chains shall be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. (1-1-97)T

(BREAK IN CONTINUITY OF SECTIONS)

400. GENERAL PROVISIONS.

01. Paneling of Open Sides of Multi-Section Modular Buildings, Manufactured Homes or Office Trailers. Shall be rigid material, or six (6) mil plastic sheathing (or stronger) backed by a grillwork to prevent billowing and fully enclose open sides of section in transit. (1-1-97)T

02. Interior Loading. If the manufactured home or office trailer is to transport furnishings or other loose objects they shall be secured in position for safe travel. (8-25-94)

03. Construction. Modular buildings shall be constructed in accordance with the Uniform Building Code as applies to design and construction requirements that will affect overall structural strength and roadability. Manufactured homes and offices shall be constructed in accordance with Federal HUD Manufactured Home Construction and Safety Standards. (8-25-94)

04. Oversize Manufactured Homes or Office Trailers. Oversize manufactured Homes or Office Trailers must be transported under authority of the rule. Rule 39.03.16 does not apply to the transport or Manufactured Homes or Office Trailers. (8-25-94)

05. Manufactured Homes and Office Trailers. This rule applies only to Manufactured Homes and Office Trailers and does not apply to individual componets utilized in the manufacturing of Manufactured Homes (ie frames, suspension, ect.). Permits may be issued to authorize transport of components for Manufactured Homes or

Office Trailers under Rule 39.03.16.

(8-25-94)

06. Signs. All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display an oversize load sign, even if no escort vehicles are required. The sign shall meet the following dimensions: eighteen (18) inches high by seven (7) feet wide, letter height ten (10) inches, letter type standard series C, stroke width one and five-eighths (1 5/8) inch, black letters on yellow background. (1-1-97)T

07. Warning Flags. All manufactured homes, modular buildings and office trailers whether hauled or towed shall be required to display flags on all four corners. The flags may be red or fluorescent orange. (1-1-97)T

08. Warning Lights. All manufactured homes, modular buildings and offices whether hauled or towed shall be required to display two (2) flashing or rotating amber lights (visible from five hundred (500) ft.) on the back of the manufactured home, modular building or office. (1-1-97)T

09. Permits. Annual permits will allow travel on the following routes at the following dimensions:

Route	Base Width	Overall Width	Height	Overall Length
Red		12' 6"	15' 6"	110'
Black	14'	16' 18'	15' 6"	110'
Double Black	16'	18'	15' 6"	110'

The double black routes are the interstate and 4 lane highways

**The routes referred to above are on the Escort Vehicle and Travel Time Requirements Map.

**When exceeding the above maximum dimensions allowed for a route, movement will be allowed only by single trip permit.

**Manufactured homes, modular buildings and offices exceeding sixteen (16) feet ~~(at the base)~~ overall width being towed on their own axles on two lane highways, will be required to submit for approval a traffic control plan, that lists at a minimum the following information: date of move, routes of travel, turnouts for traffic relief, and dimensions of load. (1-1-97)T

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