

IDAHO ADMINISTRATIVE BULLETIN

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July 7, 1999

Volume 99-7

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Preface

The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a compilation of all administrative rulemaking documents in Idaho. The Bulletin publishes the official text notice and full text of such actions.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of a rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Legal Notice. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rulemaking activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 98-1 refers to the first Bulletin issued in calendar year 1998, Bulletin 99-1 refers to the first Bulletin issued in calendar year 1999, etc. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 1 refers to January; Volume No. 2 refers to February; and so forth. Example: The Bulletin published in January of 1999 is cited as Volume 99-1. The December 1998 Bulletin is cited as Volume 98-12.

RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are **not** printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative Rulemaking**, printed in each Bulletin.*

TYPES OF RULES PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process comprises five distinct activities; Proposed, Negotiated, Temporary, Pending, and Final rulemaking. In the majority of cases, the process begins with proposed rulemaking and ends with final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULE

Negotiated rulemaking is a process in which all interested parties and the agency seek a consensus on the content of the rule. Agencies are encouraged to proceed through this informal rulemaking whenever it is feasible to do so. Publication of the text in the Administrative Bulletin by the agency is optional. This process should lead the rulemaking to the temporary and/or proposed rule stage.

PROPOSED RULE

A proposed rulemaking is an action by an agency in which the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a notice of proposed rulemaking in the Bulletin. The notice of proposed rulemaking must include:

- a) the specific statutory authority for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation; and*
- g) the deadline for public (written) comments on the proposed rule.*

As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule docket. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULE

Temporary rules may be adopted only when the governor finds that it is necessary for:

- a) the protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit.*

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule.

A temporary rule expires at the conclusion of the next succeeding regular session of the legislature unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.

In cases where the text of the temporary rule is the same as that of the proposed rule, the rulemaking can be done concurrently as a temporary/proposed rule. State law requires that the text of a proposed or temporary rule be published in the Administrative Bulletin. Combining the rulemaking allows for a single publication of the text.

An agency may rescind a temporary rule that has been adopted and is in effect if the rule is being replaced by a new temporary rule or has been published concurrently with a proposed rulemaking that is being vacated.

PENDING RULE

A pending rule is a rule that has been adopted by an agency under the regular rulemaking process and

remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the Notice of Pending Rule. This includes:

- a) the reasons for adopting the rule;
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;
- c) the date the pending rule will become final and effective; and
- d) an identification of any portion of the rule imposing or increasing a fee or charge.

Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the Notice of Pending Rule is published.

FINAL RULE

A final rule is a rule that has been adopted by an agency under the regular rulemaking process and is in effect.

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that the agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution will be adopted rejecting, amending, or modifying the rule or any part thereof. A Notice of Final Rule must be published in the Idaho Administrative Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended, or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule which is final and effective may be applied retroactively, as provided in the rule.

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls and Twin Falls, the Lewiston City Library, East Bonner County Library, Eastern Idaho Technical College Library, Ricks College Library, and Northwest Nazarene College Library.

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-0306, telephone

(208) 332-1820.

The Administrative Bulletin is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

The Administrative Code, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

Individual Rule Chapters and Individual Rulemaking Dockets, are specific portions of the Bulletin and Administrative Code produced on demand.

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www.state.id.us/> - from Idaho Home Page select the Administrative Rules link.

EDITOR'S NOTE: All rules are subject to frequent change. Users should reference all current issues of the Administrative Bulletin for negotiated, temporary, proposed, pending, and final changes to all rules, or call the Office of the Administrative Rules at (208) 332-1820.

HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "IDAPA" number. (The "IDAPA" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "TITLE" number is assigned. There are "CHAPTER" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

IDAPA 38.05.01.060.02.c.ii.

"IDAPA" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"IDAPA 38." refers to the Idaho Department of Administration.

"05." refers to Title 05 which is the Department of Administration's Division of Purchasing.

"01." refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing".

"060." refers to Major Section 060, "Content of the Invitation to Bid".

"02." refers to Subsection 060.02.

"c." refers to Subsection 060.02.c.

"ii." refers to Subsection 060.02.c.ii.

DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER". The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-9901). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

"DOCKET NO. 38-0501-9901"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the TITLE AND CHAPTER numbers of the agency rule being promulgated; in this case the Division of Purchasing (TITLE 05), "Rules of the Division of Purchasing" (Chapter 01).

"9901" denotes the year and sequential order of the docket submitted and published during the year; in this case the first rulemaking action of the chapter published in calendar year 1999.

Within each Docket, only the affected sections of chapters are printed. (See **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

"(BREAK IN CONTINUITY OF SECTIONS)"

INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection that is part of the same rule, a typical internal citation may appear as follows:

"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."

It may also be cited to include the IDAPA, Title, and Chapter number also, as follows:

"...in accordance with IDAPA 38.05.01.201."

"38" denotes the IDAPA number of the agency.

"05" denotes the TITLE number of the agency rule.

"01" denotes the Chapter number of the agency rule.

"201" references the main Section number of the rule that is being cited.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.04, 'Rules Governing Capitol Mall Parking.'"

BULLETIN PUBLICATION SCHEDULE FOR 1999

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
99-1	January, 1999	November 18, 1998	January 6, 1999
99-2	February, 1999	December 23, 1998	February 3, 1999
99-3	March, 1999	January 20, 1999	March 3, 1999
99-4	April, 1999	February 24, 1999	April 7, 1999
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99-10	October, 1999	August 25, 1999	October 6, 1999
99-11	November, 1999	September 22, 1999	November 3, 1999
99-12	December, 1999	October 20, 1999	December 1, 1999

BULLETIN PUBLICATION SCHEDULE FOR 2000

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date
00-1	January, 2000	November 17, 1999	January 5, 2000
00-2	February, 2000	December 22, 1999	February 2, 2000
00-3	March, 2000	January 19, 2000	March 1, 2000
00-4	April, 2000	February 23, 2000	April 5, 2000
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00-11	November, 2000	September 20, 2000	November 1, 2000
00-12	December, 2000	October 25, 2000	December 6, 2000

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IDAPA 02 - IDAHO STATE DEPARTMENT OF AGRICULTURE
02.03.03 - RULES GOVERNING PESTICIDE USE AND APPLICATION

DOCKET NO. 02-0303-9802

NOTICE OF FINAL RULE

AUTHORITY: In compliance with Section 67-5291, Idaho Code, to adopt these rules for the regulation of pesticide use and application in the state of Idaho.

DESCRIPTIVE SUMMARY: The following is a statement in non-technical language of the substance of the final rule:

Pursuant to SCR 115, the 1999 Legislature has rejected proposed Subsections 100.01.b.x.(2); 101.01.d.; 101.02.b.; 101.02.d.; 101.02.e.v.; 101.02.f.; 101.02.f.i.; 101.02.f.ii.; 101.02.g.i.; 101.02.h.; 101.02.j.v.; and 101.02.k.ix. of Docket No. 02-0303-9802. Therefore, the text will revert back to its original form in these Subsections; the remainder of the proposed amendments were approved. If you wish to review the proposed rule text, refer to the Idaho Administrative Bulletin, Volume 98-10, October 7, 1998, pages 9 through 17.

The Subsections that were rejected by SCR 115 will be replaced by a new temporary and proposed rule, which will be published prior to the next legislative session.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact: Rod Awe at (208) 332-8615.

DATED this 6th day of May, 1999.

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

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE
DOCKET NO. 07-0106-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is June 1, 1999.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-1006, 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 July 21, 1999.

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 nontechnical explanation of the substance and purpose of the proposed rulemaking.

This rule change adopts the 1999 Edition of the National Electrical Code, and correctly states the availability of the document.

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:

This rule change provides for the adoption of the 1999 Edition of the National Electrical Code pursuant to Section 54-1001, Idaho Code, and correctly states the availability of the document.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because prompt enactment of a temporary rule was necessary to adopt the most recent National Code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Malmen at (208) 334-2183.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and delivered on or before July 28, 1999.

DATED this 29th day of April 1999.

Gary Malmen
Bureau Chief
Electrical Bureau
Division of Building Safety
277 N. 6th
P. O. Box 83720
Boise, ID 83720
Telephone: (208) 334-2183
Facsimile: (208) 334-4891

THE FOLLOWING IS TEXT OF DOCKET NO. 07-0106-9901

011. NATIONAL ELECTRICAL CODE, 1996~~9~~ EDITION.

01. Documents. Under the provisions of Section 54-1001A, Idaho Code, the National Electrical Code, 1996~~9~~ Edition, is hereby adopted for the State of Idaho and shall be in full force and effect on and after ~~the conclusion of the 1997 legislative session~~ June 1, 1999, except: compliance with Article 675-8(b) is to ~~will~~ include the additional requirement that a disconnecting means always be provided at the point of service from the utility no matter where the disconnecting means for the machine is located. (7-1-97)(6-1-99)T

02. Availability. This document is available at the office of the ~~Rules Coordinator~~ and at the ~~State Law Library~~ Division of Building Safety, Electrical Bureau. (7-1-97)(6-1-99)T

IDAPA 08 - IDAHO STATE BOARD OF EDUCATION
08.02.03 - RULES GOVERNING THOROUGHNESS
DOCKET NO. 08-0203-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective on July 1, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Sections 33-105(1), 33-107(3), 33-116, and 33-1612, Idaho Code and Article IX, Section 2 of the Idaho Constitution.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning rule-making will be scheduled as follows:

August 16, 1999 in Boise, 6:30-7:30 p.m.
Boise State University Student Union Building, Jordan Ballroom A and B.

September 22, 1999 in Pocatello, 6:30-7:30 p.m.
Idaho State University Student Union Building, Salmon River Suite.

October 21, 1999 in Twin Falls, 4:00-5:00 p.m.
The College of Southern Idaho Taylor Building, Rooms 276 and 277.

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 nontechnical explanation of the substance and purpose of the proposed rule-making.

To establish state exiting standards as a minimum requirement for graduation from the public schools. Due to the addition of the exiting standards, the rules in this chapter all have been renumbered. Only technical corrections have been made to the current rules however and no substantive changes were made.

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:

Protection of the public health, safety, or welfare.

NEGOTIATED RULEMAKING: A form of negotiated rule-making was conducted by the State Board of Education. The Board held public hearings statewide with hundreds of citizens in attendance and testifying. More than 13,000 copies of the draft standards have been distributed statewide to every school, library, university and Parent Teacher Association in the state.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance with technical questions concerning the temporary rulemaking and proposed rule, contact Lydia Guerra, State Department of Education, (208) 332-6800.

Anyone may submit written comments regarding this proposed rule. All written comments must be directed to the undersigned and must be delivered on or before September 23, 1999.

DATED this 25th day of May, 1999.

Mr. Kevin D. Satterlee
Deputy Attorney General

State Board of Education
650 West State Street
P.O. Box 83720
Boise, Idaho 83720-0037
Phone: (208) 334-2270
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THE FOLLOWING IS TEXT OF DOCKET NO. 08-0203-9901

000. LEGAL AUTHORITY.

All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under Sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate.
(7-1-99)T

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.02.03, "Rules Governing Thoroughness".
(7-1-99)T

02. Scope. These rules shall govern the thorough education of all public school students in Idaho.
(7-1-99)T

002. WRITTEN INTERPRETATIONS.

Any written interpretations are on file at the office of the State Board of Education at 650 West State Street, Boise, Idaho, 83720-0037.
(7-1-99)T

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted pursuant to the Idaho Administrative Procedure Act and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General".
(7-1-99)T

~~004.~~ -- 099. (RESERVED).

100. BASIC CURRICULUM.

(Section 33-118, Idaho Code) (4-1-97)

~~0101.~~ KINDERGARTEN CURRICULUM.

Kindergarten curriculum will be established at the local level. (Section 33-208, Idaho Code) (~~4-1-97~~)(7-1-99)T

~~02102.~~ INSTRUCTIONAL REQUIREMENTS.

All schools will deliver a core of instruction and advisement programs (see ~~Subsection 1008-07~~, Guidance Programs) for each student in elementary schools, middle schools/junior high and high schools. (~~4-1-97~~)(7-1-99)T

~~a01.~~ Standards. All students will meet standards established locally (at a minimum, the standards of the state) through rigorous accountability, which include challenging examinations, demonstrations of achievement, and other appropriate tests and measures. (~~4-1-97~~)(7-1-99)T

~~b02.~~ Curriculum Guides. The State Department of Education Curriculum Guides may be used voluntarily and are designed to assist school districts as they develop educational programs and exiting standards.

Notwithstanding the above, the State Division of Vocational Education Professional-Technical will prepare curriculum guides and instructional aids for vocational-technical education programs in the public schools. (~~Idaho Code~~ Section 33-118, Idaho Code) (4-1-97)(7-1-99)T

03103. CORE OF INSTRUCTION GRADES 1-12.

01. Instruction. Instruction is inclusive of subject matter, content and course offerings. Patterns of instructional organization are a local school district option. Schools will assure students meet locally developed standards with the state standards as a minimum.* (*This includes special instruction that allows limited English proficient students to participate successfully in all aspects of the school's curriculum and keep up with other students in the regular education program. It also includes special learning opportunities for accelerated, learning disabled students and students with other disabilities.) (4-1-97)(7-1-99)T

02. Instruction Courses. At appropriate grade levels, instruction will include but not be limited to the following: (4-1-97)(7-1-99)T

- a. Language Arts and Communication will include instruction in reading, writing, English, literature, technological applications, spelling, speech and listening. (4-1-97)
- b. Mathematics will include instruction in addition, subtraction, multiplication, division, percentages, mathematical reasoning and probability. (4-1-97)
- c. Science will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (4-1-97)
- d. Social Studies will include instruction in history, government, geography, economics, current world affairs, citizenship, and sociology. (4-1-97)

04104. OTHER REQUIRED INSTRUCTION.

Other required instruction for all students and other required offerings of the school are: (4-1-97)

a01. Elementary Schools (Grades 1-6). (4-1-97)

ia. The following section outlines other information required for all students, as well as other required offerings of the school:
Fine Arts (art and music)
Health (wellness)
Physical Education (fitness) (4-1-97)

ib. Additional instructional options as determined by the local school district. For example:
Languages other than English
Career Awareness (4-1-97)

b02. Middle Schools/Junior High Schools. No later than the end of Grade eight (8) all students will develop parent-approved student learning plans for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-1-97)

ia. Other required instruction for all students:
Health (wellness)
Physical Education (fitness) (4-1-97)

##b. Other required offerings of the school:
 Family and Consumer Science
 Fine & Performing Arts
 Vocational-Technical Education
 Advisory Period (middle school only, encourage in junior high school)
 Exploratory (middle school only) (4-1-97)

##c. Additional instructional options as determined by the local school district. For example:
 Languages other than English (4-1-97)

e03. High Schools (Grades 9-12). Students will maintain a parent-approved student learning plan for their high school and post-high school options. The learning plan will be developed by students and parents or guardians with advice and recommendation from school personnel. It will be reviewed annually and may be revised at any time. The purpose of a parent-approved student learning plan is to outline a course of study and learning activities for students to become contributing members of society. A student learning plan describes, at a minimum, the list of courses and learning activities in which the student will engage while working toward meeting the district's graduation standards. The school district will have met its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the learning plan. A learning plan will not be required if the parent or guardian requests, in writing, that no learning plan be developed. (4-1-97)

ia. Other required instructional offerings of the school. Each student must complete credit and exiting standards in at least two (2) of the following areas of instructional offerings:
 Physical Education (fitness)
 Humanities
 Vocational-Technical Education (including work-based learning)
 Family and Consumer Science
 Fine and Performing Arts
 Languages other than English (may include indigenous languages or sign language) (4-1-97)

##b. Additional instructional options as determined by the local school district. For example:
 Journalism. (4-1-97)

05105. GRADUATION FROM HIGH SCHOOL.
 Graduation from an Idaho high school requires that: (4-1-97)

a01. Credit Requirements. All students will demonstrate achievement in the CORE and other required subjects to include forty-two (42) semester credits, one (1) semester equaling one-half (1/2) year. ~~(4-1-97)~~(7-1-99)T

b02. Exiting Standards. All students will meet locally established subject area exiting standards (using state standards as minimum requirements) demonstrated through various measures of accountability including examinations or other measures. ~~(4-1-97)~~(7-1-99)T

e03. Foreign Exchange Students. Foreign exchange students may be eligible for graduation by completing a comparable program as approved by the Board of Trustees. ~~(4-1-97)~~(7-1-99)T

06106. GRADUATION REQUIREMENTS (EFFECTIVE UNTIL JUNE 30, 2000).
 The minimum graduation requirements for accredited Idaho high schools shall be as follows: (4-1-97)

a01. Core Subjects.

	Yearly Units	Semester Credits
English (writing skills emphasis)	4	8
Mathematics	2	4

	Yearly Units	Semester Credits
Reading (remedial or developmental)	.5	1
Speech (a class of debate may be substituted for the requirements in speech)	.5	1
Total Core	7	14

(4-1-97)

b02. Core Competency. In addition to a passing grade in each Core class, satisfactory achievement in the Core shall be validated for each student through the use of one (1) of the options listed below: (4-1-97)

ia. Option 1 - The student must achieve a composite grade point average (GPA) of C in the 14-credit Core. (4-1-97)

ib. Option 2 - The student must achieve a Basic Composite Score that is within one (1) standard deviation of the mean for all Idaho students taking the Statewide Achievement Test at the eleventh (11th) grade level, and must also receive at least a score of three (3) (on a five-point (5.0) scale) on the Direct Writing Assessment. (4-1-97)

ic. Option 3 - The local school district may choose to validate student achievement through the use of a locally developed Core Competency Plan. This plan must follow guidelines established by the State Department of Education and be approved by the State Board of Education. (4-1-97)

e03. Other Required Subjects.

	Yearly Units	Semester Credits
Science (two science credits shall be lab courses) {homemaking and agriculture are not to be substituted for the science requirement}	2	4
U.S. History to include 20th Century History and World Affairs (grade 11#)	1	2
American Government, including state/local (grade 12)	1	2
Health (required in grades 10-12#, the health course 7-9 is to be retained)	.5	.5
Physical Education (not athletics; a course in development of physical fitness and lifetime activities in grades 10-12#; the course in grades 7-9 is to be retained)	1	2
Humanities	2	4

(4-1-97)

ia. This requirement may be satisfied by academic courses which emphasize history, theory, analysis, criticism in any of the following subject areas: (4-1-97)

~~(1)~~**i.** Literature, history, philosophy, architecture, and the fine arts (i.e music, art, drama, and dance); (4-1-97)

~~(2)~~**ii.** Interdisciplinary humanities, i.e., the related study of two (2) or more of the subject areas listed above; (4-1-97)

~~(3)~~**iii.** Foreign languages; or (4-1-97)

~~(4)~~**iv.** Comparative world religions. (4-1-97)

ii.b. Academic courses that are otherwise required by the state high school graduation may not be used to satisfy the humanities requirement. (4-1-97)

iii.c. Not more than two (2) semester credit of this requirement may be satisfied by studio/performance courses in the fine arts, OR by practical arts courses such as vocational, pre-vocational, or consumer homemaking programs approved by the State Board of Vocational Education.

Total required (including core)	15	30
Total Elective credits	6	12
Total credits required for graduation	21	42

(4-1-97)

#Transfer students from out-of-state high schools may have these requirements waived by the local school board IF they have already earned high school credit in a specific course which is comparable to coursework as outlined in Idaho's "Secondary Course of Study" handbook.

07107. HIGH SCHOOL GRADUATION STANDARDS (EFFECTIVE JULY 1, 2000).

State minimum graduation requirements for all Idaho public high schools are forty-two (42) semester credits. The core of instruction required by the State Board of Education is twenty-five (25) semester credits. Local school districts may establish graduation requirements beyond the state minimum. The local school district has the responsibility to provide education opportunities that meet the needs of students in both academic and vocational areas. It is the intent of the State Board of Education to give local school districts the flexibility to provide rigorous and challenging curriculum that is consistent with the needs of students and the desire of their local patrons. (7-1-00)

a01. Secondary Language Arts And Communication. (Nine (9) credits required with instruction in communications including oral communication and technological applications). Includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. A course in speech or a course in debate will fulfill one (1) credit of the nine (9) credit requirement. (7-1-00)

b02. Mathematics And Science. (Eight (8) credits required) a minimum of four (4) credits in math and four (4) credits in science, two (2) of which will be laboratory sciences. Secondary mathematics includes: Applied Mathematics, Business Mathematics, Algebra, Geometry, Trigonometry, Fundamentals of Calculus, Probability and Statistics, Discrete Mathematics, and courses in mathematical problem solving and reasoning. Secondary sciences will include instruction in applied sciences, earth and space sciences, physical sciences, and life sciences. (7-1-00)

e03. Social Studies. (Five (5) credits required), including government (two (2) credits), U.S. history (two (2) credits), and economics (one (1) credit). Current world affairs and geography will be integrated into all social studies instruction. Courses such as geography, sociology, world affairs and world history may be offered as electives, not to be counted as a social studies requirement. (7-1-00)

d04. Humanities. (Two (2) credits required). A course in interdisciplinary humanities or the related study of one (1) or more of the following: literature, history, philosophy, architecture, music, art, drama, dance, foreign languages, or comparative world religions. (7-1-00)

e05. Health/Wellness. (One (1) credit required). A course focusing on positive health habit. (7-1-00)

08108. GUIDANCE PROGRAMS (SECTION 33-1212, IDAHO CODE).

In each Idaho school, a comprehensive guidance program will be provided as an integral part of the educational program. A comprehensive guidance and counseling program includes these elements: (4-1-97)

a01. Guidance. A guidance curriculum that identifies knowledge and skills to be attained by all students at various stages of their development and provides appropriate activities for their achievement.

~~(4-1-97)~~(7-1-99)T

b02. Individual Planning. Individualized planning with students and their parents in each of these domains: personal/social development, educational development, and career development. (4-1-97)(7-1-99)T

e03. Response sServices eOf eCounseling, eConsultation, aAnd rReferral. (4-1-97)(7-1-99)T

e04. System sSupport fFunctions tThat pPromote eEffective eDelivery eOf gGuidance sServices. (4-1-97)(7-1-99)T

09109. SPECIAL EDUCATION REGULATIONS (SECTION 33-2001 THROUGH 2008, IDAHO CODE) - GENERAL PROVISIONS.

a01. Legal Compliance. Each public agency, including the State Department of Education, local school districts, and any other political subdivision of the State that is responsible for providing education for students with disabilities, will comply with all provisions of Chapter 20, Title 33, Idaho Code, the Idaho State Board of Education Rules for Public Schools, the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, Idaho's approved State Plan and any amendments and implementing regulations of such laws or plan. (4-1-97)(7-1-99)T

i.a. Local Education Agencies (LEAs). Local Education Agencies (LEAs) will develop appropriate plans and ensure that an array of individualized services is available at all times to meet the needs of children with disabilities at the preschool, kindergarten, elementary and secondary levels. These services to children with disabilities within a single school district, a multi-district, a cooperative unit, or through a contractual arrangement with an outside agency will be enumerated in the LEA application for federal funds. The Board of Trustees or other comparable governing agency will adopt local policies and procedures for providing special education services and obtain approval from the Department of Education for the same. Approval will be based on current requirements of applicable laws, including the Individuals with Disabilities Education Act, Idaho Code, federal and state regulations implementing those laws in Idaho's approved state plan and any corrective actions required resulting from federal or state reviews. (4-1-97)(7-1-99)T

ii.b. The State Department of Education will provide LEAs with a sample set of policies and procedures that is consistent with relevant state and federal laws and regulations. The State Department of Education will monitor all public and private agencies who provide special education and/or related services to students with disabilities for compliance with state and federal laws, rules and regulations and local policies. (4-1-97)

iii.c. Each public agency contracting with a private school or facility will ensure that the private school or facility meets the standards set forth in this section. The State Department of Education will determine if private schools and facilities meet state standards for an approved special education program. Any agency aggrieved by the Department of Education's final decision may appeal that decision to the State Board of Education. (4-1-97)

iv.d. LEAs must employ professional personnel using certification standards approved by the State Board of Education or Bureau of Occupational Licensing standards for occupational and physical therapists. (4-1-97)

v.e. School districts will provide extended school year services (beyond the regular school year) for children with disabilities who qualify for such services. (4-1-97)

vi.f. LEAs must collect and report data as necessary to meet state and federal requirements concerning special education services, staff or students. (4-1-97)

b02. Eligibility For Special Education. LEAs must implement appropriate procedures to locate, evaluate and determine eligibility of students with potential disabilities. At the preschool age level this will include public awareness and screening activities. For school age students, LEAs will make known and accessible to all concerned persons a specified method of referral for special education and related services. (4-1-97)

i.a. LEAs will establish Multi-Disciplinary Teams (MDTs) to assist in determining eligibility for special education. An MDT is a district or building committee composed of regular educators and special educators. The MDT may also include the student's parents. The MDT reviews all student referrals to determine whether to

conduct a multi-disciplinary evaluation to determine eligibility for special education. If an evaluation is to be conducted, the MDT determines the nature and extent of the evaluation in accordance with Individuals with Disabilities Education Act requirements, minimum evaluation procedures and eligibility criteria established by the State Department of Education, and the student's needs. The MDT also conducts or arranges for the evaluation, as appropriate. Such evaluation procedures will be provided at no expense to the parents. (4-1-97)

¶b. MDT evaluators must prepare individual evaluation reports or a single composite report containing complete data. A single composite report must be developed for students with learning disabilities. The IEP team will make the final determination of eligibility. (4-1-97)

¶c. The State Department of Education will provide minimum state eligibility criteria for special education services consistent with the Individuals with Disabilities Education Act. (4-1-97)

¶03. **IEP Team Responsibilities.** Each school district or multi-district will establish and utilize IEP Teams to coordinate activities and make decisions regarding eligibility, to develop individual education programs and to determine the placement of students with disabilities. The IEP Team membership is specified by the Individuals with Disabilities Education Act and would typically include the child's teacher, parents, an administrator and others as appropriate. (4-1-97)

¶a. The IEP Team will review the comprehensive evaluation information completed for each child and determine if each child is eligible for special education or related services, using minimum state guidelines for eligibility. All information, including documentation of eligibility or ineligibility, becomes part of the student's permanent file. (4-1-97)

¶b. The IEP Team will develop Individual Education Programs (IEPs) for each student who is eligible for special education prior to the initiation of special education or related services. The IEP will include components required by federal law and the LEAs policies and procedures. The IEP Team will determine the least restrictive educational environment in which the student's IEP can be appropriately implemented. (4-1-97)

¶c. The IEP will be implemented as soon as possible after it is developed. The total timeline from the date of written parental consent for pre-placement evaluation to IEP implementation will not exceed sixty (60) calendar days, excluding periods when regular school is not in session for five (5) or more consecutive days. Extensions may be granted only when all parties have agreed in writing to the extension. (4-1-97)

¶d. At the discretion of the public agency, an Individualized Family Service Plan (IFSP) may be used in place of an IEP provided the child is aged three to five (3-5); the child's parents agree to the use of the IFSP; and the IFSP is developed in accordance with Part H policies and procedures. Nothing in this part requires public agencies to develop IFSPs rather than IEPs for three to five (3-5) year olds nor to implement more than the educational components of the IFSP. (4-1-97)

¶e. When a student eligible for special education or related services (as indicated on a current IEP) transfers from one (1) Idaho school district to another, the student will continue to be included in special education services. The receiving district may accept and implement the IEP developed by the sending district or may develop a new IEP. If a new IEP cannot be developed within five (5) days, or if the district wishes to re-evaluate the child, an interim (short-term) IEP must be implemented pending the development of the standard IEP. If the student transfers to an Idaho school district from another state, the district must determine if the student meets Idaho's state eligibility criteria for special education. (4-1-97)

¶f. The IEP Team decision will be based upon team agreement and signed by team members. The signature of the parent or guardian is required prior to the implementation of the initial IEP. When any other member of the IEP Team is not in agreement, that member has the right to place a minority report in the student's file. (4-1-97)

¶g. A review of each special education student's program and placement will be conducted at least annually by the IEP Team. The IEP Team will review the student's progress, will determine if additional evaluations are necessary, and whether the student is still eligible for special education. Continuing eligibility may be determined by formal or informal assessment, progress towards IEP goals and objectives or other relevant means. Students who

are no longer eligible must be formally exited from special education. State funded personnel may continue to monitor the student and consult with general educators. (4-1-97)

viii. Any member of an IEP Team may request a team meeting at times other than the annual review for purposes of determining student progress in special education and related services or to consider revisions or amendments to the IEP or placement. IEP Team meetings will be convened on reasonable request of any member. (4-1-97)

ix. For a student who continues to be eligible for special education, the IEP Team will develop a new IEP or make revisions as needed. A complete IEP must be written at least annually. (4-1-97)

404. Parent Participation. LEAs must take steps to ensure that one (1) or both parents of each special education student are provided with appropriate information and are afforded the opportunity to participate in making educational decisions regarding their child, consistent with the Individuals with Disabilities Education Act. (4-1-97)

405. Procedural Safeguards. LEAs will use appropriate procedural safeguards consistent with the Individuals with Disabilities Education Act, including but not limited to the following methods: (4-1-97)

ia. If parents disagree with an individual education program or placement change proposed by the district, they may file a written objection to all or parts of the proposed change. If parents file a written objection that is postmarked or hand delivered within ten (10) days of the date they receive written notice of the proposed change from the district, the changes to which the parents object cannot be implemented. The district and parent may use informal methods such as additional IEP Team meetings or voluntary mediation to resolve the disagreement. If these informal attempts fail, the district may request a due process hearing to obtain a hearing officer's decision regarding the proposed change. The written objection cannot be used to prevent the district from placing a student in an interim alternative educational placement in accordance with IDEA procedures for discipline of a student for possession of a weapon as defined by the Individuals with Disabilities Education Act. (4-1-97)

ib. Mediation is a voluntary process and may only be used when both parties to the dispute agree to it. Mediation does not negate the parents' or school district's rights to a due process hearing nor does it interfere with the timelines. The State Department of Education will offer mediation as an alternative dispute resolution mechanism any time a hearing is requested and at other times when appropriate. Schools and parents have the right to request mediation at any time. The State Department of Education will screen all requests for mediation to determine appropriateness. If the State Department of Education appoints a mediator, the Department will reimburse the mediator for an honorarium and travel expenses. (4-1-97)

ic. The State Department of Education will resolve formal complaints filed against school districts and other agencies using procedures developed in accordance with Individuals with Disabilities Education Act requirements. (4-1-97)

id. When a parent/guardian of the school district initiates a request for a due process hearing, the superintendent will inform the board of trustees of the request. The school district will immediately notify the State Department of Education's Special Education Section of any request for a due process hearing. Within ten (10) calendar days of a request for a hearing, an impartial hearing officer will be assigned by the State Department of Education. The State Department of Education will maintain a list of trained hearing officers and their qualifications. (4-1-97)

ie. The school district that is a party to the hearing will be responsible for compensating hearing officers. (4-1-97)

if. Due process hearings will be conducted pursuant to the Idaho Administrative Procedures Act (APA) and Individuals with Disabilities Education Act (IDEA) requirements. In case of any conflict between the APA and the IDEA, the IDEA will supersede the APA. (4-1-97)

ig. The hearing officer will issue a written decision that includes findings of fact and conclusions of law within forty-five (45) days of the date the hearing was requested unless a specific extension of this time line has been request by one (1) of the parties and granted by the hearing officer. The decision will be sent to the parents, the

school district superintendent and to their respective representatives. A copy of the decision will be sent to the State Department of Education. (4-1-97)

~~viii~~h. A decision made by the hearing officer will be binding unless either party wishes to appeal the decision by initiating civil action. An appeal to Civil Court must be filed within fifty-six (56) calendar days from the date of issuance of the final decision. Any party initiating an appeal will be responsible for causing a written transcript to be made and will assume all costs associated with this transcript. (4-1-97)

~~ix~~i. During the hearing the district will provide reasonable accommodations as required by federal and state regulations. Disputes concerning reasonable accommodations will be resolved by the Department of Education's Americans with Disabilities Act (ADA) Committee. (4-1-97)

~~x~~j. During the pendency of any due process hearing or appeal of hearing results by civil action, the child's educational placement will be determined by the Individuals with Disabilities Education Act "stay put" requirements. The district's reassignment of a student to another classroom or building in the district will not be construed as a change in placement as long as the IEP goals remain unchanged and the degree of interaction with non-disabled peers remains the same. (4-1-97)

~~xi~~k. A parent has the right to an Independent Educational Evaluation (IEE) at public expense if the parent disagrees with an evaluation obtained by the school district. Parents are not entitled to have additional evaluations or procedures, beyond those determined necessary by the school district, conducted at public expense under IEE provisions. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the school district uses when it initiates an evaluation. A due process hearing may be initiated by the school to determine if the evaluation conducted by the school is appropriate. If the final decision of a hearing officer, (or a court of law if the hearing officer's decision is appealed), is that the evaluation that has been conducted by the school is appropriate, the parents still have the right to an independent evaluation. However, they must pay for this evaluation. (4-1-97)

~~xii~~l. In order to avoid unreasonable charges for IEEs, a district may establish maximum allowable charges for specific tests. If a district does establish maximum allowable charges for specific tests, the maximum cannot simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test. Rather, the maximum must be established so that it allows the parents to choose from among the qualified professionals in the area and only eliminates unreasonably excessive fees. The district must allow the parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria. If an IEE that falls outside the district's criteria is justified by the child's unique circumstances, that IEE must be publicly funded. (4-1-97)

~~xiii~~m. Student records will be managed in accordance with federal regulations governing security, confidentiality, access, maintenance, destruction, inspection and amendment. (4-1-97)

~~06~~. **Diplomas.** School districts will use a regular diploma for special education students at the completion of their secondary program. The transcript serves as a record of individual accomplishments, achievements, and courses completed. A modified or differentiated diploma or certificate may not be used for special education students unless the same diploma or certificate is granted to students without disabilities. (4-1-97)

~~110~~. **ALTERNATIVE SECONDARY PROGRAMS (SECTION 33-1002; 33-1002C; 33-1002F, IDAHO CODE).**

Alternative secondary programs are those that provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Some designated differences must be established between the alternative school programs and the regular secondary school programs. Alternative secondary school programs will include course offerings, teacher/pupil ratios and evidence of teaching strategies that are clearly designed to serve at-risk youth as defined in this section. Alternative high school programs conducted during the regular school year will be located on a separate site from the regular high school facility or be scheduled at a time different from the regular school hours. (4-1-97)

~~01~~. **Student Qualifications:** An At-Risk youth is any secondary student grade seven through twelve

(7-12) who meets any three (3) of the following criteria, Subsections ~~100.09.a.i. through 100.09.a.xii.~~ 110.01.a. through 110.01.l., or any one (1) of criteria in Subsections ~~100.09.a.vi. through 100.09.a.xii.~~ 110.01.f. through 110.01.l.

~~(4-1-97)~~(7-1-99)T

- ~~ia.~~ ia. Has repeated at least one (1) grade. (4-1-97)
- ~~ib.~~ ib. Has absenteeism that is greater than ten percent (10%) during the preceding semester. (4-1-97)
- ~~ic.~~ ic. Has an overall grade point average that is less than 1.5 (4.0 scale) prior to enrolling in an alternative secondary program. (4-1-97)
- ~~id.~~ id. Has failed one (1) or more academic subjects. (4-1-97)
- ~~ie.~~ ie. Is two (2) or more semester credits per year behind the rate required to graduate. (4-1-97)
- ~~if.~~ if. Has substance abuse behavior. (4-1-97)
- ~~ig.~~ ig. Is pregnant or a parent. (4-1-97)
- ~~ih.~~ ih. Is an emancipated youth. (4-1-97)
- ~~ij.~~ ij. Is a previous dropout. (4-1-97)
- ~~ik.~~ ik. Has serious personal, emotional, or medical problems. (4-1-97)
- ~~il.~~ il. Is a court or agency referral. (4-1-97)
- ~~im.~~ im. Upon recommendation of the school district as determined by locally developed criteria for disruptive student behavior. (4-1-97)

~~b02.~~ b02. **Instruction.** Special instruction courses for at-risk youth enrolled in an alternative secondary program will include: (4-1-97)

- ~~ia.~~ ia. Academic skills that include language arts and communication, mathematics, science, and social studies that meet or exceed minimum state standards. (4-1-97)
- ~~ib.~~ ib. A personal and career counseling component. (4-1-97)
- ~~ic.~~ ic. A physical fitness/personal health component. (4-1-97)
- ~~id.~~ id. A state division approved vocational-technical component. (4-1-97)
- ~~ie.~~ ie. A child care component with parenting skills emphasized. (4-1-97)

~~e03.~~ e03. **Graduation Credit.** Graduation credit may be earned in the following areas: academic subjects, electives, and approved work-based learning experiences. Nonacademic courses, i.e., classroom and office aides do not qualify for credit unless they are approved work-based learning experiences. ~~(4-1-97)~~(7-1-99)T

~~e04.~~ e04. **Special Services.** Special services, where appropriate for at-risk youth enrolled in alternative secondary programs, include the following where appropriate: (4-1-97)

- ~~ia.~~ ia. A day care center when enrollees are also parents. This center should be staffed by a qualified child care provider. (4-1-97)
- ~~ib.~~ ib. Direct social services that may include officers of the court, social workers, counselors/psychologists. (4-1-97)

411. TESTING IN THE PUBLIC SCHOOLS.

a01. Philosophy. Acquiring the basic skills is essential to realization of full educational, vocational and personal/social development. Since Idaho schools are responsible for instruction in the basic scholastic skills, the State Board of Education has a vested interest in regularly surveying student skill acquisition as an index of the effectiveness of the educational program. This information can best be secured through objective assessment of student growth. A statewide student testing program consisting of standardized achievement testing and performance appraisal activities in the fundamental basic skills will be conducted annually under the supervision of the State Department of Education. (4-1-97)

b02. Purposes. The purpose of testing in the public schools is to provide comparative local, state and national data regarding the achievement of students in essential skill areas; to identify performance trends in student achievement across grade levels tested and over time; to provide supplemental information to local educational agencies that may be useful in evaluating local curriculum and instructional practices, screening students for special program entry/exit, diagnosing individual differences, developing student schedules, making differential assignments within classes and in communicating school progress information to various publics; and to determine State Department of Education technical assistance/consultation priorities. (4-1-97)

e03. Content. The statewide testing program will consist of the Iowa Tests of Basic Skills (ITBS), the Tests of Achievement and Proficiency (TAP), the Direct Writing Assessment (DWA) and the Direct Mathematics Assessment (DMA). (4-1-97)

d04. Testing Population. All students in Idaho public schools, grades three through eleven (3-11), are required to participate in the standardized portion of the statewide testing program approved by the State Board of Education and funded. In addition, all students in grades four (4), eight (8) and eleven (11) are required to participate in the Direct Writing Assessment and all students in grades four (4) and eight (8) are required to participate in the Direct Mathematics Assessment portions of the statewide testing program. Non-public school students at those same grade levels are encouraged to participate at private school expense. For those exceptional students currently receiving special services, it is recommended that they be enrolled in the regular education program for basic skills instruction in reading, language arts, mathematics, science and social studies at least one-half (1/2) of the school day or have the endorsement of the IEP Team to participate in the test. No student will be denied the right to participate. (4-1-97)

e05. Scoring And Report Formats. Scores will be provided for each skill area assessed and reported in standard scores, percentile ranks, stanines, and holistic scores (Direct Writing Assessment and Direct Mathematics Assessment). Test results will be presented in a class list report of student scores, building/district summaries, and pressure sensitive labels. (4-1-97)

f06. Testing Schedule. The Iowa Tests of Basic Skills and the Tests of Achievement and Proficiency will be administered in October of each school year. The Direct Writing Assessment and the Direct Mathematics Assessment will be administered in the early spring of each school year during a time period specified by the State Department of Education. (4-1-97)

g07. Costs Paid By The State. Costs for the following testing activities will be paid by the state: (4-1-97)

i.a. All consumable and non-consumable test materials needed to conduct the prescribed statewide testing program; (4-1-97)

ii.b. Statewide distribution of all test materials; (4-1-97)

iii.c. Processing and scoring student response forms, distribution of prescribed reports for the statewide testing program; and (4-1-97)

iv.d. Implementation and scoring of the Direct Writing Assessment component to the fourth, eighth and eleventh grade batteries and the fourth and eighth grade batteries of the Direct Mathematics Assessment. (4-1-97)

~~h~~**08. Costs Of Additional Services.** Costs for any additional sub-test administrations or scoring services not included in the prescribed statewide testing program will be paid by the participating school districts. Cost for replacement or supplemental materials which exceed expectation may also be charged to the district. (4-1-97)

~~i~~**09. Services.** Statewide testing should be scheduled so that a minimum of instructional time is invested. Student time spent in testing will not be charged against attendance requirements. (4-1-97)

~~j~~**10. Test Security.** Test security is of the utmost importance. It is expected that school districts will employ the same security measures in protecting statewide testing materials from compromise as they use to safeguard other formal assessments (4-1-97)

~~k~~**11. Demographic Information.** Demographic information may be required by the State Department of Education to assist in interpreting test results. (4-1-97)

~~l~~**12. Assurances.** The State Department of Education will neither advocate nor undertake performance comparisons across Idaho school districts. It is recognized the scholastic achievement can be adversely impacted by individual/environmental differences beyond the control of the school. (4-1-97)

~~m~~**13. Dual Enrollment.** For the purpose of non-public school student participation in non-academic public school activities, the Idaho State Board of Education recognized achievement test is Form K of the Iowa Tests of Basic Skills, at the elementary level (grades K-8), and the Tests of Achievement and Proficiency, at the secondary level (grades 9-12). The minimum score on each assessment is the fifth (5th) stanine for the battery total score. (4-1-97)

~~12~~**112. CURRICULAR MATERIALS SELECTION (SECTIONS 33-118; 33-118A, IDAHO CODE).**

The State Board of Education will appoint a committee to select curriculum materials. Committee appointments will be for a period of five (5) years. Committee appointments will be for a period of five (5) years. The membership of the committee will include one (1) representative from each of the state's institutions of higher education (Boise State University, Idaho State University, Lewis-Clark State College, and University of Idaho); two (2) Idaho public school administrators; two (2) Idaho public school elementary classroom teachers; two (2) Idaho public school secondary classroom teachers; one (1) person who is not a public school educator nor a public school trustee, one (1) person (parent, teacher, or administrator) representing Idaho's private/parochial schools, who will not be a public school educator or trustee; one (1) public school trustee; three (3) parents and one (1) curriculum consultant from the Division of Instruction of the State Department of Education and one (1) from the Division of Vocational Education whose appointment will be for one (1) year. The Executive Secretary will be an employee of the State Department of Education and will be a voting member of the committee. (4-1-97)

~~a~~**01. Subject Areas.** Curricular materials are adopted by the State Board of Education for a period of five (5) years in the following subject areas: reading, English, spelling, speech, journalism, languages other than English, art, drama, social studies, music, mathematics, business education, career education and counseling, vocational/technical education, science, health, handwriting, literature, driver education. (~~4-1-97~~)(7-1-99)T

~~b~~**02. Multiple ~~a~~Adoptions ~~a~~Are ~~m~~Made ~~i~~n ~~e~~Each ~~s~~Subject ~~a~~Area.** (~~4-1-97~~)(7-1-99)T

~~e~~**03. Bids.** Each publisher must deliver, according to the committee schedule, a sealed bid on all curricular materials presented for adoption. (~~4-1-97~~)(7-1-99)T

~~d~~**04. Depository.** The State Board will appoint a depository for the state-adopted curricular materials. Resource materials are a local option. (~~4-1-97~~)(7-1-99)T

~~e~~**05. Local Policies.** School districts will follow their own policies for adoption in subject areas offered by a school district for which materials are not covered by the state curriculum materials committee. (~~4-1-97~~)(7-1-99)T

~~10~~**113. -- 1919. (RESERVED).**

~~20120.~~ COMMUNICATION.

01. Communication Skills Emphasis. Communication skills enabling students to be responsible citizens of their homes, schools and communities will be emphasized throughout the curriculum. The teaching and demonstrating of effective communication skills will be exemplified throughout the kindergarten through twelve (K-12) system. (4-1-97)

02. Age-Appropriate Classroom, School, And Community Activities. Each year, age-appropriate classroom, school and community activities will be provided to all students for the purpose of developing written and oral communication skills with individuals and groups. Good listening skills are a critical component of the communication process. (Section 33-1612, Idaho Code) (4-1-97)

~~20121.~~ -- ~~20129.~~ (RESERVED).

~~30130.~~ TECHNOLOGY.

Throughout the kindergarten through twelve (K-12) system, technology will be integral to curriculum, instruction and assessment. (Section 33-1612, Idaho Code). Technology moves communication to a new dimension. The kindergarten through twelve (K-12) system must lay the foundation for students to be able to participate comfortably in an increasingly technological society. Classroom activities will include instruction using multi-media, distance learning and other technologies. (4-1-97)

01. Distance Learning Settings. In distance learning settings, districts will provide for: (4-1-97)

a. Adequate student contact with a teacher or paraprofessional during instructional process. (4-1-97)

b. Ready access for answering student questions. (4-1-97)

c. Adequate teacher time to provide students with feedback on assignments and questions. (4-1-97)

02. Cooperative Instructional Initiatives. Cooperative instructional initiatives from post-secondary institutions among districts and other sources are encouraged. Local school districts will be responsible for the quality of the programs offered and will assure that all state standards are met. (4-1-97)

~~30131.~~ -- ~~30139.~~ (RESERVED).

~~40140.~~ WORKFORCE SKILLS.

01. Academic Skill Development. All students will be provided the opportunity to develop their academic skills (i.e., reading, language arts and communication, mathematics, science, social studies) and to develop the skills necessary for entering the workforce, including self-management skills (i.e., ability to plan, self-discipline, respect for authority, ongoing skill improvement), individual and teamwork skills (i.e., personal initiative, working with others), thinking/information skills (i.e., reasoning, problem solving, acquiring and using information) and vocational-technical skills based on the standards of the industry as approved by the State Board of Vocational Education. (4-1-97)

02. Other Skill Development. Recognizing that students may or may not be active in the workforce, the State Board believes all students should be provided the opportunity to become contributing community and family members. This instruction includes homemaking skills (i.e., nutrition, child development, resource management); balancing work and family responsibilities; and entrepreneurial skills. (4-1-97)

03. Work-Based Learning Experiences. Work-based learning experiences may be provided as part of the instruction in the school. For students to receive credit, these experiences will include: training plans, training agreements, approved work sites, and supervision by appropriately certificated personnel. If work-based learning experiences are selected, they will be included in the Parent Approved Student Learning Plans. Instruction will be organized to facilitate a successful transition into the workforce and further education. (4-1-97)

~~40141.~~ -- ~~49149.~~ (RESERVED).

50150. BASIC VALUES.

Honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized. (See Section 33-1612) (4-1-97)

~~50151.~~ -- ~~59159.~~ (RESERVED).

60160. SAFE ENVIRONMENT AND DISCIPLINE.

Each school district will have a comprehensive districtwide policy and procedure encompassing the following:

School Climate
Discipline
Student Health
Violence Prevention
Gun-free Schools
Substance Abuse - Tobacco, Alcohol, and Other Drugs
Suicide Prevention
Student Harassment
Drug-free School Zones
Building Safety including Evacuation Drills

Districts will conduct an annual review of these policies and procedures. (See Section 33-1612) (4-1-97)

~~60161.~~ -- ~~69169.~~ (RESERVED).

70170. CITIZENSHIP.

Schools will provide instruction and activities necessary for students to acquire the skills to enable them to be responsible citizens in their homes, schools, communities, state and nation. (Section 33-1612, Idaho Code) (4-1-97)

~~70171.~~ -- ~~9199.~~ (RESERVED).

200. STATE EXITING STANDARDS.

As stated in rule 105.02 of these Thoroughness rules, all students graduating from Idaho public high schools must meet locally established exiting standards. The standards set forth below in rules 200 through 600, inclusive, are state exiting standards that shall be the minimum standards used by every school district in the state in order to establish a level of academic achievement necessary to graduate from Idaho's public schools. Each school district may set standards more rigorous than these state exiting standards but no district shall use any standards less rigorous than those set forth in these rules. The implementation time for these Exiting Standards rules is the graduating senior class of 2004. However, these rules are promulgated and effective as of July 1, 1999 to give school districts time to meet the state exiting standards for the graduating class of 2004. Definitions of terms used in the state exiting standards are found at sections 210 through 215 and a glossary of mathematical terms is found at section 216. (7-1-99)T

~~201.~~ -- ~~209.~~ (RESERVED).

210. EXITING STANDARDS DEFINITIONS.

Idaho State Board of Education's Definition of an Exiting Standard: "Specific subject criteria which, when measured, show a specific level of content knowledge and demonstrated application." (7-1-99)T

211. KINDS OF STANDARDS.

(Normally discussed when trying to define standards.)

01. Content Standards. Content standards are statements that clearly define what students should know and be able to do in various subject areas and at different points in their education. (7-1-99)T

02. Performance Standards. Performance standards provide concrete examples and explicit definitions of how well students must learn the material represented by content standards. (7-1-99)T

03. Assessment Standards. Assessment is the measurement of what a student knows and is able to do, usually expressed in terms of progress toward a standard. (7-1-99)T

212. DEFINITIONS A - G.

01. All Students. All students means all students, not just non-college bound. (7-1-99)T

02. Alternative Assessment (Other Ways Of Testing). Any type of assessment in which students create a response to a question rather than choose a response from a given list, as with multiple-choice or true/false. Alternative assessments can include short-answer questions, essays, oral presentations, exhibitions, and portfolios. (7-1-99)T

03. Assessment. The process of quantifying, describing, or gathering information about skills, knowledge or performance. (7-1-99)T

04. Assessment Standards. (7-1-99)T

a. Statements setting forth guidelines for evaluating student work, as in the "Standards for the Assessment of Reading and Writing": (7-1-99)T

b. Measures of student performance. (7-1-99)T

05. Authentic. Something that is meaningful because it reflects or engages the real world. An "authentic task" asks students to do something they might really have to do in the course of their lives, or to apply certain knowledge or skills to situations they might really encounter. (7-1-99)T

06. Basic Educational Skills Training. Instruction in basic skills toward the completion/attainment of a certificate of mastery, high school diploma, or GED. (7-1-99)T

07. Classic Texts. Literary or other works (e.g., films, speeches) that have been canonized, either continuously or intermittently, over a period of time beyond that of their initial publication and reception. (7-1-99)T

08. Context (Of A Performance Assessment). The surrounding circumstances within which the performance is embedded. For example, problem solving can be assessed in the context of a specific subject (such as mathematics) or in the context of a real-life laboratory problem requiring the use of mathematics, scientific, and communication skills. (7-1-99)T

09. Cooperative Work Experience. Classroom learning is integrated with a productive, structured work experience directly related to the goals and objectives of the educational program. Schools and participating businesses cooperatively develop training and evaluation plans to guide and measure the progress of the student. School credit is earned for successful completion, and the work may be paid or unpaid. Cooperative work experiences are also known as co-operative education or co-op. (7-1-99)T

10. Criteria. Guidelines, rules or principles by which student responses, products, or performances, are judged. What is valued and expected in the student performance, when written down and used in assessment, become rubrics or scoring guides. (7-1-99)T

11. Cues. Various sources of information used by readers to construct meaning. The language cueing

systems include the graphophonic (also referred to as graphophonemic) system, which is the relationship between oral and written language (phonics); the syntactic system, which is the relationship among linguistic units such as prefixes, suffixes, words, phrases, and clauses (grammar); and semantic system, which is the study of meaning in language. Reading strategies and language cueing systems are also influenced by pragmatics-the knowledge readers have about the ways in which language is understood by others in their culture. (7-1-99)T

12. Decode. (7-1-99)T

a. To analyze spoken or graphic symbols of a familiar language to ascertain their intended meaning. (7-1-99)T

b. To change communication signals into messages, as to decode body language. (7-1-99)T

13. Emergent Literacy. Development of the association of print with meaning that begins early in a child's life and continues until the child reaches the stage of conventional reading and writing. (7-1-99)T

14. Employability Skills. Work habits and social skills desirable to employers, such as responsibility, communication, cooperation, timeliness, organization, and flexibility. (7-1-99)T

15. Entry-Level Skills. The minimum education and skill qualifications necessary for obtaining and keeping a specific job; the starting point in a particular occupation or with a certain employer. (7-1-99)T

16. Evaluation (Student). Judgment regarding the quality, value, or worth of a response, product, or performance based on established criteria, derived from multiple sources of information. Student evaluation and student assessment are often used interchangeably. (7-1-99)T

17. Experiential Education (Application). Experiential education is a process through which a learner constructs knowledge, skill, and value from direct experiences. (7-1-99)T

18. Exploratory Experience (Similar To A Job Shadow). An opportunity for a student to observe and participate in a variety of worksite activities to assist in defining career goals. An in-school exploratory experience is a school-based activity that simulates the workplace. (7-1-99)T

19. Fluency. The clear, rapid, and easy expression of ideas in writing or speaking; movements that flow smoothly, easily, and readily. (7-1-99)T

20. Genre (Types Of Literature). A category used to classify literary and other works, usually by form, technique, or content. Categories of fiction such as mystery, science fiction, romance, or adventure are considered genres. (7-1-99)T

21. Graphophonic/Graphophonemic. One (1) of three (3) cueing systems readers use to construct texts; the relationships between oral and written language (phonics). (7-1-99)T

213. DEFINITIONS H – S.

01. Interdisciplinary Or Integrated Assessment. Assessment based on tasks that measures a student's ability to apply concepts, principles, and processes from two (2) or more subject disciplines to a project, issue, or problem. (7-1-99)T

02. Narrative. Text in any form (print, oral, or visual) that recounts events or tells a story. (7-1-99)T

03. Norm-Referenced Assessment. Comparing a student's performance or test result to performance of other similar groups of students; (e.g., he typed better than eighty percent (80%) of his classmates.) (7-1-99)T

04. On-Demand Assessment. Assessment that takes place at a predetermined time and place. Quizzes, state tests, SATs, and most final exams are examples of on-demand assessment. (7-1-99)T

05. Performance Assessment. Direct observation of student performance or student work and professional judgment of the quality of that performance. Good quality performance assessment has pre-established performance criteria. (7-1-99)T

06. Performance-Based Assessment. The measurement of educational achievement by tasks that are similar or identical to those that are required in the instructional environment, as in performance assessment tasks, exhibitions, or projects, or in work that is assembled over time into portfolio collections. (7-1-99)T

07. Performance Criteria. A description of the characteristics that will be judged for a task. Performance criteria may be holistic, analytic trait, general or specific. Performance criteria are expressed as a rubric or scoring guide. Anchor points or benchmark performances may be used to identify each level of competency in the rubric or scoring guide. (7-1-99)T

08. Phonics. Generally used to refer to the system of sound-letter relationships used in reading and writing. Phonics begins with the understanding that each letter (or grapheme) of the English alphabet stands for one (1) or more sounds (or phonemes). (7-1-99)T

09. Portfolio. A collection of materials that documents and demonstrates a student's academic and work-based learning. Although there is no standard format for a portfolio, it typically includes many forms of information that exhibit the student's knowledge, skills, and interests. By building a portfolio, students can recognize their own growth and learn to take increased responsibility for their education. Teachers, mentors, and employers can use portfolios for assessment purposes and to record educational outcomes. (7-1-99)T

10. Print Awareness. In emergent literacy, a learner's growing awareness of print as a system of meaning, distinct from speech and visual modes of representation. (7-1-99)T

11. Proficiency. Having or demonstrating a high degree of knowledge or skill in a particular area. (7-1-99)T

12. School-To-Work Transition. A restructuring effort that provides multiple learning options and seamless integrated pathways to increase all students' opportunities to pursue their career and educational interests. (7-1-99)T

13. Service Learning. Combining service with learning activities to allow students to participate in experiences in the community that meet actual human needs. Service learning activities are integrated into the academic curriculum and provide structured time for a student to think, talk, or write about what was done or seen during the actual service activity. Service learning provides students with opportunities to use newly acquired skills and knowledge in real-life situations in their communities, and helps foster the development of a sense of caring for others. (7-1-99)T

14. Skill Certificate. Portable, industry-recognized credential that certifies the holder has demonstrated competency on a core set of performance standards related to an occupational cluster area. Serving as a signal of skill mastery at benchmark levels, skill certificates may assist students in finding work within their community, state, or elsewhere. A National Skills Standards Board is presently charged with issuing skill voluntary standards in selected occupations based on the result of research and development work completed by 22 contractors. (7-1-99)T

15. Standards. Statements about what is valued in a given field, such as English language arts, and/or descriptions of what is considered quality work. See content standards, assessment standards, and performance standards. (7-1-99)T

16. Standardization. A set of consistent procedures for constructing, administering and scoring an assessment. The goal of standardization is to ensure that all students are assessed under uniform conditions so the interpretation of performance is comparable and not influenced by differing conditions. Standardization is an important consideration if comparisons are to be made between scores of different individuals or groups. (7-1-99)T

17. Standards-Based Education. Schooling based on defined knowledge and skills that students must

attain in different subjects, coupled with an assessment system that measures their progress. (7-1-99)T

18. Structured Work Experience. A competency-based educational experience that occurs at the worksite but is tied to the classroom by curriculum through the integration of school-based instruction with worksite experiences. Structured work experience involves written training agreements between school and the worksite, and individual learning plans that link the student's worksite learning with classroom course work. Student progress is supervised and evaluated collaboratively by school and worksite personnel. Structured work experience may be paid or unpaid; may occur in a public, private, or non-profit organization; and may or may not result in academic credit and/or outcome verification. It involves no obligation on the part of the worksite employer to offer regular employment to the student subsequent to the experience. (7-1-99)T

19. Student Learning Goals (Outcomes). Statements describing the general areas in which students will learn and achieve. Student learning goals typically reflect what students are expected to know by the time they leave high school, such as to read and communicate effectively; think critically and solve problems; develop positive self-concept, respect for others and healthy patterns of behavior; work effectively in groups as well as individually; show appreciation for the arts and creativity; demonstrate civic, global and environmental responsibility; recognize and celebrate multicultural diversity; exhibit technological literacy; have a well developed knowledge base which enhances understanding and decision making, and demonstrate positive problem solving and thinking skills. (7-1-99)T

214. DEFINITIONS T – Z.

01. Tech Prep/Associate Degree (TPAD) Program. A program with a planned sequence of competency-based studies articulated between secondary and post-secondary institutions, leading to an apprenticeship, certificate, associate degree, or four-year college degree. It provides technical preparation in at least one (1) field and builds student competence in the application of mathematics, science, communications, and workplace skills. (7-1-99)T

02. Technology Education. A curriculum for elementary, middle, and senior high schools that integrates learning about technology (e.g., transportation, materials, communication, manufacturing, power and energy, and biotechnology) with problem-solving projects that require students to work in teams. Many technology education classrooms and laboratories are well equipped with computers, basic hand tools, simple robots, electronic devises, and other resources found in most communities today. (7-1-99)T

03. Total Quality Management. A systematic approach to standardizing and increasing the efficiency or internal systems and processes, whether in a business or a school, using statistical and management tools for continuous improvement. Emphasis is on documenting effective processes, committing to meet customers' needs and sharing decision making. (7-1-99)T

04. Transferable Skills. Skills that are inter-changeable among different jobs and workplaces. For example, the ability to handle cash is a skill one could use as both a restaurant cashier and a bank teller, the ability to problem solve or work as a team member is transferable among most jobs and workplaces. (7-1-99)T

05. 2+2 or 4+2. A planned, streamlined sequence of academic and vocational technical courses which eliminates redundancies between high school and community college curricula: 2+2 is high school years eleven (11) and twelve (12) and community college years thirteen (13) and fourteen (14); 4+2 is high school years nine (9), ten (10), eleven (11), and twelve (12) and community college years thirteen (13) and fourteen (14). (7-1-99)T

06. Vocational Education. "Formal preparation for semi-skilled, skilled, technical, or paraprofessional occupations, usually below the BA level." (Thesaurus of ERIC Descriptors). There are several variations on this term. Idaho uses "vocational education," Oregon "professional-technical education," and Washington "vocational-technical." (7-1-99)T

07. Writing Process. The many aspects of the complex act of producing written communication; specifically, planning, drafting, revising, editing, and publishing. (7-1-99)T

08. Word Recognition. (7-1-99)T

a. The quick and easy identification of the form, pronunciation, and appropriate meaning of a work previously met in print or writing; (7-1-99)T

b. The process of determining the pronunciation and some degree of meaning of a word in written or printed form. (7-1-99)T

215. ABBREVIATIONS.

01. Language Arts/Communications. (7-1-99)T

a. ICTE. Idaho Council of Teachers of English. (7-1-99)T

b. NCTE. National Council of Teachers of English. (7-1-99)T

c. IRA. International Reading Association. (7-1-99)T

d. ICIRA. Idaho Council of the International Reading Association. (7-1-99)T

02. Science Committee Acronyms. (7-1-99)T

a. NSTA. National Science Teachers Association. (7-1-99)T

b. ISTA. Idaho Science Teachers Association. (7-1-99)T

c. AAAS. American Association for the Advancement of Science. (7-1-99)T

d. NRC. National Research Council. (7-1-99)T

216. GLOSSARY OF MATHEMATICAL TERMS.

01. Appropriate Technology. May include paper and pencil, graph paper, simple calculators, graphing calculators, computers with spreadsheets, or even specialized mathematics software such as Geometer's Sketchpad or Maple. It is the decision of school districts and teachers to determine which tools are most appropriate for both instruction and application. (7-1-99)T

02. Arithmetic Operations. Basic operations on numbers, including addition, subtraction, multiplication, division, and exponentiation (raising a number to a power). (7-1-99)T

03. Function. One of the most important and fundamental concepts in mathematics. Functions have inputs (domain values) and transform these inputs into unique outputs (range values). The function is the process or rule that accomplishes this transformation. Functions may be described by: (7-1-99)T

a. Tables of values, such as a table of heights with associated idealized weights. (7-1-99)T

b. Graphs, such as a chart depicting a company's daily closing stock price over the last year. (7-1-99)T

c. Calculator function buttons, where the domain (input) value is the number keyed in, the function is performed by the circuitry in a chip, and the range (output) value is the number read in the display after pressing the function button. (7-1-99)T

d. Spreadsheet functions, where the domain (input) value is the content of the cell referenced, the function is the subprogram that actually performs the computation, and the range (output) value is the number that is computed. (7-1-99)T

e. An explicit formula, such as the squaring function " $f(x)=x^2$ " which takes any input "x" and

transforms it by multiplying "x" by itself. (7-1-99)T

04. The Language Of Algebra. Algebra is that branch of mathematics dealing with the study of number systems. The common number systems include the natural numbers, the integers (includes zero and the negatives of the counting numbers), the rational numbers (fractions), the real numbers (decimals), and the complex numbers (like $2 - 4i$). Algebra uses letters and other symbols to describe general properties of numbers, to specify conditions placed on them, or to describe relationships between them. (7-1-99)T

05. Linear Equation. An equation, in which the variables (unknowns) occur only to the first power, multiplied only by constants. For example, the equations:

$$4x - 3 = \sqrt{2} \quad \text{and} \quad \frac{1}{2}x - 7y = 11$$

are linear in one (1) and two (2) variables respectively, while: $x^2 + 5x + 7 = 0$ and $xy = 1$ are nonlinear equations. A linear equation in two (2) variables has a graph that is a straight line in the coordinate plane. A linear equation in three (3) variables has a graph which is a plane in 3-space. (7-1-99)T

06. Linear Programming. A mathematical technique to solve optimization problems involving linear objective functions (such as maximizing profit or minimizing cost) subject to linear inequality constraints (such as amount of ingredients available, the relative proportions used, and relative costs). (7-1-99)T

07. Linear System. A system of more than one (1) equation or inequalities, each using the same variables, and each linear. A solution to the system is any assignment of values to the variables that makes every equation or inequality simultaneously true. The complete solution is the set of all possible solutions. (7-1-99)T

08. Mathematical Model. Equations, inequalities, functions, or other mathematical expressions that model a real-world process. Realistic mathematical models are increasingly important in the modern world, especially with the increased use of powerful computers. Many processes, which formerly could only be studied by expensive laboratory experiments, can now be studied as realistic mathematical models. (7-1-99)T

09. Mean, Median, And Mode. Three (3) common ways to measure the center of a set of numerical data. The mean is the arithmetic average of the data. The median is the middle value of the sorted data set with an odd number of items or the average of the middle two (2) values when the data contains an even number of items. The mode is the most common data value, if it exists. Of the three (3), the mean and median are more useful and frequently used. In any particular application, whether the mean or median is more appropriate depends on the data set and the intended use. (7-1-99)T

10. Order Of Operations. The commonly accepted rules used for reading algebraic expressions or evaluating arithmetic expressions. (7-1-99)T

a. Evaluate expressions inside parentheses first. (7-1-99)T

b. Within the same level of parentheses: (7-1-99)T

i. Evaluate exponents first; (7-1-99)T

ii. Evaluate products and/or quotients next; (7-1-99)T

iii. Evaluate sums and/or differences last. (7-1-99)T

c. Examples: $2 * 3^2 + 4 = 22$, $2(3^2 + 4) = 2 * 13 = 26$, $(2 * 3)^2 + 4 = 6^2 + 4 = 40$. (7-1-99)T

11. Probability. (7-1-99)T

a. The branch of mathematics dealing with chance. The experimental model is one (1) illustration of

probability. Imagine an experiment with outcomes. An event is a collection of outcomes. The probability of an event is the proportion of the experiments that result in an outcome in the event. The probability of an event is always a number between zero (0) and one (1). Events with probabilities near one (1) are very likely to occur, while those with probabilities near zero (0) are very unlikely. (7-1-99)T

b. Example. To estimate the probability that a randomly selected, adult American female is between sixty (60) inches and sixty-six (66) inches tall, select an adult American female at random and measure her height. If one thousand (1,000) women are selected and measured, the probability would be the proportion of the experiments that selected a woman between those heights. (7-1-99)T

12. Pythagorean Theorem. A theorem from Euclidean geometry about right triangles. The hypotenuse of a right triangle is the side opposite the right angle. The legs are the other two (2) sides. The theorem states that the square of the hypotenuse is the sum of the squares of the legs. (7-1-99)T

13. Quadratic Equation. An equation, which can be reduced to the form $ax^2 + bx + c = 0$, with a , b , and c constants, where a does not equal 0. (7-1-99)T

14. Scaling Factor. The ratio between the corresponding dimensions of two (2) figures of the same shape. (7-1-99)T

15. Statistics. The branch of mathematics dealing with collecting, analyzing, and reasoning from data. The process may involve collecting all of the possible data (a census), or it may involve collecting a subset or sample of the data. The analysis may involve organizing, condensing, calculating summary measurements (statistics), or constructing graphical displays. These descriptive tools help draw conclusions about the real world from which the data originated. When appropriate, probability models provide the framework for attaching a measure of confidence to the conclusions. (7-1-99)T

16. Standard Deviation. A measure of the spread of a set of numerical data. If a data set has a relatively large standard deviation, then the data is very spread out. If the standard deviation is small, the data is highly clustered. (7-1-99)T

17. Tolerance. The acceptable range of accuracy of a measurement, or the allowable error in a given measurement. (7-1-99)T

250. MATHEMATICS STANDARDS.

The language of mathematics is a powerful tool for exploring, explaining, and understanding the universe. Proficiency in using mathematics is vital to citizens of an increasingly technological society. When students exit high school they will be able to use mathematics to solve problems in real world situations. Students will apply mathematics across disciplines, using appropriate technology in applying and communicating their strategies and solutions. Appropriate technology may include paper and pencil, graph paper, simple calculators, graphing calculators, computers and spreadsheets, or specialized software. A glossary of mathematical terms can be found in Section 216.

Note. The samples associated with the content standards are meant to illustrate meaning and to represent possible areas of application. They are not intended to be an exhaustive list, but are samples of applications that would demonstrate learning. (7-1-99)T

251. BASIC ARITHMETIC, ESTIMATION, AND ACCURATE COMPUTATIONS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand and use numbers.	a. Understand and use positive and negative numbers, fractions, decimals, percentages, and scientific notations.	i. Use positive and negative numbers (credits and debits) in accounting. ii. Use fractions when mixing solutions, in measuring with a ruler, or in recipes. iii. Use decimals in computing gas mileage or in measuring with a micrometer. iv. Use percentages when computing sales tax, tips, or commissions. v. Use scientific notation when working with very large or small numbers, such as distance in outer space or microscopic scales.
	b. Understand properties of the real number system.	i. Analyze real number relationships based on the position of numbers on a number line (e.g., using relative magnitude, absolute value). ii. Explain why the set of even numbers is closed under addition and the set of odd numbers is not.
	c. Understand properties of roots, exponents, and logarithms.	i. Plot exponential growth using log-scale graph paper.
	d. Use number theory concepts (e.g., divisibility rules, factors, multiples, primes) to solve problems.	i. Find the largest size square tile that you could use to tile two rooms of different dimensions using only whole tile.
02. Perform computations accurately.	a. Use the proper order of operations. Perform operations with real numbers.	i. Use mental math to determine correct change. ii. Balance a checkbook. iii. Find the average of a set of data.
	b. Use graphs, matrices, and sequences to represent and solve problems.	i. Compute compound interest from the number of compounding periods, principal, and annual interest rate. ii. Use a matrix to adjust a recipe for six to serve crowds of 20, 30, and 40.
03. Estimate and judge reasonableness of results.	a. Apply number sense to every day situations.	i. Estimate how much lumber you need to build a deck. ii. Estimate how much you can afford to borrow on a loan given the interest rate. iii. Estimate driving time to a given destination.

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252. MATHEMATICAL REASONING AND PROBLEM SOLVING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand and use a variety of problem-solving skills.	a. Use a variety of methods, including common mathematical formulas, to solve problems drawn from daily life.	i. Determine the payment required on a loan. ii. Compute the amount of wallpaper, paint, or curtains needed in your kitchen, bath or bedroom. iii. Determine the amount of paint needed to paint a house.
02. Use reasoning skills to recognize problems and express them mathematically.	a. Use inductive and deductive reasoning to set up a problem.	i. Write a paragraph explaining a solution to a problem.
	b. Use logic to make mathematical proofs.	i. Prove a corner is square using the Pythagorean Theorem.
	c. Make and evaluate logical arguments.	i. Explain why it is not possible to divide by zero.
03. Apply appropriate technology and models to find solutions to problems.	a. Understand the purpose and capabilities of appropriate technology.	i. Use graphing calculators to fit curves to data. ii. Use computers for manufacturing process control.
	b. Understand the nature and use of mathematical models.	i. Set up a spreadsheet to model financial or statistical problems.
04. Communicate results using appropriate terminology and methods.	a. Select the appropriate means to communicate mathematical information.	i. Create charts or graphs to represent demographic data. ii. Plot the graph of a function based on experimental data. iii. Use a control chart to determine whether a change is needed in a manufacturing process. iv. Determine whether a table, pie chart, or bar graph best communicates a set of data.

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253. CONCEPTS AND PRINCIPLES OF MEASUREMENT.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand and use customary and metric measurements.</u>	<u>a. Determine length, area, capacity, weight, time, and temperature, with appropriate units.</u>	<u>i. Measure the length of a board to the nearest sixteenth of an inch.</u> <u>ii. Determine the volume of an aquarium in liters.</u>
<u>02. Apply concepts of rates and other derived or indirect measurements.</u>	<u>a. Understand equivalent units, comparable units, and conversions.</u>	<u>i. Compute speed such as kilometers per hour.</u> <u>ii. Compute gas consumption in miles per gallon.</u> <u>iii. Calculate snow load on a roof in pounds per square foot.</u> <u>iv. Compute the percentage of body fat.</u>
<u>03. Apply the concepts of ratios and proportions.</u>	<u>a. Understand and use proportions, ratios, and scaling.</u>	<u>i. Build and use scale models.</u> <u>ii. Determine distance from map scale.</u> <u>iii. Determine the mechanical advantage of levers or gears.</u> <u>iv. Calculate size limitations based on strength of materials.</u> <u>v. Calculate amounts of concentrated ingredients needed for a specified mixture.</u>
<u>04. Apply dimensional analysis.</u>	<u>a. Understand units and their relationship to one another and to real world applications.</u>	<u>i. Check reasonableness of a calculation based on the resulting units.</u> <u>ii. Convert miles per hour to seconds per mile.</u>
<u>05. Perform error analysis.</u>	<u>a. Understand tolerance, precision, and their applications.</u>	<u>i. Explain how the error in computing the area of a rectangle depends on the errors in measuring its length and width.</u> <u>ii. Calculate error introduced by uncalibrated laboratory equipment.</u>
	<u>b. Understand that error accumulates in a computation when there is rounding at intermediate steps.</u>	<u>i. Determine the amount of money lost by a restaurant if portions are too large.</u>

(7-1-99)T

254. CONCEPTS AND LANGUAGE OF ALGEBRA.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Use algebraic symbolism as a tool to represent mathematical relationships.	a. Understand and use variables, expressions, equations and inequalities.	i. Represent FICA as a percentage of gross salary. ii. Model voltage, current, and resistance in electrical circuits. iii. Express the formula for determining the amount of concentrate needed to make a diluted solution.
02. Evaluate algebraic expressions.	b. Understand and use procedures for operating on algebraic expressions.	i. Calculate gas mileage from distance traveled and gallons used. ii. Determine sales tax plus tip to compute the final bill in a restaurant. iii. Determine the monthly payment on a loan given the amount borrowed, term, and interest rate. iv. Find the value of an annuity given the payment, interest rate, and number of years.
03. Solve algebraic equations and inequalities.	a. Understand and use appropriate procedures to solve linear equations and inequalities such as $3x - 4 = 2$ or $3x - 4 > 2$	i. Convert temperatures between Fahrenheit and Celsius. ii. Determine the rate per kilowatt-hour in a utility bill given the amount charged and kWh used for two data points. iii. Solve time-rate-distance problems.
	b. Use appropriate procedures to simplify and solve polynomial equations and inequalities such as $x^2 + 3x = 7$ or $x^2 + 3x < 7$	i. Solve braking and acceleration problems for automobiles. ii. Find trajectories for falling objects such as baseballs or arrows. iii. Determine how area scales in relation to side length.
04. Solve simple linear systems of equations or inequalities.	a. Understand and use appropriate procedures to solve simple linear systems of equations and inequalities such as $x + y = 7$ $2x + 3y = 21$ or $x + y < 7$ $2x + 3y > 21$	i. Do break-even analysis given linear supply and demand. Solve mixture problems. ii. Use linear programming to find feasible regions for manufacturing processes.

(7-1-99)T

255. CONCEPTS AND PRINCIPLES OF GEOMETRY.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Apply concepts of size, shape, and spatial relationships.</u>	a. <u>Understand congruence and similarity as they apply to reflection, rotation, and translation.</u>	i. <u>Determine the amount of carpet needed for an irregularly shaped room.</u> ii. <u>Determine the amount of concrete needed for a foundation or driveway.</u> iii. <u>Determine how to lay out the pieces when making a quilt.</u>
	b. <u>Understand scaling as it relates to size variations in one, two, and three-dimensional objects, while shape is maintained.</u>	i. <u>Create scale models of buildings.</u> ii. <u>Create a drawing to scale of a geometric figure.</u>
02. <u>Apply the geometry of right triangles.</u>	a. <u>Understand the basic concepts of right triangle trigonometry (e.g., basic trigonometry ratios such as sine, cosine, and tangent).</u>	i. <u>Find the center of a circle using inscribed right triangles.</u> ii. <u>Define the tangent, sine, and cosine ratios for an acute angle in a right triangle.</u>
	b. <u>Use trigonometric ratio methods to solve problems.</u>	i. <u>Determine the pitch of a roof from its width and the length of the rafters.</u> ii. <u>Measure the height of a tree from the length of its shadow using elementary trigonometry.</u>
	c. <u>Know and apply the Pythagorean Theorem to solve real world problems.</u>	i. <u>Determine whether a corner is square using the "3-4-5" right triangle.</u>
03. <u>Apply graphing in two dimensions.</u>	a. <u>Understand concepts of the Cartesian Coordinate System.</u>	i. <u>Graph linear equations and inequalities.</u> ii. <u>Rotate solutions to inequalities using a graphing calculator.</u> iii. <u>Represent experimental data with graphs.</u> iv. <u>Use computer assisted drafting and design.</u>
	b. <u>Understand the characteristics and uses of vectors.</u>	i. <u>Determine the relative velocity of boat moving upstream in a river.</u> ii. <u>Determine the force necessary to prevent a barrel from rolling down an incline.</u>

(7-1-99)T

256. DATA ANALYSIS, PROBABILITY, AND STATISTICS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand data analysis.</u>	<u>a. Read and interpret tables, charts, and graphs (e.g., scatter plots, line graphs, 3-dimensional graphs, and pie charts).</u>	<u>i. Analyze and interpret bar graphs and pie charts in magazines or newspapers.</u> <u>ii. Use topographical maps.</u> <u>iii. Choose the line of best fit from a scatter plot of heights and weights.</u>
<u>02. Collect, organize, and display data.</u>	<u>a. Collect and organize data, and display the data in tables, charts, and graphs (e.g., scatter diagrams, frequency tables, bar graphs, or pie charts).</u>	<u>i. Conduct a survey of product preferences.</u> <u>ii. Collect data for surveying land.</u> <u>iii. Represent demographic data graphically.</u> <u>iv. Collect and display data for a financial audit.</u>
<u>03. Apply simple statistical measurements.</u>	<u>a. Understand basic statistical concepts including mean (average), median, mode, range, and standard deviation.</u>	<u>i. Compute average grade in a class.</u> <u>ii. Explain the differences between the mean and median prices of new homes.</u> <u>iii. Understand how standard deviation applies to quality control.</u>
<u>04. Understand basic concepts of probability.</u>	<u>a. Understand experimental and theoretical probability.</u>	<u>i. Analyze card games, dice games, and lotteries as chance events.</u>
	<u>b. Distinguish between independent and dependent events.</u>	<u>i. Determine the probability of having an accident using past accident data.</u>
	<u>c. Know that probability ranges from 0% to 100%. Understand randomness and chance.</u>	<u>i. Explain what the weatherman means by “35% chance of rain tomorrow”.</u>
<u>05. Make predictions or decisions based on data.</u>	<u>a. Use appropriate technology to employ simulation techniques, curve fitting, correlation, and graphical models to make predictions or decisions based on data.</u>	<u>i. Predict population trends using mathematical models.</u> <u>ii. Predict economic trends from economic models.</u>
	<u>b. Design, conduct, and interpret results of statistical experiments.</u>	<u>i. Predict a team's final win/loss record at mid-season.</u> <u>ii. Use data from a manufacturing process to determine whether the process is out of control.</u>
	<u>c. Analyze the effect of biased data on statistical predictions.</u>	<u>i. Select a non-random sample from a student population and examine inherent bias.</u>

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257. FUNCTIONS AND MATHEMATICAL MODELS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the concept of functions.	a. Solve problems that involve varying quantities with variables, expressions, equations, inequalities, and absolute values.	i. Explain how a power bill depends on the amount of electricity used. ii. Explain how the amount of the sales tax depends on the cost of an item. iii. Identify domain and range in an income tax table.
02. Represent equations, inequalities and functions in a variety of formats.	a. Represent a set of data in a table, as a graph, and as a mathematical relationship.	i. Use function formulas with paper and pencil, program function formulas into graphing calculators, or input function formulas into spreadsheets. ii. Display function graphs on graph paper, graphing calculators, or computer displays. iii. Display experimental data in a table.
03. Apply functions to a variety of problems.	a. Model real-world phenomena using polynomial, rational, and basic exponential functions, noting restricted domains.	i. Represent revenue as a function of items sold. ii. Model crop yield as a function of fertilizer used. iii. Illustrate velocity as a function of time. iv. Model gross income as a function of years of education. v. Investigate the growth of a population versus the birthrate.

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258. -- 299. (RESERVED).

300. SOCIAL STUDIES STANDARDS.

The social studies standards are organized around the three (3) social studies courses currently required by the state of Idaho for high school graduation. These fields of study are economics (one (1) credit), U.S. History (two (2) credits), and government (two (2) credits). Standards for Critical Thinking and Analytical Skills as well as standards for Evolution of Democracy are listed separately and intended to apply to all social studies courses.

Note: The samples associated with the content standards are meant to illustrate meaning and to represent possible areas of application. They are not intended to be an exhaustive list, but are samples of applications that would demonstrate learning.

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301. CRITICAL THINKING AND ANALYTICAL SKILLS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Acquire critical thinking and analytical skills.	a. Use analytical skills for reasoning, research, and reporting including interpretation of maps, charts, graphs, timelines and works of art.	i. Differentiate between information presented as fact and that presented as interpretation. ii. Compare, contrast, and evaluate differing interpretations of issues. iii. Identify an issue, gather and evaluate data, and support a position with appropriate evidence.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	b. Evaluate and interpret points-of-view using primary and secondary sources.	i. Explore an issue or event through a comparison of primary and secondary sources. ii. Explain how data and experiences may be interpreted differently by people from diverse cultural perspectives and frames of reference. iii. Use three types of sources to gather information on a current topic in Idaho.
	c. Chronologically organize significant events and people in United States history into major eras and themes to identify and explain historical relationships.	i. Distinguish among past, present and future times. ii. Use timelines to identify and explain historical relationships.

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302. EVOLUTION OF DEMOCRACY.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the evolution of democracy.	a. Describe the origins of democratic tradition in western civilization.	i. Compare a New England town meeting with Athenian Democracy. ii. Compare the English Glorious Revolution to the American Revolution. iii. Identify John Locke’s influence on the American Declaration of Independence.
	b. Identify the tensions associated with the definitions of American democracy.	i. Organize a mock debate between Thomas Jefferson and Alexander Hamilton. ii. Organize a mock debate between John Calhoun and Andrew Jackson and/or Abraham Lincoln. iii. Organize a mock debate between Franklin D. Roosevelt and Ronald Reagan.
	c. Analyze the struggles for the extension of civil rights.	i. Identify the origins and results of the civil rights movements of the 1950s and 1960s. ii. Trace the history of the women’s movement from the Seneca Falls Convention 1848 to the present. iii. Organize a timeline of government policies in relation to Native Americans. iv. Evaluate the role of the Supreme Court in the extension of civil rights.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	d. <u>Analyze and evaluate states’ rights disputes past and present.</u>	i. <u>Compare and contrast the Articles of Confederation to the United States Constitution.</u> ii. <u>Explore interpretations of the causes of the Civil War.</u> iii. <u>Organize a mock debate between George Wallace and John F. Kennedy.</u> iv. <u>Explore the land use disputes between the federal government and the states.</u>
	e. <u>Provide and evaluate examples of social and political leadership in American history.</u>	i. <u>Define, identify, and evaluate the role of heroism in American history.</u> ii. <u>Compare and contrast leadership styles and contributions of United States presidents.</u>

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303. -- 309. (RESERVED).

310. ECONOMICS.

These standards of economic instruction are meant to prepare high school students for entry into the workforce and entrepreneurship as well as for post-secondary education. The elements of economics transcend several disciplines of study. The analytical study of the unique issues of economics will enable students to understand and appreciate the forces that affect them every day -- at home, in the workplace, in the boardroom, and in the halls of government. The key skills students must develop in economics include: an ability to identify and analyze domestic and global economic problems and alternatives; collect, quantify and organize economic evidence; compare benefits and costs; recognize the essential structure of business; and investigate the consequences of change in economic conditions and public policies. The skills learned in economics will allow students to recognize their multiple roles as consumers, business people, and workers, enabling them to reason logically and to avoid the common errors made by individuals who do not understand sound economic principles and responsible personal financial management. (7-1-99)T

311. FUNDAMENTALS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Understand basic economic concepts.</u>	a. <u>Define scarcity and explain its implications in decision making.</u>	i. <u>Identify what consumers and/or societies gain and give up when they make choices.</u>
	b. <u>Know ways in which the interaction of all buyers and sellers influence prices.</u>	i. <u>Predict how prices will change when there is either a shortage or a surplus of product availability.</u> ii. <u>Identify markets in which high school students participate as consumers.</u>
	c. <u>Define credit and debt and explain their effects.</u>	i. <u>Explore the costs and/or benefits of borrowing money at a governmental, business, or personal level.</u>
	d. <u>Identify the incentives that determine what is produced and distributed in a competitive market system.</u>	i. <u>Analyze the impact of an increase in the minimum wage, a new tax policy, or a change in interest rates.</u>

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	e. Describe the concept of interest and explain how interest rates are determined.	i. Calculate the payment of interest for loans and other credit. ii. Calculate interest earnings on savings and investments. iii. Explain how fluctuations in the marketplace and government policy affect interest rates.
	f. Compare and contrast free market and controlled economies of various nations and eras.	i. Identify and compare the United States economic systems with those of other nations and eras. ii. Evaluate different methods of allocating goods and services by comparing the benefits and costs of each method.
	g. Apply economic concepts to explain the role of imports/exports both nationally and internationally.	i. Identify barriers to trade and how they affect both domestic and international trade policies. ii. Identify and compare free trade agreements.

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312. CONCEPT OF MONEY.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the concept of money.	a. Analyze the role of money as a medium of exchange.	i. Compare a money system with a bartering system.
	b. Explain how money derives its value.	i. Analyze and evaluate sample budgets. ii. Study examples of hyperinflation and/or devaluation.

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313. INFLUENCES.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand there are many influences on economic systems.	a. Explain the impact of culture, values and belief systems on economic systems.	i. Explore the influences the computer has on the economic system. ii. Analyze and evaluate the relationship between labor and management. iii. Compare and contrast cultural values as they affect spending patterns.
	b. Explain and illustrate environmental and geographical impacts on economic policies and decisions made by federal, state, regional, and local officials.	i. Analyze the effects of natural disasters and weather patterns on economic decisions. ii. Describe the economic diversity of a state or nation as determined by geography.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. Describe and illustrate the impact of <u>governmental policies and decisions on economic systems.</u>	i. Investigate how the Federal Reserve system <u>influences economy.</u> ii. Trace the impact of a law or regulation on the economy. iii. Evaluate a State of the Union and/or a State of the <u>State address for its economic impact.</u>

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314. ECONOMIC INSTITUTIONS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Know the different <u>types of economic institutions and understand how they differ from one another.</u>	a. Know the characteristics of various <u>types of business structures.</u>	i. Compare and contrast a sole proprietorship and <u>a corporation.</u> ii. Classify various businesses in the community by type. iii. Compare the role of a non-profit organization to that of <u>a for-profit business.</u>
	b. Identify the business characteristics <u>of an entrepreneur.</u>	i. Research and write a biography of an entrepreneur. ii. Explore how a person starts a business. iii. Identify the risks and returns of owning your own <u>business.</u>
	c. Identify the role of the stock <u>market.</u>	i. Develop a mock stock market game. ii. Describe how the stock creates capital for businesses. iii. Evaluate and monitor stock values.
	d. Explain the role of banking <u>institutions.</u>	i. Differentiate among various types of banking services. ii. Identify and research the services of a local banking <u>institution.</u>
	e. Explain the purposes of labor <u>unions.</u>	i. Differentiate between adversarial and interest-based <u>bargaining.</u> ii. Evaluate collective bargaining in sports.

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315. PERSONAL FINANCE.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the concepts of good personal finance.	a. Examine and apply the elements of responsible personal fiscal management.	i. Create and evaluate a personal budget. ii. Balance a checkbook and reconcile a savings account statement. iii. Read and complete a loan and credit card application. iv. Read and analyze a loan or credit card agreement. v. Calculate the true cost of credit. vi. Differentiate between contingent liability and an asset. vii. Evaluate the benefits and risks of investments.
	b. Identify and evaluate sources and examples of consumers' responsibilities and rights.	i. List responsibilities and rights found in a contract. ii. Investigate the implications of limited rights of cancellation for Idaho consumers. iii. Collect information regarding Federal and Idaho consumer protection laws.
	c. Define the concept of taxation as applied to personal finances.	i. Demonstrate the ability to select and complete appropriate tax forms.

(7-1-99)T

316. -- 319. (RESERVED).

320. GOVERNMENT/CIVICS.

The goal of education in government and civics is informed, responsible participation in political life by competent citizens committed to the fundamental values and principles upon which American society is based. Ultimately, a free society must rely on the knowledge, skills, and virtue of its citizens and those elected to public office. Civic education, therefore, is essential to the preservation and improvement of American representative government.

"I know of no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion." Thomas Jefferson (1820).

(7-1-99)T

321. CIVIC LIFE, POLITICS AND GOVERNMENT.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the relationship between civic life, politics, and government.	a. Know the definition of politics and identify the interrelationship between politics and government.	i. Analyze a current issue and explain the relationship between public opinion and public policy. ii. Read and evaluate George Washington's Farewell Address. Analyze the politics of recent school elections.
	b. Explain how the United States is governed by a system of laws.	i. Read and analyze the Supremacy Clause. ii. Explore the tension between the rule of law and the right to question authority in a democratic system.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. Know the different forms of government.	i. Compare and contrast a republic to a direct democracy. ii. Analyze a parliamentary system.

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322. FOUNDATIONS OF THE AMERICAN POLITICAL SYSTEM.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the foundations and principles of the American political system.	a. Describe the origins of constitutional law in western civilization.	i. Identify and research the lives and ideas of pre-American Revolutionary philosophers who had an influence on constitutional law. ii. Explain how the writing of the Declaration of Independence and U.S. Constitution were influenced by English governmental documents.
	b. Compare and contrast the essential ideals and objectives of the original organizing documents of the United States including the Declaration of Independence, the Articles of Confederation, and the United States Constitution.	i. Analyze the tension between the need for liberty and unity. ii. Compare the Bill of Rights with the ideals of the Declaration of Independence.
	c. Explain the central principles of the United States governmental system including written constitution, popular sovereignty, limited government, separation of powers, majority rule with minority rights, and federalism.	i. Using the Constitution, identify the central principles of the United States governmental system. ii. Give examples of current applications of the central principles of the United States governmental system.
	d. Evaluate how power and responsibility are distributed, shared, and limited in the government established by the United States Constitution.	i. Describe the three branches of national government. ii. Describe the separation of powers and the process of checks and balances. iii. Examine the concept of judicial review and its impact.
	e. Analyze Amendments to the United States Constitution in terms of the conflicts they addressed and the reasons for their adoption.	i. Organize pro/con debates over the adoption of specific amendments.
	f. Describe how diverse populations contribute to political life in the United States.	i. Analyze voting patterns for specific elections. ii. Research how various populations have influenced campaign promises and political decisions.

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323. ORGANIZATION AND FORMATION OF THE AMERICAN SYSTEM OF GOVERNMENT.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the organization and formation of the American system of government.	a. Know the three branches of federal government, their powers and responsibilities.	i. Identify the separation of powers as demonstrated in the impeachment process. ii. Explore the constitutionality of a contemporary issue.
	b. Explain the functions, powers, and relationships among the federal, state, and local governments.	i. Define and give examples of federalism at work in our daily lives. ii. Evaluate the powers reserved to the states under the 10th Amendment. iii. Identify and evaluate the relationship between a local school board and state government.
	c. Explain how each level of government raises money to pay for its operations and services.	i. Analyze charts and graphs depicting governmental revenues and expenditures. ii. Interpret a property tax bill. Study the issues of a local levy or bond election.
	d. Analyze and explain the treaty/trust relationship the United States has with Native American tribes with emphasis on Idaho.	i. Locate Idaho reservations on a map. ii. Develop a dialogue with tribal council about their government. iii. Analyze and trace the implementation of a treaty.
	e. Analyze the role of political parties and other political organizations and their impact on the American system of government.	i. Trace the rise of the two-party system in the United States. ii. Analyze the role of third parties in presidential elections. iii. Identify and explore both the common ground and essential differences between Republicans and Democrats. iv. Differentiate between liberal and conservative ideologies. v. Explain and evaluate the role of lobbyists and political action committees.

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324. UNITED STATES FOREIGN AFFAIRS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the significance of United States foreign policy in the modern world.	a. Know the characteristics of United States foreign policy and how it has been implemented over time.	i. Identify examples of current United States participation in negotiations on global issues. ii. Analyze and evaluate the use of American troops around the world. iii. Analyze and evaluate the effects of trade embargoes on foreign countries as well as the United States.
	b. Identify and evaluate the role of the United States in international organizations and agreements.	i. Evaluate the role of the United States in the United Nations. ii. Evaluate the role of the United States in the North Atlantic Treaty Organization. iii. Identify and evaluate the effects of a specific trade agreement such as the North American Free Trade Agreement.
	c. Identify and evaluate American foreign policy as it relates to environmental issues.	i. Evaluate the United States’ stance on the global warming treaty.

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325. CITIZEN RESPONSIBILITIES AND RIGHTS.

<u>Content Standard – The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand that all citizens of the United States have responsibilities and rights.	a. Explain the balance of personal responsibilities and rights in American life.	i. Apply the 1st Amendment right of freedom of speech to a current issue. ii. Identify citizens’ responsibilities and rights found in the Declaration of Independence.
	b. Know the ways in which citizens can participate in the political process at the local, state, and national level.	i. Identify how and where a citizen registers and votes.
	c. Explain the electoral process at each level of government.	i. Create a mock campaign including the nomination process, campaign funding and spending, voting procedures, influence of media coverage, campaign advertising, and public opinion polls. ii. Define and evaluate the function of the Electoral College.
	d. Know the concept of citizenship and the ways in which individuals become citizens.	i. Identify the steps of becoming a naturalized citizen. ii. Identify the circumstances by which the rights of citizenship can be reduced or removed.

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326. -- 329. (RESERVED).

330. UNITED STATES HISTORY.

These United States History standards, organized thematically, are based on the assumption and expectation that knowledge of history is a precondition of political intelligence. Without historical literacy, our students have no understanding of the past as it relates to the present and shapes the future. The key skills and knowledge students must acquire and develop in U. S. History include: the understanding that history as a discipline in a democratic society is based on the Jeffersonian principle that the most effective means to prevent the perversion of power into tyranny is to maintain an educated population; an understanding that history is an interaction between the events of the past and the perspectives of the present; an understanding that history requires the critical analysis of cause and effect and the organization of events both chronologically and thematically; and an understanding that history is created by people making decisions in the face of a variety of factors including, but not limited to, considerations of geography, politics, economics and culture. (7-1-99)T

331. EXPLORATION AND EXPANSION.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand the role of exploration and expansion in the development of the United States.</u>	<u>a. Know the goals, routes, and effects of explorers of the Americas in the 15th through the 17th centuries.</u>	<u>i. Compare the effects of Columbus’s discovery on Europe and the Americas.</u> <u>ii. Choose two groups of early explorers and compare their goals; for example, English, Spanish, French, Dutch, and Portuguese.</u>
	<u>b. Identify how religious, social, political, and economic factors shaped settlement patterns in 17th and 18th century North America.</u>	<u>i. Compare the settlement of Jamestown with the settlement of Santa Fe.</u> <u>ii. Compare New England and Chesapeake societies.</u>
	<u>c. Describe the United States territorial expansion between 1801 and 1861 and how it affected relations with external powers and Native Americans.</u>	<u>i. Evaluate the political and social reasoning behind the Lewis and Clark Expedition.</u> <u>ii. Evaluate the positive and negative effects of Manifest Destiny.</u>
	<u>d. Know the factors that contributed to western expansion in the United States in the 1800s.</u>	<u>i. Role-play a family discussion about moving west.</u> <u>ii. Evaluate the role of the federal government in the development of the West.</u>
	<u>e. Identify philosophical changes in American foreign expansion from the territorial expansion of the 1890s to the economic and ideological influences of the present.</u>	<u>i. Organize a mock debate over the territorial expansion associated with the Spanish American War, 1898.</u> <u>ii. Analyze the role of the United States in European history since 1945.</u> <u>iii. Identify the uses of the Monroe Doctrine by 20th century United States Presidents.</u>

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332. MIGRATION AND IMMIGRATION.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the role of migration and immigration of people in the development of the United States.	a. Identify motives for migration and immigration in and to the United States.	i. Compare the motives of 19th century Irish immigrants to the Hispanic immigrants of the 20th century. ii. Compare the motives for migration on the California Trail, Mormon Trail, and Oregon Trail.
	b. Analyze the legal, political, social, and economic changes in the status of immigrant groups.	i. Peruse both current and frontier newspapers for changing attitudes towards immigrant groups. ii. Trace the legislative history of American immigration.
	c. Examine the impact of migration and government policy on the encroachment of Native American territories.	i. Analyze the Nez Perce – United States government conflict in the 1870s. ii. Identify and evaluate a specific example of forced relocation of Native Americans; for example, the Trail of Tears.

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333. POLITICAL, SOCIAL, AND ECONOMIC RESPONSE TO INDUSTRIALIZATION AND TECHNOLOGICAL INNOVATION.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the political, social and economic responses to industrialization and technological innovations that have occurred in the United States.	a. Know the factors that contributed to the rise of industrialization in the 19th century.	i. Compare industrial New England to the agricultural South of the pre-Civil War era. ii. Trace the improvements in transportation systems in the 19th century.
	b. Analyze the rise of the American labor movement.	i. Explore the conflict of rights with a particular labor dispute. ii. Write a journal of a worker in a textile factory in Lowell, Massachusetts, in the 1830s.
	c. Analyze the 20th century political responses to industrialization.	i. Compare the reforms of the Progressive era to the New Deal programs.
	d. Analyze the American tradition of volunteerism and philanthropy.	i. Define the settlement house movement and create role-plays for people such as Jane Addams. ii. Identify programs in your town that were created by volunteerism and/or philanthropy.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	e. <u>Identify and analyze the causes of the Great Depression and its effects upon American society.</u>	i. <u>Explore the status the American farmer in the 1920s and the 1930s.</u> ii. <u>Interview or read a first-hand account of a person who experienced the Great Depression.</u>
	f. <u>Account for and define the shift from the industrial society at the beginning of the 20th century to the technological society at the end of the 20th century.</u>	i. <u>Compare working conditions in a factory in the early 1900s with a factory of today.</u> ii. <u>Analyze the ways in which new Deal Programs provided relief and recovery during the Great Depression.</u>

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334. INTERNATIONAL RELATIONS AND CONFLICTS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand significant conflicts in United States history.</u>	a. <u>Identify and analyze the causes and consequences of the Revolutionary War.</u>	i. <u>Organize a mock debate between a royalist and a patriot.</u> ii. <u>Compare the results of the United States Revolution to the results of the French Revolution.</u>
	b. <u>Identify and analyze the causes and consequences of the Mexican War.</u>	i. <u>Map the territorial gains associated with the Mexican War.</u> ii. <u>Identify the internal conflicts associated with the Mexican War such as the expansion of slavery.</u>
	c. <u>Identify the causes and consequences of the Civil War and Reconstruction.</u>	i. <u>Describe the sectional conflicts between North and South that extended beyond the problem of slavery, such as cultural differences and differing economic interests.</u> ii. <u>Role-play a discussion between two family members who have chosen different sides in the war.</u>
	d. <u>Identify the causes and consequences of World War I.</u>	i. <u>Analyze the arguments for and against the United States' entry into World War I.</u> ii. <u>Organize a debate between Borah and Wilson concerning the Treaty of Versailles.</u>
	e. <u>Identify the causes and consequences of World War II.</u>	i. <u>Compare the causes of World War I to the causes of World War II.</u> ii. <u>Compare the United States' foreign policy after World War I to its foreign policy after World War II.</u> iii. <u>Analyze the reasons for and the consequences of the use of atomic weapons to end World War II.</u>
	f. <u>Identify the causes and consequences of the Cold War including the Korean War and conflict over Berlin.</u>	i. <u>Identify the origins and meanings of the phrases "Iron Curtain" and "Bamboo Curtain."</u> ii. <u>Create a set of rules for the Cold War.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	g. Know the reasons for the United States involvement in the Vietnam War and the domestic consequences of this involvement.	i. Compare public support for World War II and public views on the Vietnam War. ii. Evaluate the role of media in influencing public opinion and the anti-war protests.
	h. Explain the role of the United States in post-Cold War conflicts around the world.	i. Choose a foreign conflict in the last ten years and identify the pros and cons of United States involvement.

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335. CULTURAL AND SOCIAL DEVELOPMENT.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the cultural and social development of the United States.	a. Know ways in which language, literature, the Arts, traditions, beliefs, values, and behavior patterns interact as an integrated whole to create and maintain culture.	i. Analyze the impact Rock and Roll had on the 60s. ii. Trace the history of Jazz and the ways it reflects culture. iii. Study a piece of literature in terms of its reflection of culture.
	b. Analyze the contributions of the diverse cultures that make up the population of the United States.	i. Create a metaphor for American culture. ii. Select a population and identify its artist contributions to United States culture.

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336. -- 349. (RESERVED).

350. SCIENCE STANDARDS.

The members of the Idaho Exiting Standards Subcommittee in science reviewed a number of exiting standards including those developed at the national and state levels. The committee has chosen the National Science Education Standards developed by the National Research Council as a starting point for the Idaho Exiting Standards for science shown here. This approach ensures a common base for local development of strong science curriculums. (7-1-99)T

01. Science. Science is a human endeavor that seeks to understand the universe by observation, experimentation, and rational interpretation of observations. At its core, science is a method of asking questions, a method that may be extended to problem solving in many areas of life. An observation leads to a hypothesis. The hypothesis suggests experiments that might be done to further understand the phenomena. These observations and hypotheses are published in scientific literature whereupon they may be replicated, extended or disproved by others. Hypotheses that prove capable of explaining observations and making predictions about additional phenomena are retained while those that fail this test are discarded. Only those hypotheses that have proven to be successful over considerable periods of time are referred to as "theories," and even these theories may be supplanted should they prove incapable of explaining new observations. (7-1-99)T

02. Reviewing Science Exiting Standards. It is essential to remember while reviewing these Science Exiting Standards that all theories are subject to revision and that theories are not absolute fact. In the case of these standards, the samples of applications that would demonstrate learning are intended to represent specific topics students should master to satisfy the spirit of the Science Exiting Standards developed by the committee.

Note: The samples associated with the content standards are meant to illustrate meaning and to represent possible areas of application. They are not intended to be an exhaustive list, but are samples of applications that would demonstrate learning. (7-1-99)T

351. UNIFYING CONCEPTS OF SCIENCE.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Understand systems, order, and organization.</u>	a. <u>Know the scientific meaning and application of the concepts of system, order, and organization.</u>	i. <u>Analyze, design, assemble, and trouble shoot systems – mechanical, electrical, and biological – with easily discernable components.</u> ii. <u>Discuss the value of thinking in terms of systems, order, and organization.</u>
02. <u>Understand concepts and processes of evidence, models, and explanation.</u>	a. <u>Know that observations and data are evidence on which to base scientific explanations.</u>	i. <u>Students use a stream table to explore concepts such as river erosion and compare the results for the table model to what is known about full-scale erosion models.</u>
	b. <u>Use models to explain how things work.</u>	i. <u>Build and demonstrate a model of the solar system.</u>
	c. <u>Develop scientific explanations based on scientific knowledge, logic and analysis.</u>	i. <u>Through research explain the value of a recycling program.</u>
03. <u>Understand constancy, change, and measurement.</u>	a. <u>Identify constancy in some concepts in science that do not change with time such as the speed of light.</u>	i. <u>Define a meter in terms of distance traveled by light in a given period of time.</u>
	b. <u>Recognize that change occurs in and among systems and change can be measured.</u>	i. <u>Use demographic data to plot and explain population changes over a period of time.</u>
	c. <u>Measure in both the metric and customary system.</u>	i. <u>Record Celsius and Fahrenheit temperature readings over a period of time.</u>
04. <u>Understand the theory that evolution is a process that relates to the gradual changes in the universe and of equilibrium as a physical state.</u>	a. <u>Know that the present arises from materials and forms of the past.</u>	i. <u>Diagram the rock cycle.</u> ii. <u>Describe how soil forms.</u>
	b. <u>Understand evolution as a series of changes, some gradual and some sporadic, that account for present form and function of objects, organisms, and natural or technical systems.</u>	i. <u>Describe the earth's changes using plate tectonics as an example.</u> ii. <u>Describe the changes in Idaho's vegetation over the last 200 years and explain why they occurred.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. <u>Know that equilibrium is a physical state in which forces and changes occur in opposite and offsetting directions.</u>	i. <u>Demonstrate Newton's laws of motion.</u>
05. <u>Understand concepts of form and function.</u>	a. <u>Know that form refers to function and function refers to form.</u>	i. <u>Describe how the foot of a frog and the shape of a leaf demonstrate form and function.</u>

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352. CONCEPTS OF SCIENTIFIC INQUIRY.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Understand scientific inquiry and develop critical thinking skills.</u>	a. <u>Identify questions and concepts that guide scientific investigations.</u>	i. <u>Design, build, and test a bridge for maximum strength.</u> ii. <u>Design an appropriate ecosystem for the front of your school.</u> iii. <u>Identify and solve a community problem or concern using the scientific method.</u>
	b. <u>Design and conduct scientific investigations.</u>	
	c. <u>Use technology and mathematics to improve investigations and communication.</u>	
	d. <u>Formulate and revise scientific explanations and models using logic and evidence.</u>	
	e. <u>Recognize and analyze alternative explanations and models.</u>	
	f. <u>Communicate and defend a scientific argument.</u>	
	g. <u>Know the differences among observations, hypotheses, and theories.</u>	i. <u>Compare Ptolomy's model of the universe to that of Copernicus.</u>

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353. CONCEPTS OF PHYSICAL SCIENCE.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the structure of atoms.	a. Know the function and location of the protons, neutrons, and electrons.	i. Draw and label a diagram of an atom and list the functions of its components.
	b. Understand the processes of fission and fusion.	i. Compare and contrast the processes of fission and fusion.
	c. Know the characteristics of isotopes.	i. Describe the differences between carbon 12 and carbon 14.
	d. Know the basic electrical properties of matter.	i. Use static electricity to demonstrate attraction and repulsion of charged particles.
02. Understand the structure and function of matter and molecules and their interactions.	a. Know how atoms interact with one another by transferring or sharing electrons.	i. Using the periodic table, determine the atomic number and valence of a given element to predict types of bonding.
	b. Know how bonds between atoms are created when electrons are shared or transferred to form molecules or ionic substances.	i. Compare and contrast ionic and covalent bonds.
	c. Know how the physical properties of compounds reflect the nature of the interactions among its molecules.	i. Describe how molecular structure relates to crystal patterns.
	d. Know how solids, liquids, and gases differ in the energy that bonds them together.	i. Describe the energy level of water molecules as they pass through the three states of matter.
03. Understand chemical reactions.	a. Know that chemical reactions may release or consume energy.	i. Demonstrate exothermic and endothermic chemical reactions.
	b. Know that chemical reactions can occur in time periods that vary from very fast to very slow and that catalysts can affect the rate of a chemical reaction.	i. Demonstrate the change in rate of decay of hydrogen peroxide to water with and without an enzyme.
	c. Identify chemical reactions that are occurring all around us.	i. Identify and describe chemical reactions that occur in the home and community.
04. Understand concepts of motion and forces.	a. Know that gravitational force and electrical force are universal forces.	i. Describe the relationship between mass and weight. ii. Explain the role of electrical forces in the structure of the universe.
	b. Know that objects change their motion only when a net force is applied.	i. Build a CO ₂ powered car and demonstrate how an applied force affects its motion.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	<u>c. Understand that moving electrical charges produce magnetic forces, and moving magnets produce electrical forces.</u>	<u>i. Build an electric motor and explain how it operates.</u> <u>ii. Explain the generation of electricity in a hydroelectric plant.</u>
<u>05. Understand that the total energy in the universe is constant.</u>	<u>a. Understand that energy can be transferred but it can neither be destroyed nor created.</u>	<u>i. Design and construct devices to transform/transfer energy.</u>
	<u>b. Know that energy can be classified as either potential energy, kinetic energy, or energy contained by a field.</u>	<u>i. Describe the difference between kinetic and potential energy and give examples of each.</u>
	<u>c. Know that heat is evidenced by random motion and the vibrations of atoms, molecules, and ions.</u>	<u>i. Observe the changes in the physical properties of milk as it is heated on a microscope slide.</u>
	<u>d. Know that energy is transferred by various types of waves and by electrons flowing through matter.</u>	<u>i. Explain the basic properties of the electromagnetic spectrum.</u>

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354. CELLULAR AND MOLECULAR CONCEPTS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand the cell is the basis of form and function for all living things and how living things carry out their life functions.</u>	<u>a. Know that cells have particular structures that underlie their functions.</u>	<u>i. Explain how the structure and function of a cell are similar to the organizational structure and function of a school.</u>
	<u>b. Know that most cell functions involve chemical reactions.</u>	<u>i. Explain the chemical basis for cell respiration.</u>
	<u>c. Know that cells store and use information in the form of DNA to guide their functions.</u>	<u>i. Describe the similarities and differences between DNA transcription and making multiple copies of student records on an office copy machine.</u>
	<u>d. Know that cell functions are regulated by expressed genes that provide code for the synthesis of proteins.</u>	<u>i. Explain how protein is produced at the cellular level.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	e. <u>Know that cellular differentiation is regulated through the expression of different genes. A single cell can differentiate to form the many specialized cells, tissues and organs.</u>	
02. <u>Understand the form and function of DNA.</u>	a. <u>Know that the instructions for specifying the characteristics of the organism are carried in DNA.</u>	i. <u>Explain what we mean by genetic mapping.</u>
	b. <u>Know that genetic information is both encoded in genes and replicated.</u>	i. <u>Compare the process of mitosis and meiosis.</u>
	c. <u>Know that most of the cells in a human contain 23 pairs of chromosomes, and that transmission of chromosomal information to offspring occurs through the combination of egg and sperm cells.</u>	i. <u>Compare the process of mitosis and meiosis.</u>
	d. <u>Know that changes in DNA (mutations) occur spontaneously at low rates. Some of these changes make no difference to the organism whereas others can change cells and organisms. Only mutations in gametes can create the variation that changes an organism's off-spring.</u>	i. <u>Explain how mutations of an organism's DNA may result in birth defects.</u>
	e. <u>Know that DNA plays a major role in health issues. Through the development of new technologies we have discovered new information about the human genome, medical disorders, and forensic sciences.</u>	i. <u>Find an example of the role of DNA in health issues.</u>

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355. INTERDEPENDENCE OF ORGANISMS AND BIOLOGICAL CHANGE.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the theory of biological evolution.	a. Know that the theory of evolution explains how species evolve over time and how evolution is the consequence of interactions of : - Potential of a species to increase its numbers; - Genetic variability; - A finite supply of resources; - Selection by the environment of those offspring better able to survive and leave offspring.	i. Trace the evolution of a species. ii. Explain why some species have changed little over time and others have become extinct.
	b. Know that natural selection and its evolutionary consequences provide a scientific explanation for the fossil record of ancient life forms, as well as for the striking molecular similarities observed among the diverse species of organisms.	
	c. Know that the theory of evolution explains how different species of plants, animals, and microorganisms that live on earth today are related by descent from common ancestors.	i. Identify the ancestors of a present day species.
	d. Know that biological classifications are based on similarities, which reflect their evolutionary relationships.	i. Classify an organism using a dichotomous key.
02. Understand the interdependence of organisms.	a. Know that atoms and molecules cycle among the living and nonliving components of the biosphere.	i. Diagram the nitrogen cycle.
	b. Trace energy flows through ecosystems in one direction, from photosynthetic organisms to herbivores to carnivores and decomposers.	i. Explain a food chain.
	c. Know that organisms both cooperate and compete in ecosystems.	i. Explain niches in an ecosystem.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	<u>d. Know that living organisms have the capacity to produce populations of infinite size, but environments and resources are finite.</u>	<u>i. List limiting factors of a population in a closed environment.</u>
	<u>e. Know that human beings live within the world's ecosystems. Increasingly, humans modify ecosystems as a result of population growth, technology, and consumption.</u>	<u>i. Conduct an extended investigation of a local environment affected by human actions.</u>

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356. MATTER, ENERGY, AND ORGANIZATION IN LIVING SYSTEMS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Understand the relationship between matter, energy, and organization to trace matter as it cycles and energy as it flows through living systems and between living systems and the environment.</u>	<u>a. Know that all matter tends toward more disorganized states.</u>	<u>i. Explain entropy.</u>
	<u>b. Know that living systems require a continuous input of energy to maintain their chemical and physical organization.</u>	<u>i. Explain why all organisms need food.</u>
	<u>c. Know that the energy for life is primarily derived from the sun through photosynthesis.</u>	<u>i. Provide evidence that green plants make food and explain the significance of this process to other organisms.</u>
	<u>d. Understand cellular respiration and the synthesis of macromolecules.</u>	<u>i. Describe how energy is derived to carry out various functions in organisms.</u>
	<u>e. Know that chemical bonds of food molecules contain energy, which is released when the bonds are broken.</u>	<u>i. Describe the chemical processes of cellular respiration.</u>
	<u>f. Know that cells usually store energy as Adenosine Triphosphate (ATP).</u>	<u>i. Describe the chemical processes of cellular respiration.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	g. <u>Know that the distribution and abundance of organisms and populations in ecosystems are limited by the availability of matter and energy.</u>	i. <u>Describe the relationship between the food supply and the distribution and abundance of a species.</u>
	h. <u>Trace how matter cycles and energy flows through different levels of organization of living systems – cells, organs, organisms, communities – and between living systems and the physical environment.</u>	i. <u>Construct a food web for a community of organisms and explain how elimination of a particular part of a chain affects the rest of the chain and web.</u> ii. <u>Diagram the carbon and oxygen cycles.</u>
02. <u>Understand the individual behavior of organisms and their interactions in populations and communities as influenced by physiological and environmental factors.</u>	a. <u>Know that multi-cellular animals have nervous systems that generate behavior.</u>	i. <u>Demonstrate how an organism responds to various stimuli.</u>
	b. <u>Know that the nerve cells communicate with each other by secreting specific excitatory and inhibitory molecules.</u>	i. <u>Explain the interaction of neurotransmitters and psychoactive drugs.</u>
	c. <u>Know that organisms have behavioral responses to internal changes and to external stimuli. The broad patterns of behavior have evolved to ensure reproductive success.</u>	i. <u>Describe the mating behavior of a particular animal species.</u>
	d. <u>Know that behaviors often have an adaptive logic when viewed in terms of natural selection.</u>	i. <u>Record and compare the behaviors of animals in their natural habitats and relate how these behaviors are important to the animals.</u>

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357. EARTH AND SPACE SYSTEMS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Understand scientific theories of origin and subsequent changes in the universe and earth systems.</u>	a. <u>Know that current scientific theory suggests that the sun, the earth, and the rest of the solar system formed from a nebular cloud of dust and gas.</u>	i. <u>Design a poster illustrating the “Big Bang” theory.</u>
	b. <u>Know methods used to estimate geologic time (e.g., observing rock sequences and using fossils to correlate the sequences at various locations).</u>	i. <u>Explain why trilobites make excellent index fossils and why they are extremely useful in determining the appropriate age of rocks.</u>
	c. <u>Know that interactions among the solid earth, the oceans, the atmosphere, and organisms have resulted in the ongoing change of the earth system. Some activities are observable (earthquakes and volcanic eruptions) but many take place over hundreds of millions of years.</u>	i. <u>Explain the processes involved in the formation of Hell’s Canyon or the Snake River Canyon.</u>
	d. <u>Know that the development of life caused dramatic changes in the composition of the earth’s atmosphere.</u>	i. <u>Describe how the Earth’s atmosphere would be different if life never developed on Earth.</u>
	e. <u>Know that the universe is constantly expanding.</u>	i. <u>Explain how the Doppler shift of light from distant galaxies is used by scientists to provide evidence that the universe is expanding.</u>
	f. <u>Know the life history of stars and galaxies.</u>	i. <u>Explain how black holes are formed.</u>
02. <u>Understand geo-chemical cycles and energy in the earth system.</u>	a. <u>Know that earth systems have internal and external sources of energy, both of which create heat. The sun is the major external source of energy.</u>	i. <u>Describe the ways in which solar energy that is not reflected back into space affects the earth (e.g., creating heat, causing the water cycle, causing atmospheric and oceanic convection currents, involved in photosynthesis).</u>
	b. <u>Know that the two primary sources of internal energy are the decay of radioactive isotopes and the gravitational energy from the earth’s original formation.</u>	i. <u>Discuss how the decay of radioactive elements drives the convection currents within the earth’s mantle according to some theories.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. Know that the outward transfer of earth's internal heat drives convection circulation in the mantle that propels the plates comprising earth's surface across the face of the globe.	i. Describe how the Hawaiian Islands were formed.
	d. Know that the heating of the earth's surface and atmosphere by the sun drive convection within the atmosphere and oceans, producing winds and ocean currents.	i. Explain how solar energy contributes to ocean current patterns.
	e. Know that global climate is determined by energy transfer from the sun at and near the earth's surface.	i. Explain why many scientists are concerned about the greenhouse effect.
	f. Know that the movement of matter through the solid earth, oceans, and atmosphere is driven by the earth's internal and external sources of energy. These movements are often accompanied by a change in the physical and chemical properties of matter.	i. Describe the physical and chemical changes that occur at the different stages of the rock cycle.

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358. TECHNOLOGY.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the relationship between science and technology and develop the abilities of technological design and application.	a. Know the ways that science advances technology and technology advances science.	i. Write a paper highlighting how technology has advanced science and how science has advanced technology such as the telescope, microscope, computer chips, etc.
	b. Recognize that science and technology are pursued for different purposes. Scientific inquiry is driven by the desire to understand the natural world and technological design is driven by the need to meet human needs and solve human problems.	i. Compile a case study of a technological development that has had a significant impact on the environment.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. Know that critical thinking, creativity, imagination, and a good knowledge base are all required in the work of science and engineering.	i. Identify a natural resource problem or concern and utilize the scientific process to study the problem or concern and identify what technology is available to assist the process.
	d. Know the elements of technological design, which include the following: - Identify a problem or design an opportunity; - Propose designs and choose between alternative solutions; - Implement a proposed solution; - Evaluate the solution and its consequences; - Communicate the problem, process, and solution.	i. Identify a natural resource problem or concern and utilize the scientific process to study the problem or concern and identify what technology is available to assist the process.
	e. Use available technology to assist in solving problems.	i. Use computer models to simulate problems and determine "what if" scenarios. ii. Use current computer software to develop reports and other documents to communicate information.

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359. PERSONAL AND SOCIAL PERSPECTIVES.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand common environmental quality issues, both natural and human induced.	a. Identify issues including but not limited to: - Water quality; - Air quality; - Hazardous waste; - Forest health.	i. Compile a case study of a local environmental issue and describe its impact on Idaho's economy.
02. Understand the cause and effects of population change.	a. Understand the impact of technological development and the growth of human population on the living and nonliving environment.	i. Determine the impact of a changing population on local land use.
	b. Understand the impact of population change on natural resources and community infrastructure.	i. Develop a model of a community that describes the impact on natural resources and community infrastructure as the population changes.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
03. Understand the importance of natural resources and the need to manage and conserve them.	a. Understand the differences between renewable and nonrenewable resources.	i. Develop a list of renewable and non-renewable resources.
	b. Understand the differences between preservation and conservation.	i. Investigate the roles of agencies charged with the preservation of natural resources as opposed to conservation and use.
	c. Understand the role and effect of management of natural resources.	i. Examine the role one of our state or federal natural resource agencies and discuss its role in the management of our public lands.
04. Understand different uses of technology in science and how they affect our standard of living.	a. Identify examples of technologies used in scientific fields such as but not limited to the following: - Weather forecasting; - Food production; - Environmental cleanup; - Advances in medicine; - Communications; - The space program.	i. Identify specific technologies used in a particular scientific field and how they have affected our standards of living.

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360. HISTORY OF SCIENCE.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand the significance of major scientific milestones.	a. Understand the social and economic impact of historical scientific events.	i. Watch a video about a significant scientific event such as the Apollo 13 mission and interview an adult on their reaction at the time of the event.
	b. Understand the contributions of notable scientists.	i. Read and report about a notable scientist.

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361. INTERDISCIPLINARY CONCEPTS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand that interpersonal relationships are important in scientific endeavors.	a. Know the importance of working in inter-disciplinary teams to solve scientific problems.	i. While working in a team, use the information learned in classes such as health, English, math, and social studies to study an environmental issue.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>02. Understand technical communication.</u>	<u>a. Read for information.</u>	<u>i. Assemble a model using the instructions supplied from the manufacturer and write a report on suggested revisions to the instructions.</u>
	<u>b. Write and articulate technical information.</u>	<u>i. Assemble a model using the instructions supplied from the manufacturer and write a report on suggested revisions to the instructions.</u>

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362. -- 399. (RESERVED).

400. LANGUAGE ARTS/COMMUNICATIONS STANDARDS.

01. Language And Communication. Language, the gateway to learning, provides our most powerful and readily available tool to represent the world to ourselves as well as ourselves to the world. Not only a means of communications, language serves as our primary instrument of thought, a defining feature of culture, and an unmistakable mark of personal identity. Encouraging and enabling students to effectively use language remains one of society's most significant tasks. Educators, parents, and communities share responsibility in helping students prepare for productive performance. When students exit high school, they will be able to use reading, writing, listening, speaking, and viewing for personal use, as a citizen and consumer, in the workplace, for cultural enrichment, in the Fine Arts, and for lifelong learning. (7-1-99)T

02. Local District Book Lists. Local districts may determine book lists to support the Language Arts/Communications Standards. If needed, the State Department of Education's English Language Arts Specialist can provide suggested grade-level lists.

Note: Samples associated with the content standards are meant to illustrate meaning and to represent possible areas of application. They are not intended to be an exhaustive list, but are samples of applications that would demonstrate learning. (7-1-99)T

401. READING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Read a variety of traditional and electronic materials for information and understanding.</u>	<u>a. Decode unfamiliar words using a comprehensive set of reading strategies:</u> <u>- Phonics;</u> <u>- Context clues;</u> <u>- Word analysis skills.</u>	<u>i. Demonstrate fluency in oral reading.</u> <u>ii. Use information from text to clarify meaning.</u>
	<u>b. Preview materials to understand structure and anticipate content.</u>	<u>i. Scan material for relevancy.</u> <u>ii. Summarize.</u> <u>iii. Paraphrase structures.</u> <u>iv. Scan index, table of contents, chapter headings and subtitles.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. <u>Develop analytic processes for understanding and remembering words, phrases, and information from reading material.</u>	i. <u>Use mnemonic devices.</u> ii. <u>Develop acrostics.</u> iii. <u>SQ3R: survey, question, read, recite and review.</u>
	d. <u>Identify, collect, and/or select, and relate pertinent information to given situations.</u>	i. <u>Answer comprehension questions.</u> ii. <u>Draw conclusions.</u> iii. <u>Justify an opinion.</u> iv. <u>Recognize the difference between fact and opinion.</u>
	e. <u>Synthesize and organize information.</u>	i. <u>Predict outcomes.</u> ii. <u>Combine sources in a presentation.</u>
	f. <u>Apply and extend information.</u>	i. <u>Make inferences.</u> ii. <u>Use information to solve a problem.</u>
	g. <u>Explain how an author uses language and literary devices:</u> - <u>Mood;</u> - <u>Tone;</u> - <u>Style;</u> - <u>Figurative language;</u> - <u>Format;</u> - <u>Structure.</u>	i. <u>Describe an author's tone in a book talk.</u> ii. <u>Support one of the bullets with evidence from the text.</u> iii. <u>Compare two authors' use of figurative language and evaluate effectiveness.</u>
	h. <u>Use reading strategies to determine main ideas and to collect data, facts, and ideas.</u>	i. <u>Recognize the main idea.</u> ii. <u>Determine the main idea of an editorial.</u> iii. <u>Make an abstract connection to relate literature to personal experience or life situations.</u>
02. <u>Read and respond to a variety of literature to compare and contrast the many dimensions of human experience.</u>	a. <u>Know defining characteristics of literary forms and genres (fiction, nonfiction, myths, poems, biographies, autobiographies, science fiction, parodies, satires, and plays).</u>	i. <u>Analyze how the choice of literary form contributes to the expression on the human experience(s) being described.</u>
	b. <u>Identify and compare own experiences to those of others in situations, events, and cultures within reading selections.</u>	i. <u>Generate a document or presentation that identifies and compares personal experiences to those describe in the reading selections(s).</u>
	c. <u>Interpret the social, cultural, and historical significance of a text:</u> <u>Ancient Literature;</u> <u>British Literature;</u> <u>American Literature;</u> <u>World Literature.</u>	i. <u>Discuss the determination of a text:</u> - <u>Lexical-word study;</u> - <u>Grammar;</u> - <u>History;</u> - <u>Context.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	<u>d. Evaluate how an author uses language and literary devices to evoke a response in a reader:</u> <u>- Style;</u> <u>- Format;</u> <u>- Structure.</u>	<u>i. Judge an author’s effectiveness.</u> <u>ii. Justify a personal response.</u> <u>iii. Recommend a piece of literature.</u> <u>iv. Recognize archetypes and symbols across literary texts (heroes, benefits of nature).</u>
	<u>e. Demonstrate how reading can provide enrichment, information, and serve as a tool for lifelong learning.</u>	<u>i. Create a family history and anecdotes.</u>
<u>03. Read a variety of traditional, technical, and electronic materials for critical analysis and evaluation.</u>	<u>a. Evaluate the validity and accuracy of information.</u>	<u>i. Determine the source of information.</u> <u>ii. Evaluate reliability, validity, and credibility of materials.</u> <u>iii. Categorize marketing techniques.</u> <u>iv. Identify inaccuracies within a sample advertisement or article.</u> <u>v. Support inferences.</u>
	<u>b. Analyze author’s purpose within a literary text:</u> <u>- Characterization;</u> <u>- Setting;</u> <u>- Plot structure;</u> <u>- Theme;</u> <u>- Point of view;</u> <u>- Organization and form.</u>	<u>i. Understand and interpret actions and conflict among characters.</u> <u>ii. Discuss Huckleberry Finn.</u> <u>iii. Analyze effectiveness of plot, time frame, causes and effects, and conflict resolution.</u>
	<u>c. Compare and contrast selections within texts.</u>	<u>i. Draw connections between literary works and related themes.</u> <u>ii. Identify historical and cultural influences on literary works (i.e., compare or contrast Heart of Darkness to Apocalypse Now).</u>
	<u>d. Form opinions and make judgments about fiction and non-fiction.</u>	<u>i. Evaluate an essay.</u> <u>ii. Create a reading list that illustrates a theme.</u> <u>iii. Make a preference.</u>
	<u>e. In response to technical materials, use personal or objective criteria to:</u> <u>- Draw conclusions;</u> <u>- Make inferences;</u> <u>- Decide meanings;</u> <u>- Form opinions;</u> <u>- Make judgments.</u>	<u>i. Sample workplace reading, technical manuals, and professional journals.</u> <u>ii. Follow directions in technical materials.</u>
<u>04. Read to locate information from a variety of traditional, technical, and electronic sources.</u>	<u>a. Generate relevant and researchable questions.</u>	<u>i. Form a hypothesis.</u> <u>ii. Survey literature related to a particular topic.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	b. <u>Systematically organize and record information.</u>	i. <u>Use notes, charts, and graphic organizers.</u>
	c. <u>Produce research projects and reports.</u>	i. <u>Generate self-selected and assigned products.</u>
05. <u>Read for technical information.</u>	a. <u>Comprehend technical text.</u>	i. <u>Respond to reports, memos, brochures, charts, graphs, resumes, proposals, or advertising.</u>
	b. <u>Demonstrate understanding of graphics, layout, white space, italics, parentheses, and other visual aids.</u>	i. <u>Produce a visual aid.</u>
	c. <u>Identify the organization and nature of technical texts; ascertain that such texts require precise understanding rather than interpretation.</u>	i. <u>Emphasize precision and accuracy.</u> ii. <u>Determine literal meaning.</u> iii. <u>Complete a travel voucher.</u> iv. <u>Complete a scholarship or employment application.</u>
	d. <u>Apply technical text information to daily situations.</u>	i. <u>Complete a sample tax form or credit application.</u>
	e. <u>Follow written directions.</u>	i. <u>Read brochure on assembly of product.</u>

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402. WRITING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Understand and use the writing process.</u>	a. <u>Demonstrate steps of the writing process:</u> <u>- Brainstorming;</u> <u>- Drafting;</u> <u>- Revising;</u> <u>- Editing;</u> <u>- Publishing.</u>	i. <u>Participate in writing workshops to share ideas, respond to drafts, and provide constructive feedback.</u>
	b. <u>Write in order to generate, record, and reflect upon ideas.</u>	i. <u>Create learning logs, personal learning records, laboratory reports, notes, and journals.</u>
	c. <u>Evaluate and choose appropriate style and vocabulary for particular audience.</u>	i. <u>Write editorial, persuasive essays, workplace documents, and/or business letters.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>02. Write and edit for correctness and clarity.</u>	<u>a. Apply rules and conventions of the following:</u> <u>- Grammar;</u> <u>- Punctuation;</u> <u>- Capitalization;</u> <u>- Spelling.</u>	<u>i. Use the Direct Writing Assessment Scoring Standard, a checklist, and/or handbook to guide proofreading.</u> <u>ii. Participate in peer editing process including such skills as the following:</u> <u>- Adverb clauses and phrases.</u> <u>- Using progressive verb forms.</u> <u>- Capitalizing historical periods and events using colons before extended quotations.</u>
	<u>b. Formulate purpose, thesis, relevant support, and focused paragraphs:</u> <u>- Use topic sentences, appropriate word choices and sentence structure, parallelism, transitions, paragraphing, indentation, organization, and documentation of sources.</u> <u>- Choose tone, voice, style, mood, and persona appropriate for different purposes, disciplines, and audiences.</u>	<u>i. Write business documents, personal letters, letters to the editor, and essays.</u> <u>ii. Write thank-you notes.</u> <u>iii. Write an introduction for a speaker.</u> <u>iv. Write a sample eulogy.</u> <u>v. Write a laboratory or scientific report.</u>
<u>03. Write to inform and explain.</u>	<u>a. Incorporate facts, data, and processes from technical and non-technical materials into writing.</u>	<u>i. Use such resources as newspapers, magazines, manuals, and literary works.</u>
	<u>b. Choose appropriate format to inform and explain.</u>	<u>i. Produce memos, letters, resumes, applications, manuals, instructions, outlines, collaborative reports, pamphlets, graphs, charts, and news articles.</u>
<u>04. Write for literary response and expression.</u>	<u>a. Compare, contrast, and synthesize ideas and techniques from a variety of literatures and Fine Arts that represent many cultures and perspectives.</u>	<u>i. Write interpretations of critiques; compare and contrast literary works.</u>
	<u>b. Formulate a thesis and supporting evidence as appropriate.</u>	<u>i. Write an evaluative essay of a favorite book or movie.</u>
	<u>c. Write and publish original creative works using figurative and descriptive language.</u>	<u>i. Produce short stories, essays, poetry, and plays.</u> <u>ii. Incorporate metaphor, simile, personification, alliteration, and imagery.</u>
<u>05. Write to critically analyze and evaluate.</u>	<u>a. Analyze and evaluate for the following:</u> <u>- Purpose;</u> <u>- Ideas;</u> <u>- Style;</u> <u>- Structure;</u> <u>- Effectiveness.</u>	<u>i. Use personal, peer, and professional writing, current events, visual and performing arts, advertising, and political/civic discourse.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	b. <u>Formulate thesis and select appropriate supporting evidence to persuade or inform a specific audience.</u>	i. <u>Produce a critique, review, proposal, or editorial.</u> ii. <u>Explain personal perspective related to the Arts or another cultural perspective.</u>
	c. <u>Present an effective argument using the principles of persuasion (appeals to authority, logic, or emotion).</u>	i. <u>Defend a personal opinion.</u> ii. <u>Explain a consumer choice.</u> iii. <u>Express a political perspective.</u> iv. <u>Present a solution to a workplace-related problem.</u>
06. <u>Write to gather, synthesize, and communicate research findings.</u>	a. <u>Use and document a variety of technological and informational resources:</u> - <u>Avoid plagiarism through proper of paraphrasing, quoting, and citation.</u> - <u>Consider motives, credibility, and perspectives of authors when selecting source materials.</u> - <u>Formulate thesis or focus and relevant support.</u>	i. <u>Produce news articles, individual and collaborative reports, brochures, proposals, critiques, and multimedia presentations.</u>
	b. <u>Present research findings.</u>	i. <u>Write a research paper.</u>
	c. <u>Generate clear, concise, and informative technical documents.</u>	i. <u>Create reports, memos, brochures, charts, graphics, resumes, proposals, and/or advertising.</u>

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403. LISTENING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Listening for information and understanding.</u>	a. <u>Acquire, interpret, and apply information from a variety of electronic or live sources.</u>	i. <u>Demonstrate understanding of spoken directions, speeches, plays, advertising, lectures, personal conversations, and/or public dialogues.</u>
	b. <u>Use listening skills to gain enrichment and information about various cultures.</u>	i. <u>Listen and respond to the language, speech, music, folk stories, drama, poetry, dialect, theatre, and other Fine Arts of various cultures.</u>
	c. <u>Demonstrate effective interpersonal listening skills.</u>	i. <u>Practice effective listening skills such as paraphrasing, appropriate body language, note taking, repeating, explaining, elaboration, outlining, and encouraging.</u>
02. <u>Listen for literary response and expression.</u>	a. <u>Interpret and respond to a variety of oral presentations.</u>	i. <u>Interpret oral presentations of narratives, stories, drama, and literary readings.</u> ii. <u>Evaluate reader's theatre or stage plays.</u>
	b. <u>Compare and contrast a variety of or presentations.</u>	i. <u>Critique songs, poems, monologues, and dramatic presentations.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>03. Listen for critical analysis and evaluation.</u>	<u>a. Make informed judgments about the purpose, content, organization, and delivery of verbal communications and non-verbal cues.</u>	<u>i. Evaluate cultural performances, television productions, and/or speeches in relation to body language, diction, and tone.</u>

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404. SPEAKING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. Speak to share an understanding of information.</u>	<u>a. Adjust oral language to audience:</u> <u>- Appropriately apply rules of standard English.</u>	<u>i. Prepare and present a speech for a group of children.</u> <u>ii. Prepare and present a speech for a panel of community members.</u>
	<u>b. Create oral presentations that include the following:</u> <u>- Transitions;</u> <u>- Organization;</u> <u>- Support of main ideas;</u> <u>- Examples;</u> <u>- Response to questions and feedback;</u> <u>- Visual aids and appropriate technology.</u>	<u>i. Plan a persuasive speech that incorporates a clear thesis and supportive materials (statistics, personal anecdotes, and/or other examples).</u> <u>ii. Produce a "how-to" computerized presentation.</u>
	<u>c. Use oral communication for various purposes and audiences including which appropriately incorporate the following:</u> <u>- Word Choice;</u> <u>- Pronunciation;</u> <u>- Inflection/Modulation;</u> <u>- Physical Gestures;</u> <u>- Eye Contact;</u> <u>- Posture.</u>	<u>i. Solve problems within groups.</u> <u>ii. Give directions.</u> <u>iii. Memorize and present an oral interpretation of a poem, children's story, monologue, and/or dramatic scene.</u>
<u>02. Speak for literary response and expression.</u>	<u>a. Share interpretations of personal or literary works through oral interpretation, memorization, presentation, and dramatic readings.</u>	<u>i. Participate in a book discussion(s).</u> <u>ii. Present a multicultural story to a younger audience.</u> <u>iii. Share an original poem with an audience.</u>
<u>03. Speak for critical analysis and evaluation.</u>	<u>a. Clearly express opinions and judgments.</u>	<u>i. Debate an issue with political or cultural relevance.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	<u>b. Encourage other’s participation, while exhibiting courteous, attentive, and appropriate behavior during discussions:</u> <u>- Listen well and verify understanding;</u> <u>- Avoid monopolizing conversations;</u> <u>- Raise pertinent questions;</u> <u>- Exhibit cultural sensitivity.</u>	<u>i. Conduct an interview.</u> <u>ii. Participate in a group discussion to brainstorm or solve a problem.</u>

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405. VIEWING.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<u>01. View for information and understanding.</u>	<u>a. Use traditionally non-print media.</u>	<u>i. Summarize information from a video, drama, advertisement, and/or computer presentation.</u>
	<u>b. Use viewing skills to determine main idea and collect data.</u>	<u>i. Outline and take relevant notes about an informational video.</u>
<u>02. View media sources for personal response and expression.</u>	<u>a. Explain, compare, and contrast relationships, idea, and cultures represented in various media.</u>	<u>i. View a television program and analyze for stereotyping and themes.</u>
<u>03. View media to engage in critical analysis and evaluation.</u>	<u>a. Make judgments about non-print media.</u>	<u>i. Analyze a political debate.</u>
	<u>b. Apply knowledge learned from charts and graphs.</u>	<u>i. Present a speech that informs or persuades that includes a chart or graph.</u>
<u>04. Use a variety of resources to produce visuals that communicate through print and non-print media.</u>	<u>a. Produce effective visuals which include the following:</u> <u>- Essential messages and images;</u> <u>- Effective use of time, space, and organization;</u> <u>- Appropriate style, word choices, grammar, punctuation, and spelling</u> <u>- Proper documentation.</u>	<u>i. Produce a personal web page.</u> <u>ii. Design a yearbook page using photographs.</u> <u>ii. Give a speech that includes posters, charts, graphs, or transparencies.</u> <u>iv. Create a brochure, portfolio, video, or computer presentation promoting a product.</u>

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406. -- 449. (RESERVED).

450. HEALTH STANDARDS.

01. Health Education. Health education enables students to obtain, apply, and benefit from health

information, services, and skills in ways that enhance the individual and society. Health knowledge and its applications enhance the ability to achieve life goals. Health is a dynamic process that includes emotional, mental, physical, social, environmental, and spiritual dimensions. (7-1-99)T

02. Instruction In Human Sexuality. Instruction in the areas of human sexuality are ultimately governed by Sections 33-1608 through 33-1611, Idaho Code: (7-1-99)T

- a. Section 33-1608, Idaho Code – Family life and sex education – legislative policy. (7-1-99)T
- b. Section 33-1609, Idaho Code – “Sex education” defined. (7-1-99)T
- c. Section 33-1610, Idaho Code – Involvement of parents and community groups. (7-1-99)T
- d. Section 33-1611, Idaho Code – Excusing children from instruction in sex education. (7-1-99)T

Note: The samples associated with the content standards are meant to illustrate meaning and to represent possible areas of application. They are not intended to be an exhaustive list, but are samples of applications that would demonstrate learning. Throughout the Health Standards section the term “STDs” (Sexually Transmitted Disease) includes HIV/AIDS (Human Immunodeficiency Virus/Acquired immune Deficiency syndrome). (7-1-99)T

451. HEALTHY LIFESTYLES.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Acquire the essential skills to lead a healthy life.</u>	a. <u>Assess the benefits of proper nutrition and regular physical activity on the health of humans throughout the life cycle.</u>	i. <u>Design a personal plan to maintain a healthy body through healthy dietary habits and regular physical activity on the body systems.</u> ii. <u>Use nutritional information to design a healthy diet; e.g., product labels and established dietary guidelines.</u> iii. <u>Explain the immediate and long-term benefits of nutrition and physical activity on the body systems.</u>
	b. <u>Assess how personal health issues change during life; e.g., puberty, aging, disability, serious illness/ injury.</u>	i. <u>Describe physical and mental changes that occur during life.</u> ii. <u>Identify and recognize the challenges of individuals with disabilities.</u>
	c. <u>Evaluate the psychological, social, emotional, and physical implications of human sexuality in developing and maintaining a responsible, healthy lifestyle.</u>	i. <u>Recognize how sexual decisions are influenced by external pressures such as the community, media, and peers.</u> ii. <u>Describe human fetal development from conception through birth.</u> iii. <u>Identify social, emotional, intellectual and economic aspects of sexual relationships.</u> iv. <u>Identify threats to personal safety such as incest, rape, and date rape.</u> v. <u>Identify and recognize abstinence as the surest method to prevent pregnancy and STDs.</u>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	<p><u>d. Demonstrate knowledge and concepts of basic injury prevention, emergency care, and crisis management procedures.</u></p>	<p><u>i. Identify behaviors and situations that impair personal safety and require intervention such as injuries and other crises.</u></p> <p><u>ii. Identify the appropriate responses to life threatening and non-life threatening emergencies; e.g., CPR, Heimlich maneuver, emergency medical systems, and first aid.</u></p> <p><u>iii. Identify the local support systems concerning personal safety; e.g., family, teachers, emergency response personnel, American Red Cross, religious advisors, friends, and counselors.</u></p> <p><u>iv. Describe and compare health and safety methods that reduce risks; e.g., wearing seat belts, wearing helmets, using sunscreen.</u></p>
	<p><u>e. Identify and evaluate the prevention, causes, symptoms, treatment, and consequences of diseases and disorders.</u></p>	<p><u>i. Describe the causes, preventive methods and available treatment for chronic diseases; e.g., heart disease, stroke, cancer and diabetes.</u></p> <p><u>ii. Describe the causes of infectious diseases; e.g., hepatitis, STDs, colds, flu, mumps, measles.</u></p> <p><u>iii. Identify way that infectious diseases are spread, the means of prevention, and available treatment options.</u></p>
	<p><u>f. Assess environmental and other external factors that affect individual and community health; e.g., public health policies, governmental regulations, research.</u></p>	<p><u>i. Analyze how public health policies and governmental regulations influence wellness and disease prevention.</u></p> <p><u>ii. Identify sources and causes of environmental health risks; e.g., air, soil, sun, water, noise, food, and chemicals.</u></p> <p><u>iii. Explain interrelationships between the environment, individual, and community health.</u></p> <p><u>iv. Describe how individuals, communities, and governments can prevent and correct health threatening environmental problems through the use of recycling, restaurant inspections, and OSHA standards.</u></p> <p><u>v. Analyze how prevention and control of health problems are influenced by research and health care advances such as immunization and health research.</u></p>

(7-1-99)T

452. RISK TAKING BEHAVIOR.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
<p>01. Demonstrate the ability to practice health-enhancing behaviors and reduce health risks.</p>	<p>a. Assess the consequences of sexual activity: e.g., unplanned pregnancy, STDs, and emotional distress</p>	<p>i. Explain how STDs are caused, transmitted, treated, and prevented. ii. List early symptoms and long-term consequences of STDs. iii. Explain the physical, social, ethical, emotional, intellectual, and economic consequences of sexual activity: e.g., unplanned pregnancy, quality of life, child abuse, goals, self-esteem, and STDs. iv. Analyze how family, peers, and media influence sexual decision making, e.g., critique TV ads, social norm development, and family interpersonal communications. v. Identify and evaluate the effectiveness of prevention methods (including abstinence) in relation to pregnancy and STDs.</p>
	<p>b. Assess the short and long-term consequences of tobacco, alcohol, and other drugs: e.g., use, misuse, abuse, and dependency.</p>	<p>i. Evaluate how the use, misuse, and abuse of alcohol and other drugs contribute to health problems, accidents, crime, and suicide. ii. Recognize that alcohol, tobacco, and other drug dependencies are preventable and treatable disease/conditions and identify appropriate community resources. iii. Explain how alcohol, tobacco, and other drug dependencies are preventable and treatable diseases/conditions and identify appropriate community resources. iv. Explain the effects of drug interactions on the human body: e.g., prescription and non-prescription/over-the-counter, legal, and illegal drugs. v. Identify positive alternatives to substance use, misuse, and abuse. vi. Analyze the relationship of dependency, tolerance, and withdrawal. vii. Explain Idaho laws regarding the unlawful use of chemical substances.</p>

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
	c. <u>Evaluate the impact of risky behaviors on personal and community health.</u>	i. <u>Discuss the leading causes of teen mortality and formulate methods of prevention; e.g., accidents, suicide, and homicide.</u> ii. <u>Compare how alcohol, tobacco, and other drug use and non-use impact personal goals, economics, educational opportunities, and occupational choices.</u> iii. <u>Determine how one’s genetics and health choices contribute to disease; e.g., heredity, physical inactivity, hygiene, nutrition, stress, environment, and infection.</u> iv. <u>Explain how the cumulative effects of poor health choices impact the physical, emotional, financial, and legal well being of the individual, family, and community.</u>

(7-1-99)T

453. COMMUNICATION SKILLS FOR HEALTHY RELATIONSHIPS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Demonstrate the ability to use communication skills to enhance health.</u>	a. <u>Analyze the causes and effects of conflict in schools, families, workplaces, and communities.</u>	i. <u>Explain what is meant by the terms “harassment,” “hazing,” “peer pressure,” “gangs,” “violence,” and “weapons.”</u> ii. <u>Develop action plans to deal with inter-personal conflicts.</u>
	b. <u>Demonstrate and evaluate communication skills that enhance intra-personal health; e.g., coping skills, self-efficacy, affirmations, refusal skills, and conflict resolution.</u>	i. <u>Identify factors that promote a positive self-image; e.g., positive self-talk, respect for self, respect for authority, respect for others, and the recognition of the right to be assertive.</u> ii. <u>Identify ways of resisting persuasive tactics in regards to self-defeating behaviors; e.g., negotiating, using refusal, and decision-making skills.</u>
	c. <u>Relate how effective interpersonal communication skills can be used to build, maintain, and enhance interactions between family, peers, workplace, and society.</u>	i. <u>Demonstrate various strategies for enhancing interpersonal relationships such as collaboration, negotiation, decision making, refusal skills, and conflict resolution.</u>

(7-1-99)T

454. CONSUMER HEALTH.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. <u>Organize, analyze, and apply health information practices and services appropriate for individual needs.</u>	a. <u>Evaluate the validity of health information, products and services; e.g., advertising claims, quackery, fraudulence, and health-related research.</u>	i. <u>Identify health services and information that are proven, unproven, or fraudulent.</u> ii. <u>Explain the concept of the Patient's Bill of Rights.</u>
	b. <u>Evaluate resources from home, school, library, and the community that provides valid health care information.</u>	i. <u>Match various health care needs and problems with associated local health care service agencies, clinics, and other advisory services.</u> ii. <u>Compare and contrast local community resources that provide health information and services; e.g., family, school, church, friends, counselors, hospitals, emergency response personnel, recreation centers, and pharmacies.</u> iii. <u>Apply critical thinking skills to analyze marketing and advertising methods for influencing health care choices.</u>
	c. <u>Evaluate factors and situations that influence personal selection of health care products and services; e.g., when to seek treatment, when or what product to use.</u>	i. <u>Apply critical thinking skills to analyze marketing and advertising methods for influencing health choices; e.g., food, medicines, and products.</u> ii. <u>Identify, recognize and discuss favorable and unfavorable health care practices that are directly affected by a variety of persuasive sources; e.g., peers, media, and advertising.</u> iii. <u>Evaluate how values, attitudes, and beliefs impact consumer choices about health care issues.</u>
	d. <u>Analyze the cost and accessibility of health care services.</u>	i. <u>Differentiate between short and long-term health care services; e.g., inpatient, outpatient, emergency, and alternative services.</u> ii. <u>Identify the cost and benefits of various health plans; e.g., Preferred Provider Organization (PPO), Health Maintenance Organization (HMO), traditional and alternative health care services.</u>

(7-1-99)T

455. MENTAL AND EMOTIONAL WELLNESS.

<u>Content Standard - The student will:</u>	<u>Content Knowledge and Skills:</u>	<u>Samples of Applications:</u>
01. Understand and demonstrate the key components to positive mental and emotional health.	a. Assess strategies for coping with and overcoming feelings of stress; e.g., rejection, social isolation, other forms of stress, and burnout.	i. Differentiate between mental, emotional, and physical causes of stress. ii. Identify positive techniques that help one deal with stress. iii. Develop a stress management program.
	b. Identify methods for addressing mental and emotional concerns; e.g., depression, grief, eating disorders, and suicide.	i. Discuss the stages of the grieving process and methods of coping. ii. Identify positive coping behaviors for dealing with life change situations; e.g., moving, change in employment, divorce, death, rape, incest, abuse, and suicide. iii. Discuss the interrelationship between mental and emotional health. iv. Identify and develop a personal support system for mental and emotional health; e.g., home, school, and community resources. v. Assess situations (e.g., when and where) in which one should seek help for oneself or others.

(7-1-99)T

456. -- 999. (RESERVED).

IDAPA 09 - IDAHO DEPARTMENT OF LABOR
09.01.06 - RULES OF THE APPEALS BUREAU
DOCKET NO. 09-0106-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 1, 1999.

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) 72-1333(2), 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 July 22, 1999.

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 nontechnical explanation of the substance and purpose of the proposed rulemaking: Idaho's Claims for Wages Act was amended by the last session of the Idaho Legislature to allow wage claim appeals to be heard by the Department of Labor's Appeals Bureau. The rules of the Department of Labor's Appeals Bureau are being changed to accommodate this new legislation.

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 these rules is appropriate for the following reasons: To comply with deadlines in amendments to governing law and to confer a benefit on employees and their employers.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because rules are being changed to comply with new legislation.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Craig G. Bledsoe at 208/334-6256.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 1st day of June, 1999.

Craig G. Bledsoe
Deputy Attorney General
Department of Labor
317 W. Main St.
Boise, ID 83735
208/334-6256 / Fax: 208/334-6125

THE FOLLOWING IS TEXT OF DOCKET NO. 09-0106-9901

003. ADMINISTRATIVE APPEALS.

Appeals pursuant to the Employment Security Law shall be governed by the provisions of Section 72-1368, Idaho Code, and these rules. Appeals pursuant to the Claims for Wages Act shall be governed by the provisions of Section

45-617, Idaho Code, and these rules.

~~(3-19-99)~~(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

006. GENERAL PROVISIONS.

Department hearing officers shall be called appeals examiners. Ref. Sec. 72-1368(6) and Sec. 45-617(7).

~~(3-19-99)~~(7-1-99)T

007. EXEMPTION FROM ATTORNEY GENERAL ADMINISTRATIVE PROCEDURE RULES FOR CONTESTED CASES.

Pursuant to the provisions of Section 67-5206(5), Idaho Code, the procedures contained in Subchapter B, "Contested Cases," of the rules of administrative procedure promulgated by the Attorney General as IDAPA 04.11.01.100 through 799 do not apply to appeals within the Department. All appeals within the Department are governed solely by the provisions of ~~Idaho the~~ Employment Security Law, the Claims for Wages Act, these rules, and the rules of appeals procedure contained in IDAPA 09.01.06.001 et seq. ("Appeals") and/or by the applicable federal law governing the Job Service Complaint System, the Job Training Partnership Act (JTPA) program, or other programs administered by the Department.

~~(7-1-98)~~(7-1-99)T

008. REASONS FOR EXEMPTION FROM ATTORNEY GENERAL'S ADMINISTRATIVE PROCEDURE RULES.

01. Proceedings To Determine The Rights To Unemployment Insurance Benefits And Tax Contribution Coverage.

All proceedings to determine the rights to unemployment insurance benefits and tax contribution coverage are exempt from the contested case and judicial review provisions of the Idaho Administrative Procedure Act, pursuant to ~~judicial review provisions of the Idaho Administrative Procedure Act, pursuant to~~ Sections 72-1361 and 72-1368, Idaho Code. Appeals of complaint determinations and other decisions arising within the complaint system or other programs administered by the Department must be determined by the requirements of applicable federal law. The Department has promulgated its own rules of procedure for its appeals proceedings contained in IDAPA 09.01.06.001 et seq. All procedures affecting the rights to benefits and unemployment insurance coverage must be determined solely by the requirements of Employment Security Law. Such proceedings must be speedy and simple as required by the Federal Unemployment Tax Act and the Social Security Act. The Department determines that it can more adequately meet these requirements through promulgating its own rules rather than relying upon the rules applicable to other state agencies.

~~(7-1-98)~~(7-1-99)

02. Claims For Wages Are Exempt. All proceedings to determine claims for wages are exempt from the contested case provisions of the Idaho Administrative Procedure Act pursuant to Section 45-617(2), Idaho Code.

~~(7-1-99)~~T

(BREAK IN CONTINUITY OF SECTIONS)

012. FILING OF AN APPEAL.

01. Filing Of An Appeal Pursuant To The Employment Security Law. An appeal shall be in writing, signed by an interested party or representative, and shall contain words that, by fair interpretation, request the appeal process for a specific determination, redetermination or decision of the Department. The appeal may be filed by delivering it, or faxing it, to any Job Service office or to the Appeals Bureau of the Department, 317 Main Street, Boise, Idaho 83785. The date of personal delivery shall be noted on the appeal and shall be deemed the date of filing. A faxed appeal that is received by a Job Service office or the Appeals Bureau by 5:00 p.m. (as of the time zone of the office receiving the appeal) on a business day shall be deemed filed on that date. A faxed appeal that is received by a Job Service office or the Appeals Bureau on a weekend or holiday or after 5:00 p.m. on a business day shall be deemed filed on the next business day. An appeal may also be filed by mailing it to any Job Service office or to the Appeals Bureau, Idaho Department of Labor, 317 Main Street, Boise, Idaho 83735. If mailed, the appeal shall be

deemed to be filed on the date of mailing as determined by the postmark on the request. Ref. Sec. 72-1368(6), Idaho Code. ~~(3-19-99)~~(7-1-99)T

02. Filing Of An Appeal Pursuant To The Claims For Wages Act. An appeal shall be in writing, signed by the appellant or the appellant's representative, and shall contain words that, by fair interpretation, request the appeal process for a specific determination or revised determination of the Department. The appeal may be filed by personal delivery, by mail, or by fax to the Wage and Hour Section of the Department at the address indicated on the Wage Claim Determination. The date of personal delivery shall be noted on the appeal and shall be deemed the date of filing. If mailed, the appeal shall be deemed to be filed on the date of mailing as determined by the postmark. A faxed appeal that is received by the Wage and Hour Section by 5:00 p.m. on a business day shall be deemed filed on that date. A faxed appeal that is received by the Wage and Hour Section on a weekend, holiday or after 5:00 p.m. on a business day shall be deemed filed on the next business day. Ref. Sec. 45-617(6), Idaho Code. (7-1-99)T

023. Date Of Mailing. The "Date of Mailing" or "Date Mailed". The date indicated on Department determinations, revised determinations, redeterminations and decisions shall be presumed to be the date the document was deposited in the United States mail, unless shown otherwise by a preponderance of competent evidence. ~~(2-25-94)~~(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

017. EFFECT OF POSTAL SERVICE DELAY OR ERROR.

If a party establishes by a preponderance of the evidence that notice of a Department determination was not delivered to the party's last known address within fourteen (14) days of mailing, as provided in Section 72-1368(3) and (5), Idaho Code, because of delay or error by the U.S. Postal Service, the period for filing a timely appeal shall be deemed to have been fourteen (14) days from the date of actual notice. ~~(3-19-99)~~

01. Non-Delivery Department Determinations. If a party establishes by a preponderance of the evidence that notice of a Department determination ~~or special redetermination~~ was not delivered to the party's last known address within fourteen (14) days of mailing, as provided by the Employment Security Law in Sections 72-1368(~~5~~3) and (~~6~~5), Idaho Code, and by the Claims for Wages Act in Sections 45-617(4) and (5), Idaho Code, because of delay or error by the U.S. Postal Service, the period for filing a timely appeal shall be deemed to have been fourteen (14) days from the date of actual notice. ~~(3-19-99)~~(7-1-99)T

02. Filing Timelines Decisions Of The Appeals Examiner. If a party establishes by a preponderance of the evidence that notice of a decision by an appeals examiner was not delivered to the party's last known address within ten (10) days of mailing, as provided by the Employment Security Law in Sections 72-1368(5) and (6), Idaho Code, and by the Claims for Wages Act in Sections 45-617(5) and (7), Idaho Code, because of delay or error by the U.S. Postal Service, the period for filing a timely application for rehearing shall be deemed to have been ten (10) days from the date of actual notice. If it is established by a preponderance of the evidence that notice of a decision was not delivered to the party's last known address within fourteen (14) days of mailing because of delay or error by the U.S. Postal Service, the period for filing a timely claim for review with the Industrial Commission under the Employment Security Law shall be deemed to have been fourteen (14) days from the date of actual notice. Ref. Sec. 72-1368(~~3~~); (~~4~~); (5) and (6) and Section 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

020. COMMUNICATION WITH APPEALS STAFF.

No party involved in an appeal shall communicate, either directly or indirectly, with appeals examiners, the Chief of the Appeals Bureau, or clerical staff of the Appeals Bureau, regarding any issue of fact or law relevant to an appeal, unless all parties involved in an appeal have been provided notice and an opportunity to participate in such communication. No person acting on behalf of any party, including the Idaho Department of Labor, shall attempt to influence the disposition of an appeal through such communications. No Appeals Examiner shall knowingly cause a

communication prohibited by this section to be made. (3-19-99)

01. Prohibition Of Ex Parte Contacts. The prohibition on ex parte contacts contained in IDAPA 09.01.06.020 applies from the time an appeal is filed pursuant to IDAPA 09.01.06.012 until the appeal becomes final and conclusive pursuant to Sections 72-1368 and 45-617, Idaho Code. ~~(2-25-94)~~(7-1-99)T

02. Issues Of Fact. As used in IDAPA 09.01.06.020, the term "issue of fact or law relevant to an appeal" includes any matter relating to the merits of an appeal but does not include questions of appeals procedure or case status inquiries. Parties shall not direct questions of appeals procedure or case status inquiries to the appeals examiner assigned to their case but rather to other appeals examiners, the Chief of the Appeals Bureau (unless he or she is functioning as the appeals examiner in the case), or to clerical staff of the Appeals Bureau. (3-19-99)

03. Reporting Prohibited Contacts. An appeals examiner or other employee of the Appeals Bureau who receives a communication prohibited by IDAPA 09.01.06.020 shall place in the record of the case all such written communications or a memorandum stating the substance of all such oral communications. The Appeals Bureau shall send a full copy of the communication to the other interested parties to the appeal and allow an appropriate time for the parties to respond to the communication. (3-19-99)

(BREAK IN CONTINUITY OF SECTIONS)

026. CONDUCT OF HEARING.

Upon request for appeal, a hearing shall be set and written notice of the time and place of hearing shall be mailed to each interested party not less than seven (7) days prior to the hearing date. (2-25-94)

01. Telephone Hearings. Hearings will be held by telephone unless, in the sole discretion of the appeals examiner, a personal hearing should be set. In deciding the manner in which to conduct the hearing, the appeals examiner shall consider factors, including but not limited to the desires of the parties, possible delay and expense, the burden of proof, the complexity of the issues, and the number and location of witnesses. (3-19-99)

02. Continuance. The appeals examiner may postpone or continue a hearing for good cause on the examiner's own motion or that of any party, before a hearing is concluded. The appeals examiner may order the dismissal of an appeal for good cause, such as abandonment of the appeal. (3-19-99)

03. Rehearing. An application for rehearing shall be in writing and filed in person or postmarked within ten (10) days after the appeals examiner's decision is served. (3-19-99)

04. No Appearance Hearings. If no party appears to present additional evidence, a decision will then be based on the available evidence. (2-25-94)

05. Exhibits And Recordings. The exhibits and tape recordings from a hearing may be destroyed, reused, or otherwise disposed of after the expiration of the time period for appeal from the decisions of the appeals examiner. (3-19-99)

06. Subpoenas. After determining that a subpoena of a witness or records is necessary and reasonable, the appeals examiner shall issue the subpoena, which may be served by mail or in person. (3-19-99)

07. Failure To Respond To Subpoena. If a person fails to respond to a subpoena issued by mail, the appeals examiner will proceed with the scheduled hearing and determine, after hearing the available testimony, whether the subpoena is still necessary and reasonable. If so, the hearing will be continued and a second subpoena will be issued and personally served. (3-19-99)

08. Witness Fees. Individuals who attend hearings before the appeals examiner as subpoenaed witnesses, not parties, shall be entitled to receive a fee of seven dollars and fifty cents (\$7.50) for each day or portion thereof for attendance. In no case shall a witness be paid more than seven dollars and fifty cents (\$7.50) for any one

(1) day. Subpoenaed witnesses shall also be entitled to mileage expense at the current allowable mileage reimbursement rate as determined by the Idaho State Board of Examiners. For appeals under the Employment Security Law, such witness fees and mileage expenses shall be paid from the Employment Security Administration fund. Under no circumstances shall interested parties to a hearing be granted witness fees or mileage expenses. Mileage fees are not allowed for vicinity travel. ~~(3-19-99)~~(7-1-99)T

09. Undecided Issues. When it is apparent that there is no prior ruling on an issue which must be decided under the Act, the appeals examiner may hear and decide the issue. (3-19-99)

10. Type Of Hearing. The proceeding before an appeals examiner will be a hearing "de novo" or original hearing and not solely a review proceeding. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

11. Role Of Appeals Examiner. The appeals examiner will function as a fact finder and not solely as a judge. The appeals examiner will have the responsibility of developing all the evidence that is reasonably available. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

12. Order Of Witnesses. The appeals examiner will direct the order of witnesses and develop evidence in a logical and orderly manner to move the hearing along as expeditiously as possible. Therefore, as a general rule, the party who bears the burden of proof will be called to testify first. The appeals examiner will exercise reasonable discretion in directing the order, which must be flexible and dependent upon the particular circumstances of each case and which party has the most information. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

13. Exclusion Of Irrelevant Testimony. The appeals examiner will control the undue extension of the hearing by excluding repetitious or irrelevant testimony. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

14. Disruptive Individuals. The appeals examiner may exclude disruptive individuals from the hearing or may postpone the hearing if the integrity of the proceedings is being compromised. If an interested party is excluded, he will be provided a copy of the tape recording of the proceedings and given an opportunity to submit written evidence and argument prior to the issuance of the decision and the opposing party will be given an opportunity to respond. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

15. Challenge Of General Knowledge. If judicially cognizable facts or general, technical, or scientific facts within the appeals examiner's specialized knowledge are used in the decision, the parties will be given an opportunity to challenge them either at the time of the hearing or prior to or at the time of the issuance of the decision. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

16. Closing Arguments. Closing arguments including response in an appeals hearing will be limited to a total of five (5) minutes for each party unless the appeals examiner grants an exception. Ref. Sec. 72-1368(6) and Sec. 45-617(7), Idaho Code. ~~(3-19-99)~~(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

066. CLAIMS FOR REVIEW.

01. Claim For Review Under The Employment Security Law. A claim for review of the appeals examiner's decision, as provided in Section 72- 1368, Idaho Code, shall be made in writing, signed by the person claiming the review or by his attorney or agent, and filed with the Idaho Industrial Commission in accordance with rules adopted by them. Ref. Sec. 72-1368(7) Idaho Code. ~~(3-19-99)~~(7-1-99)T

02. Transcripts. Upon receipt of a notice that a claim for review has been filed with the Industrial Commission, a true and correct transcript of the recorded proceedings shall be prepared if ordered by the Commission. Copies of the transcript or the tape recording of the proceeding, together with the exhibits received in

the case, shall be transmitted by the Department to the Commission and provided to all interested parties without charge. (3-19-99)

067. JUDICIAL REVIEW OF WAGE CLAIM DECISIONS.

The Department is not an aggrieved party for purposes of judicial review and shall not be made a party in any petition for judicial review. The proper parties in a petition for judicial review are the claimant and the employer. A claimant or employer aggrieved by a final wage claim decision of an appeals examiner may obtain judicial review of the decision pursuant to the provisions of Section 45-619, Idaho Code and the Judicial Review Provisions of the Administrative Procedure Act, Sections 67-5270 through 67-5279, Idaho Code. (7-1-99)T

067~~8~~. -- 089. (RESERVED).

090. DISMISSAL IF FILING IS LATE.

Where it appears that any appeal (request for hearing) to the appeals examiner, or claim, or any other request or application, may not have been filed within the period of time prescribed for filing, the appellant, claimant, petitioner, or applicant (as the case may be) shall be notified and be given an opportunity to show that such appeal, claim for review, petition, or other request was timely. In computing any period of time prescribed or allowed by the Idaho Code, the day of the act, event, or default is not to be included. Sundays and holidays shall be counted during the period unless the last day of the period is a Sunday or legal holiday in which event the period shall not expire until the day following the Sunday or legal holiday. If it is found that such appeal, claim for review, petition or other request or application was not filed within the applicable time limit, it shall be dismissed on such grounds. If it is found that such appeal, claim for review, petition, or other request or application was timely, the matter shall be decided on the merits. Copies of a decision under this section shall be given or mailed to all interested parties, together with a clear statement of right of appeal or review. Ref. Sec. 72-1368 and Sec. 45-617, Idaho Code. (~~3-19-99~~)(7-1-99)T

IDAPA 09 - DEPARTMENT OF LABOR
09.01.30 - RULES OF THE BENEFITS BUREAU
DOCKET NO. 09-0130-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 1, 1999.

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) 72-1333(2), 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 July 22, 1999.

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 nontechnical explanation of the substance and purpose of the proposed rulemaking:

IDAPA 09.01.30.325.02 would be changed to allow educational institutions to show "reasonable assurance" of continuing employment either by providing an oral or a written statement to the Department indicating that an individual who performed services in the prior year or term has been given a bona fide offer of a specific job in the second academic period. The current rule requires that such statements be in writing. IDAPA 09.01.30.425.10.b. would be changed to allow employers to provide separation information to a Department representative by telephone or e-mail, in addition to the other means currently specified. The current rule requires that such statements be personally delivered, mailed, or faxed to the Department.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons: These rules will benefit Idaho's employers and educational institutions by allowing them to provide information to the Department in a faster and more convenient manner.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted for the following reasons: the agency determined it was not feasible because of the need for temporary rule-making and the simple nature of the proposed rule changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jean Hull at 208/334-6317.

Anyone may submit written comments regarding this temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May, 1999.

Jean Hull
Unemployment Insurance Administrator
Department of Labor
317 W. Main Street
Boise, ID 83735
208/334-6317
Fax: 208/334-6301

THE FOLLOWING IS TEXT OF DOCKET NO. 09-0130-9901

325. EMPLOYEES OF EDUCATIONAL INSTITUTIONS.

Benefits based on wages earned for services performed for an educational institution or educational service agency shall not be paid for any week which commences during a period between two (2) successive school years or terms, or during vacation periods and holiday recesses within terms, if an individual performs services in the first year or term and there is a contract or reasonable assurance that the individual will perform such services in the second year or term. Ref. Sec. 72-1366(17)(a), (b), (c), (d), Idaho Code. (3-19-99)

01. Possibility Of Employment. An offer of employment by an educational institution or service agency is not "bona fide" if merely a possibility of employment exists. A possibility of employment, rather than a reasonable assurance, exists when: (3-19-99)

a. The circumstances under which the claimant would be employed are not within the control of the educational institution; and (3-19-99)

b. The educational institution does not provide evidence that such an individual normally would perform services the following academic year. (3-19-99)

02. Reasonable Assurance. "Reasonable assurance" of continuing employment exists when an educational institution or service agency provides an oral or written evidence statement to the Department indicating that the claimant has been given a bona fide offer of a specific job in the second academic period. In addition, for such "reasonable assurance" to exist, the terms and conditions of the job offered in the second period must not be substantially less favorable than the terms and conditions of the job performed in the first period. ~~(3-19-99)~~(7-1-99)T

03. Reasonable Assurance Later Given. A claimant who initially has been determined not to have a reasonable assurance of continuing employment, will subsequently become disqualified for benefits under Sections 72-1366(17)(a), (b), or (c), Idaho Code, when an educational institution or service agency gives the claimant such reasonable assurance. (3-19-99)

04. Retroactive Payments. As provided in Section 72-1366(17)(b), Idaho Code, retroactive payment of benefits will be made to claimants who were denied solely by reason of having reasonable assurance of continuing employment and who were not offered an opportunity to perform services in the second school year or term. Such individuals must file a written application for the retroactive payment with the Department no later than thirty (30) days after the beginning of the second school year or term or retroactive payment will not be made. In addition, the claimant must provide written evidence from the employer who previously provided reasonable assurance of continuing work, that the claimant was not offered an opportunity to return to work in the second of two (2) successive school years or terms. (3-19-99)

05. Under Contract, But Between School Terms. Employees of educational institutions who are hired under contract for the school term, shall be considered unemployed between school terms even though they may receive their salary in twelve (12) monthly payments. (3-19-99)

(BREAK IN CONTINUITY OF SECTIONS)

425. NEW CLAIMS/ADDITIONAL CLAIMS.

Ref. Sec. 72-1308, Idaho Code. (3-19-99)

01. Claims For Benefits, Delayed Filing. When any claims taking office has reason to believe there will be more claimants than can be served on any given day, an appointment slip must be used to adjust the claims load for the filing of new claims. Appointment slips shall be issued to potential claimants who cannot be served on the date they first make contact with the office. A claimant who receives an appointment slip does not forfeit any benefit

rights provided, however, that he subsequently files his claim on the day assigned. (3-19-99)

02. Effective Date -- New Claims. A new claim for benefits is effective on the Sunday of the week in which it is filed unless it is backdated due to local office scheduling problems or filed on an itinerant basis. (3-19-99)

03. Effective Date Of Mail Claims/Itinerant Claims. A claim for benefits filed at an itinerant point on the first regular itinerant visit after the claimant's separation will be effective as of the Sunday preceding the first business day of the period of unemployment. If filed at a date later than the first regular itinerant visit, the claim shall be effective as of the Sunday preceding the date the claim is actually filed. If a claimant has been granted permission to file his initial claim by mail, and he completes and returns the claim form within seven (7) days of the date the form was mailed to him from the local office, the effective date of the claim shall be the Sunday preceding the date of his original request to file the claim. If the claimant fails to mail the claim form within the seven (7) day period, and mail facilities would have permitted such mailing within the period, the effective date of the claim shall be the Sunday preceding the date he mails the claim form. Ref. Sec. 72-1308, Idaho Code. (3-19-99)

a. Taking new claims by mail. A claims examiner may allow a claimant to file an initial claim by mail when in-person filing would cause undue hardship. (3-19-99)

b. Interstate claimant mail claims. Any claim filed by mail by an interstate claimant shall be accepted in the same manner and under the same conditions for which mail claims are accepted from intrastate claimants. Ref. Sec. 72-1368(1), Idaho Code. (3-19-99)

04. Itinerant Claims. Itinerant points for the taking of unemployment insurance claims may be established, changed, or discontinued at administrative discretion. Where itinerant service is being inaugurated, changed, or discontinued for a particular community, public notice of such inauguration, change, or discontinuance shall be conspicuously posted and public notification placed in a daily or weekly newspaper of general distribution for the affected community two (2) weeks prior to such inauguration, change or discontinuance. Ref. Sec. 72-1368(1), Idaho Code. (3-19-99)

05. Registration For Work. All claimants who cannot demonstrate a firm attachment to an employer, industry, or union will be required to register for employment. Unless otherwise requested by the claimant, such registration should apply only to the days or parts of the days that the claimant is in fact unemployed and available for employment. The work history of each claimant shall be recorded, and a work application completed and filed. Ref. Sec. 72-1366(2), Idaho Code. (3-19-99)

06. Registration/Reporting Requirements – Interstate Claimants. Interstate claimants shall be required to register for work in the same manner and to comply with the same reporting requirements prescribed for regular Idaho intrastate claimants at either a local office or an itinerant point. Ref. Sec. 72-1366(1), (2), Idaho Code. (3-19-99)

07. Requirement To Provide Information. Any individual wishing to claim benefits shall file a claim through the local office serving his area of residence and shall provide the local office with his legal name, his address where mail is delivered to him, his place of last employment, the employer's correct address, a list of all other employment in the past eighteen (18) months, his Social Security Number, the reason for separation from all applicable employers, and his plans for finding other employment at the earliest possible time. Failure to provide this information may result in ineligibility for benefits until the information is provided. Ref. Sec. 72-1366(1), Idaho Code. (3-19-99)

08. Right To Claim Benefits. In no instance, under any circumstances or conditions, shall an individual be denied the right to file a claim and to receive in writing a decision regarding his eligibility. Ref. Sec. 72-1366(1), Idaho Code. (3-19-99)

09. Separation Information. Unless separation information has been provided by other means, such as a mass layoff list, a notice of the filing of a claim and a request for separation information must be completed and mailed to the claimant's last employer and each next preceding employer until the wages received by the claimant equal or exceed twelve (12) times his weekly benefit amount. For all such employers, the claimant must provide the Department with the employer's name and correct mailing address, the claimant's dates of employment, the type of

employment performed, and the claimant's gross earnings from each employment. Ref. Sec. 72-1366 (1), (5) and (14), Idaho Code. (3-19-99)

10. Separation Notice. (3-19-99)

a. Request for separation information. Every employer (including employers not subject to Title 72, Chapter 13, Idaho Code), after receiving a request for separation information from the Department because an individual has filed a claim for benefits listing him as the claimant's last employer, shall submit to the Department a report of the reasons for the separation whenever such claimant: (3-19-99)

i. Left his employment voluntarily; (3-19-99)

ii. Was discharged from his employment due to misconduct; (3-19-99)

iii. Is unemployed due to a strike, lockout, or other labor dispute; or (3-19-99)

iv. Was separated for any other reason except lack of available work. (3-19-99)

b. Employer response. The employer's response shall be completed in accordance with instructions printed on the Department's request for separation information and shall be ~~signed~~ completed by the employer or on the employer's behalf by someone having personal knowledge of the facts therein stated. The ~~signed~~ completed statement must be filed with the Department within ten (10) days from the date the request for separation information was mailed to the employer or by the extended due date, if any, granted by the Department. If the due date is a holiday, the time for filing the employer's statement shall be extended to include the following working day. The employer's statement may be filed by one (1) of the following methods with the office listed on the request for separation information: ~~(3-19-99)~~(7-1-99)T

i. Personal delivery. The employer's statement may be personally delivered to the office by handing it to a Department employee at the office. The date of personal delivery shall be noted on the statement by the Department employee and shall be deemed the date of filing. The statement must be delivered to a Department employee by 5 p.m. on a business day to be deemed filed on that date. (3-19-99)

ii. Faxing or e-mailing. The employer's statement may be faxed or e-mailed to the office if sent to the fax number or e-mail address listed on the request for separation information. A faxed or e-mailed statement that is received by 5 p.m. (as of the time zone of the office receiving the fax or e-mail) on a business day shall be deemed filed on that date. A faxed or e-mailed statement that is received on a weekend or holiday or after 5 p.m. on a business day shall be deemed filed on the next business day. ~~(3-19-99)~~(7-1-99)T

iii. Mailing. The employer's statement may be mailed to the office. A mailed statement shall be deemed filed on the date of mailing as determined by the postmark on the envelope containing the statement. Ref. Sec. 72-1337 and 72-1368, Idaho Code. (3-19-99)

iv. Telephone. The employer's statement may be provided to a Department representative by telephone if the Department representative calls the employer to obtain the separation information on or before the employer's due date for providing the information. (7-1-99)T

c. Date of mailing of request by the Department. The date indicated by the Department on the request for separation information as "Date of Mailing" shall be presumed to be the date the request was deposited in the United States mail, unless shown otherwise by a preponderance of competent evidence. (3-19-99)

d. Extending due date. To obtain an extension of the due date for the separation statement, an employer must contact the local office and request the extension by the date the separation statement is otherwise due. (3-19-99)

e. Appealing ruling of untimeliness. If, in the initial determination on the claim, it is determined that an employer has failed to file the completed separation statement within the time provided in this rule, the employer may assert that there was good cause for such failure or that the requested information was provided by the due date

by filing an appeal of that determination in accordance with IDAPA 09.01.06, "Rules of the Appeals Bureau," Section 012, within fourteen (14) days of the date the determination was mailed. (3-19-99)

11. Taking An Additional Claim Or Reopening A Claim. A claim series may be reestablished, subsequent to the filing of a new claim, in person, by mail, or by telephone. Ref. Sec. 72-1368(1), Idaho Code. (3-19-99)

a. Effective date of AC/RO. An additional or reopened claim shall be effective on the Sunday of the first week in which the claimant contacts a local office to reestablish the claim. Ref. Sec. 72-1368(1), Idaho Code. (3-19-99)

i. AC/RO filing. If a claimant chooses to use a reopen/additional claim form rather than file by telephone, the form may be mailed or personally delivered to a local office. The claim must be filed during a week in which the claimant becomes unemployed and/or wants to reestablish the claim. The postmark of a mailed reopen/additional claim form establishes the date of filing. (3-19-99)

ii. Backdated claim. When a claim is backdated, the continued claim report for the period of time involved will be considered timely if filed during the same week or the next week after the reopen/additional claim is filed. (3-19-99)

b. Reestablished claim. A claim must be reestablished after a claimant has failed to report or has reported excessive earnings for two (2) or more consecutive weeks. Claims shall be reestablished as follows: (3-19-99)

i. If the break in the claim series is two (2) weeks or longer, the claim must be reestablished by filing a reopen or additional claim; or (3-19-99)

ii. If the claimant is reporting excessive earnings for no more than two (2) consecutive weeks, the claim may be automatically reestablished if the claimant notifies the local office at the time of or prior to filing the report for the second week that he has become unemployed. Otherwise, the claim must be reestablished by filing a reopen/additional claim. (3-19-99)

12. Use Of Wage Credits. All unemployment insurance wage credits from any source which are assignable to the state of Idaho shall be used in establishing a claim and determining the claimant's monetary eligibility. Ref. Sec. 72-1367(1), Idaho Code. (3-19-99)

13. Valid Claim. To be a valid claim for benefits, a claim must be filed during a week of no work, a week of less than full-time work in which the total wages payable to the claimant for work performed in such week amount to less than one and one-half (1-1/2) times the claimant's weekly benefit amount, or a week in which the claimant is separated from employment. Ref. Sec. 72-1327A, Idaho Code. (3-19-99)

IDAPA 11 - DEPARTMENT OF LAW ENFORCEMENT
11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL
DOCKET NO. 11-0501-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is May 11, 1999.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Sections 23-932, 23-946(b), 23-1330 and 23-1408, 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 July 21, 1999.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodations 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:

The terms "Restaurant" and "Stock Transfers" have been defined in the Rules.

TEMPORARY RULE JUSTIFICATION: There is a need to define the term "Restaurant" in order to clarify the licensed premises on which persons under the age of twenty-one (21) are allowed; also, a definition is needed in order to clarify the Department's position on "Stock Transfers". Protection of the public health, safety, and welfare.

FEE SUMMARY: There is no fee or charge imposed by this rule.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rule is merely clarifying and defining terms used within the present rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lonnie Gray at (208) 884-7060.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 10th day of May, 1999.

Mark J. Mimura
Law Enforcement Unit
Attorney General's Office
P.O. Box 700
Meridian, Idaho 83680-0700
Telephone: (208) 884-7050
Fax: (208) 884-7090

THE FOLLOWING IS TEXT OF DOCKET NO. 11-0501-9901

004. DEFINITIONS.

01. Licensee. Any person who has received a license from the Director under any of the provisions of

Title 23, Chapters 9, 10 or 13, Idaho Code.

(7-1-93)

02. Licensed Premises. Any premises for which a license has been issued under any of the provisions of Title 23, Chapters 9, 10 or 13, Idaho Code. All areas included on the floor plan submitted to the Director with the licensee's application for a license shall constitute the licensed premises. (7-1-93)

03. New Licenses. For purposes of Section 23-908(4), Idaho Code, a "new license" is one that has become available as an additional license within a city's limits under the quota system after July 1, 1980. The requirement of Section 23-908(4), Idaho Code, that a new license be placed into actual use by the licensee and remain in use for at least six (6) consecutive months shall be satisfied if the licensee makes actual sales of liquor by the drink during at least eight (8) hours per day, no fewer than six (6) days per week. (1-1-94)

04. Resident. ~~For purposes of Sections 23-910, 23-1005, 23-1010 and 23-1307, Idaho Code, the term "resident" means any person domiciled within the state of Idaho with a bona fide intent to make this his/her permanent place of abode and who when temporarily absent from the state, continues residency with the intent to return.~~ **Restaurant.** The term Restaurant, as defined by Section 23-942(c), Idaho Code, is further defined as an establishment maintained, advertised and held out to the public, where individually priced meals are prepared and regularly served to the public, primarily for on-premise consumption. The establishment must also have a dining room or rooms, and the number, and type of employees normally used in the preparing, cooking and serving of meals. The establishment must be able to demonstrate to the satisfaction of the Director, through recordkeeping, that no more than fifty percent (50%) of the gross revenues from the sale of food and beverages is derived from the sale of alcoholic beverages. (7-1-93)(5-11-99)T

05. Stock Transfer. For the purposes of Section 23-908(4), Idaho Code, the sale or exchange of stock in a closely held corporation holding a license shall be deemed a transfer of the license. However, the sale or exchange of shares in a family corporation among family members, shall not be deemed a transfer. (1-1-94)(5-11-99)T

IDAPA 12 - DEPARTMENT OF FINANCE
12.01.08 - RULES GOVERNING THE IDAHO SECURITIES ACT
DOCKET NO. 12-0108-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 7, 1999.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rule-making procedures have been initiated. The action is authorized pursuant to Sections 30-1448 and 30-1435(1)(p), 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 July 21, 1999.

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 nontechnical explanation of the substance and purpose of the proposed rule-making:

This rule-making will provide another means for small business to seek capital from sophisticated investors. Several other state have done similar rules.

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

This rule-making will propose a simplified means for small businesses to make their securities available to high net worth investors utilizing a computer matching system.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

NEGOTIATED RULEMAKING Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because these rules are designed to implement an existing program of the U.S. Small Business Administration and other similar programs.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Marilyn T. Scanlan, Bureau Chief, (208) 332-8070.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 26th day of May, 1999.

Marilyn T. Scanlan
Bureau Chief
Department of Finance
Securities Bureau
700 W. State, 2nd Floor
P. O. Box 83720
Boise, Idaho 83720-0031
Phone: (208) 332-8070
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THE FOLLOWING IS TEXT OF DOCKET NO. 12-0108-9901

271. ~~279.~~ **(RESERVED) DESIGNATED MATCHING SERVICES.**

01. In General. Sections 30-1416 through 30-1433A, Idaho Code, shall not apply to any offer or sale of a security by an issuer in a transaction that meets the requirements of Section 271. A designated matching service shall not be deemed a broker-dealer subject to registration within the meaning of the Idaho Securities Act or the rules thereunder. (7-7-99)T

02. Definitions. The following words and terms, when used in Section 271, shall have the following meanings, unless the context clearly indicates otherwise. (7-7-99)T

a. Designated matching service. Means a matching service designated by the Director under Section 271. (7-7-99)T

b. Designated matching service facility. Means a computer system operated, or a seminar or meeting conducted, by a designated matching service. (7-7-99)T

c. Individual accredited investor. Means any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his or her purchase, exceeds one million dollars (\$1,000,000) or any natural person who had an individual income in excess of two hundred thousand dollars (\$200,000) in each of the two (2) most recent years or joint income with that person's spouse in excess of three hundred thousand dollars (\$300,000) in each of those years and has a reasonable expectation of reaching the same income level in the current year. In addition each purchaser must evidence such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment. The term "individual accredited investor" shall also include any self-directed employee benefit plan with investment decisions made solely by persons that are "individual accredited investors" as defined in this paragraph and the individual retirement account of any such individual accredited investor. (7-7-99)T

d. Investor member. Means an investor who has been properly qualified by and uses a designated matching service. Either of the following investors may be properly qualified: any institutional investor as described in Section 30-1435(1)(h), Idaho Code, or an individual accredited investor as defined in IDAPA 12.01.08, "Idaho Securities Act". (7-7-99)T

e. Issuer member. Means an issuer who uses a designated matching service facility. (7-7-99)T

f. Summary business plan. Means a brief statement specifically describing the issuer, its management, its products or services, and the market for those products or services. Other information, including, specifically, financial projections, must not be included in a summary business plan. (7-7-99)T

03. Application. A person may apply to the Director to be a designated matching service by filing such forms as required by the Director. No designation will be made unless the applicant demonstrates that it: (7-7-99)T

a. Owns, operates, sponsors, or conducts a matching service facility limited to providing investor members with the summary business plans and identities of issuer members; (7-7-99)T

b. Will not be involved in any manner in the sale, offer for sale, solicitation of a sale or offer to buy, a security other than as set forth in Subsection 271.03.a.; (7-7-99)T

c. Will make a reasonable factual inquiry to determine whether an investor member is properly qualified; (7-7-99)T

d. Is a governmental entity, quasi-governmental entity, an institution of higher education or an Idaho nonprofit corporation that is associated with a governmental or quasi-governmental entity or an institution of higher education; (7-7-99)T

e. Does not employ any person required to be registered under the Act as a broker-dealer, investment adviser, salesman, or agent; (7-7-99)T

f. Does not have, and does not employ any person who has a business relationship with any investor member or issuer member other than to provide such member access to the matching service facility; (7-7-99)T

g. Charges fees only in an amount necessary to cover its reasonable operating costs and that are unrelated to the amount of money being raised by any issuer member or the amount of securities sold by any issuer member; (7-7-99)T

h. Agrees to not use any advertisement of its matching service facility that advertises any particular issuer or any particular securities or the quality of any securities or that is false or misleading or otherwise likely to deceive a reader thereof; and (7-7-99)T

i. Meets such other conditions as the Director considers appropriate for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the Idaho Securities Act and the rules thereunder. (7-7-99)T

04. Designation Consistent With Act. Designation under Section 271 is not available to any matching service formed in a manner that constitutes part of a scheme to violate or evade the provisions of the Idaho Securities Act or rules thereunder. (7-7-99)T

05. Withdrawal Of Designation. The Director, upon ten (10) days notice and hearing before the Director or a hearing officer, may withdraw a person's designation as a matching service if the person does not meet the standards for designation provided in Section 271. (7-7-99)T

06. Disqualifications. (7-7-99)T

a. No exemption under Section 271 shall be available for the securities of any issuer if the issuer: (7-7-99)T

i. Within the last five (5) years, has filed a registration statement which is the subject of a currently effective registration stop order entered by the United States Securities and Exchange Commission or any state securities administrator; (7-7-99)T

ii. Within the last five (5) years, has been convicted of any criminal offense in connection with the offer, purchase, or sale of any security or any felony involving fraud or deceit or a misdemeanor involving financial fraud; (7-7-99)T

iii. Is the subject of any state or federal administrative enforcement order, entered within the last five (5) years, finding fraud or deceit in connection with the purchase or sale of any security; or (7-7-99)T

iv. Is the subject of any order, judgment or decree of any court of competent jurisdiction, entered within the last five (5) years, temporarily, preliminarily or permanently restraining or enjoining such party from engaging in or continuing to engage in any conduct or practice involving fraud or deceit in connection with the purchase or sale of any security. (7-7-99)T

b. For purposes of Section 271, the term "issuer" includes: (7-7-99)T

i. Any of the issuer's predecessors or any affiliated issuer; (7-7-99)T

ii. Any of the issuer's directors, officers, general partners, or beneficial owners of ten percent (10%) or more of any class of its equity securities (beneficial ownership meaning the power to vote or direct the vote or the power to dispose or direct the disposition of such securities); (7-7-99)T

iii. Any of the issuer's promoters presently connected with the issuer in any capacity, including:

(7-7-99)T

(1) Any person who, acting alone or in conjunction with one (1) or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or (7-7-99)T

(2) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, ten percent (10%) or more of any class of securities of the issuer or ten percent (10%) or more of the proceeds from the sale of any class of such securities; however, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of Subsection 271.06.b.iii. if such person does not otherwise take part in founding and organizing the enterprise; or

(7-7-99)T

iv. Any underwriter of the issuer.

(7-7-99)T

c. The exemption under Section 271 is not available to an issuer that is in the development stage that either has no specific business plan or purpose or had indicated that its business plan is to engage in a merger or acquisition with an unidentified company or companies, or other entity or person.

(7-7-99)T

07. Notice Of Transaction. The issuer shall file with the Director a notice of transaction, a consent to service of process, and a copy of its summary business plan within fifteen (15) days after the first sale in this state.

(7-7-99)T

IDAPA 13 - DEPARTMENT OF FISH AND GAME
13.01.04 - RULES GOVERNING LICENSING
DOCKET NO. 13-0104-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective March 19, 1999.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 July 21, 1999.

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 the required finding and concise statement of the supporting reasons for proposed rulemaking:

Landowner appreciation permit rule changes to comply with statute amendments by House Bill 167, and set the permit levels for the 1999 seasons. Also sets 1999 outfitter allocations.

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:

Confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Will or Lonk Kuck, 208-334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-2148

THE FOLLOWING IS TEXT OF DOCKET NO. 13-0104-9901

010. DEFINITIONS.

These definitions will provide clarity and consistency in enforcement of these rules. (7-1-93)

01. Authorized Corporate Representative. Any shareholder in a corporation, designated in writing by the corporation as the eligible applicant, who is in actual physical control of the eligible property. (7-1-93)

02. Blind Person. A blind person is one who has a medically documented loss or impairment of his or her vision and includes any person whose visual acuity with correcting lens does not exceed twenty/two hundred (20/200) in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than twenty (20) degrees. (7-1-93)

03. Domicile. The term "domicile" means the place where an individual has his true, fixed, permanent home and to which place he has the intention of returning whenever he is absent. An individual can have several dwelling places, but only one (1) domicile. Factors to consider to establish domicile include, but are not limited to: (7-1-93)

a. What address does the person use on tax returns and where does the person file a state resident income tax return? (7-1-93)

b. Where is the person registered to vote? (7-1-93)

c. Where does the person and his immediate family live? (7-1-93)

d. Where does the person have his mail sent or forwarded to? (7-1-93)

e. Does the person remain listed in the telephone directory? (7-1-93)

f. Where does he register his automobiles? (7-1-93)

g. Where has the person claimed a homeowner exemption on a personal residence? (7-1-93)

h. Where does he have a driver's license? (7-1-93)

i. Where are his regular physicians and dentists located? (7-1-93)

04. Disabled. Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months. (7-1-93)

05. Eligible Applicant. A physically handicapped person certified by a physician licensed in the state in which the handicapped person resides, as meeting one (1) or more of the criteria set forth in Idaho Code, Section 36-1101(a)1 through 3, and one who is capable of holding and firing, without assistance from other persons, legal firearms or archery equipment. (7-1-93)

06. Eligible Property. At least six hundred and forty (640) acres of land in one (1) controlled hunt unit or ~~properties that approach the minimum acreage requirements as designated by the Director, determined by the Department to be valuable for habitat or propagation purposes for deer, elk, and/or antelope, within a designated controlled hunt unit,~~ whether owned by one (1) or more persons, a partnership, or corporation. It shall not include any government lands. (10-26-94)(3-19-99)T

~~**07. Immediate Family Member.** Exclusively the spouse and children of a landowner, lessee, or authorized corporate representative. (7-1-93)~~

087. Landowner. Any person or corporation whose name appears on a deed as the owner of eligible property or whose name appears on a contract for sale of eligible property as the purchaser. (10-26-94)

09. Lessee. Any partnership, or corporation whose name appears on a written lease for at least a one (1) year period for the eligible property as the lessee and who is in actual physical control of the eligible property. (10-26-94)

108. Medical Basis For Disability. An individual must have a medically determinable impairment. This means an impairment which has medically demonstrable, anatomical, physiological, or psychological abnormalities. Such abnormalities are medically determinable if they manifest themselves as signs or laboratory findings apart from symptoms. Abnormalities which manifest themselves only as symptoms are not medically determinable. Symptoms are the claimant's own perception of his or her physical or mental impairments. Signs are anatomical, physiological, or psychological abnormalities which can be observed through the use of medically acceptable clinical techniques. In psychiatric impairments, signs are medically demonstrable abnormalities of behavior, affect thought, memory, orientation and contact with reality. Laboratory findings are manifestations of anatomical, physiological, or psychological phenomena demonstrable by replacing or extending the perceptiveness of the observers senses and include chemical, electrophysiological, roentgenological or psychological tests. Statements of the applicant, including his or her own description of the impairment are alone insufficient to establish the presence of a physical or mental impairment. (7-1-93)

109. Medical Equivalency. A patient who is not working can meet the definition of disability if he or she has an impairment with specific clinical findings that are the same as or medically equivalent to any set of findings under the evaluation criteria as established by the U.S. Department of Health, Education, and Welfare, Social Security Administration, for disability under Title II and Title XVI. (7-1-93)

120. Permanent And Totally Disabled. Permanent and total disability is defined as the inability to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death, or has lasted or can be expected to last for a continuous period of not less than sixty (60) months. (7-1-93)

131. Resident. The term "resident" is defined in Idaho Code, Section 36-202(r). (7-1-93)

142. Substantial Gainful Work. Substantial gainful work is any work of a nature generally performed for remuneration or profit involving the performance of significant physical or mental duties, or a combination of both. Work may be considered substantial even if performed part time and even if it is less demanding or less responsible than an individuals former work and it may be considered gainful even if it pays less than his former work. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

400. LANDOWNER PREFERENCE APPRECIATION PERMITS.

01. Eligible Applicants. Eligible applicants must be registered with the Department and are limited to landowners or their immediate family members, lessees or their immediate family members, or authorized corporate, or partnership representatives or their immediate family members. (5-15-95)(3-19-99)T

02. Restrictions. No person shall lease or subdivide property for the purpose of making another person eligible for a landowner preference permit. (7-1-93)

032. Hunt Units. Landowner Preference Appreciation Permits shall be issued only for those controlled hunt units designated by the Director as eligible for such permits. These hunts shall occur only where there is no general rifle hunt. (7-1-93)(3-19-99)T

03. Reasonable Access. Landowners, authorized corporate, or partnership representatives shall be eligible to participate in the Landowner Appreciation Program by agreeing in writing to provide reasonable public access for hunting both sexes of the species of animals for which he is registering without charging a fee to hunt. Landowners must be able to demonstrate to the Department that he allowed reasonable public access for hunting to eligible property. The record for the present and most recent past will be made available to the Department upon request. (3-19-99)T

04. Qualifying Property. Only property that is used by and provides significant habitat values for deer, elk or antelope qualifies for the Landowner Appreciation Permit program. Landowners will receive Landowner Appreciation Permits only for the species and sex that use the property. (3-19-99)

045. Applications. Applications for landowner preference appreciation permits shall be on a form prescribed by the Department. Applicants must be registered with the Department and shall sign the application. (5-15-95)(3-19-99)T

a. The application shall include the applicant's hunting or combination license number. (5-15-95)

b. Applications will be accepted on or after July 15 of each year. Applications received at the Headquarters Office of the Idaho Department of Fish and Game or postmarked not later than August 15 of each year will be entered in the random drawing for permits. This random draw will be weighted to allow for one (1) chance for each six hundred forty (640) acres of eligible property to each applicant. Any permits left after the drawing will be issued on a first come-first served basis eligible applicants. (5-15-95)(3-19-99)T

056. Property And Applicant Registration. (5-15-95)

a. Prior to any eligible applicant applying for a Landowner Preference Appreciation Permit, the qualifying property and eligible applicant must be registered with the Department. Registering landowners must notify the Department of any changes in property or applicant eligibility. (5-15-95)(3-19-99)T

b. Registration of property and eligible applicant must be on a form prescribed by the Department. The landowner must submit the registration form and a copy of the deed(s), or and the most recent tax assessment(s), describing the eligible property showing the name(s) of the owner(s), and a map of eligible property to the Department regional office. Department personnel will certify the registration and land description and return a copy to the landowner. (5-15-95)(3-19-99)T

c. If the Person registering is an authorized corporate or partnership representative, or an immediate family member, he shall submit with his registration written verification from the board of directors, partnership, or an officer of the corporation, other than himself, verifying that he is authorized to register the property and eligible applicants. (5-15-95)(3-19-99)T

067. Issuance Of Permits. (7-1-93)

a. Effective in 1999, Once the Department has determined the number of controlled hunt permits to be issued in any controlled hunt unit, an additional ten percent (10%) of the number of controlled hunt permits MAY be issued as Landowner Preference Appreciation Permits, EXCEPT in controlled Deer Hunt Areas 45-1, 45-3 and 45-4, and Elk Hunt Areas 40-1, 40-2, 40-3, and 40-4, In subsequent years up to an additional twenty-five percent (25%) of the number of controlled hunt permits MAY be issued only if the hunt is over subscribed by eligible Landowner Appreciation Permit applicants. (3-20-98)T(3-19-99)T

b. Where the number of landowner preference appreciation applicants exceeds the number of landowner preference appreciation permits available in a unit, successful applicants will be determined by drawing. (7-1-93)(3-19-99)T

c. Only one (1) landowner preference permit may be issued to an eligible applicant. No more than two (2) Landowner Appreciation Permits may be issued to any eligible landowner. (7-1-93)(3-19-99)T

d. Only one (1) landowner preference appreciation permit may be issued for eligible property

consisting of between six hundred forty (640) and four thousand nine hundred ninety-nine (4,999) acres. However, one (1) additional permit may be issued to a ~~family member~~ landowner or designated agent(s) for eligible property in excess of five thousand (5,000) acres. No ~~family member~~ landowner or designated agent(s) is eligible to receive more than one (1) permit for one (1) species in a calendar year. ~~(7-1-98)~~(3-19-99)T

e. If more than one (1) application is received for eligible property consisting of from six hundred forty (640) to four thousand nine hundred ninety-nine (4,999) acres, all applications will be disqualified. If more than two (2) applications are received for eligible property consisting of five thousand (5,000) acres or more, all applications will be disqualified. (7-1-98)

f. A successful landowner, corporate or partnership representative drawing a landowner appreciation permit may, without additional fees, designate to whom the permit will be issued. (3-19-99)T

078. Application Of Controlled Hunt Restrictions. (7-1-93)

a. The restriction that applying for a moose, bighorn sheep, or mountain goat controlled hunt makes the applicant ineligible to apply for any other controlled hunt shall not apply to persons who are otherwise eligible to apply for a landowner preference permit. (7-1-93)

b. Landowner ~~preference~~ appreciation permits ~~sold~~ issued to non-residents shall not be considered as part of the non- resident quota. ~~(7-1-93)~~(3-19-99)T

089. Special Restrictions. Any person hunting with a landowner appreciation preference permit shall hunt only within the boundaries described in the hunt area designated by the Director. Only valid, current-year deer, elk, or antelope tags may be used in conjunction with a landowner ~~preference~~ appreciation permit. No person shall kill more than one (1) deer, elk or antelope during a calendar year EXCEPT: ~~(7-1-93)~~(3-19-99)T

a. In designated controlled depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts; or (7-1-93)

b. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-98)

c. In no event shall any person take more than two (2) deer, elk or antelope during a calendar year or more than one (1) deer, elk or antelope per day. (7-1-93)

~~**09. Depredation Hunts.** The requirement that eligible property consist of at least six hundred forty (640) acres shall not apply in the case of a depredation hunt. A single landowner preference permit may be issued to a landowner, lessee, authorized corporate representative or a member of their immediate families where, under existing guidelines:—~~ ~~(7-1-98)~~

~~a. The Department has verified that depredation is occurring on property owned or controlled by such individuals; and~~ ~~(7-1-93)~~

~~b. The Director has ordered a depredation hunt for the area in which the property is located.~~ ~~(7-1-93)~~

401. DEER LANDOWNER ~~PREFERENCE~~ APPRECIATION SEASONS.

01. Antlered Deer.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1500	Oct 5 10 -OctNov25 3	1	Antlered	44-11	2 10

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
1501	Oct 5-10 - Oct Nov 25 3	<u>1</u>	Antlered	45-11A	<u>45</u>
1502	Oct 5-10 - Oct Nov 25 3	<u>1</u>	Antlered	47-14	<u>915</u>
1503	Oct 5-10 - Oct Nov 25 3	<u>1</u>	Antlered	52-18	<u>810</u>
1504	Oct 5-Oct 25 31		Antlered	544-1	<u>7520</u>
1505	Oct 5-Oct 25 31		Antlered	545-21	<u>506</u>
1506	Oct 5-Oct 25 31		Antlered	547-1	<u>442</u>
<u>1507</u>	<u>Oct 5-Oct31</u>		<u>Antlered</u>	<u>52-1</u>	<u>8</u>
<u>1508</u>	<u>Oct 5-Oct31</u>		<u>Antlered</u>	<u>54-1</u>	<u>70</u>
<u>1509</u>	<u>Oct 5-Oct31</u>		<u>Antlered</u>	<u>55-2</u>	<u>50</u>
<u>1510</u>	<u>Oct 5-Oct31</u>		<u>Antlered</u>	<u>57-1</u>	<u>11</u>

(3-20-98)T(3-19-99)T

02. Antlerless Deer.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Deer	Controlled Hunt Area	Number of Permits
<u>1511</u>	<u>Oct 10 - Nov 20</u>	<u>2</u>	<u>Antlerless</u>	<u>10AX</u>	<u>15</u>
<u>1512</u>	<u>Oct 10 - Nov 20</u>	<u>2</u>	<u>Antlerless</u>	<u>11AX</u>	<u>10</u>
<u>1513</u>	<u>Oct 10 - Nov 20</u>	<u>2</u>	<u>Antlerless</u>	<u>16X</u>	<u>10</u>
<u>1514</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>22-2</u>	<u>25</u>
<u>1515</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>31-2</u>	<u>25</u>
<u>1516</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>32-2</u>	<u>25</u>
<u>1517</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>32A-2</u>	<u>15</u>
<u>1518</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>39-2</u>	<u>20</u>
<u>1519</u>	<u>Oct 5 - Oct 31</u>		<u>Antlerless</u>	<u>43-1</u>	<u>30</u>
<u>1520</u>	<u>Oct 5-Nov 9</u>		<u>Antlerless</u>	<u>44-3</u>	<u>70</u>
<u>150721</u>	Oct 25-Nov 9		Antlerless	445-3	<u>450</u>
150822	Nov 1 - Nov 30		Antlerless	45-360A-2	<u>340</u>

(3-20-98)T(3-19-99)T

03. Either Sex.

<u>Hunt Number</u>	<u>Open Season Dates Inclusive</u>	<u>Notes</u>	<u>Legal Deer</u>	<u>Controlled Hunt Area</u>	<u>Number of Permits</u>
<u>1523</u>	<u>Oct 5 – Oct 31</u>	<u>3</u>	<u>Either Sex</u>	<u>50X</u>	<u>50</u>
<u>1524</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>50-2</u>	<u>28</u>
<u>1525</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>59-2</u>	<u>14</u>
<u>1526</u>	<u>Oct 5 - Nov 21</u>		<u>Either Sex</u>	<u>60</u>	<u>100</u>
<u>1527</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>62</u>	<u>10</u>
<u>1528</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>63</u>	<u>5</u>
<u>1529</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>64</u>	<u>8</u>
<u>1530</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>66-2</u>	<u>8</u>
<u>1531</u>	<u>Oct 5 - Nov 8</u>		<u>Either Sex</u>	<u>69-2</u>	<u>10</u>

(3-19-99)T

034. Muzzleloader Deer.

<u>Hunt Number</u>	<u>Open Season Dates, Inclusive</u>	<u>Notes</u>	<u>Legal Deer</u>	<u>Controlled Hunt Area</u>	<u>Number of Permits</u>
<u>150932</u>	<u>Oct 5-Oct 2531</u>		<u>Antlered Only</u>	<u>45-4</u>	<u>42</u>

(3-20-98)T(3-19-99)T

05. Short Range Weapon Deer.

<u>Hunt Number</u>	<u>Open Season Dates Inclusive</u>	<u>Notes</u>	<u>Legal Deer</u>	<u>Controlled Hunt Area</u>	<u>Number of Permits</u>
<u>1533</u>	<u>Oct 5 - Oct 31</u>	<u>4</u>	<u>Either Sex</u>	<u>63A</u>	<u>10</u>
<u>1534</u>	<u>Nov 15 - Dec 31</u>	<u>2, 4</u>	<u>Antlerless</u>	<u>65X</u>	<u>15</u>

Notes:

1 - Mule Deer ONLY.

2 - White-tailed Deer ONLY.

3 - All general deer hunt restrictions and dates for the unit being hunted, such as short range weapons, also apply to this controlled hunt.

4 - This hunt has very limited access.

(3-19-99)T

402. ELK LANDOWNER PREFERENCE APPRECIATION SEASONS.

01. Antlered Elk.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
2501	Oct 10-Nov 3		Antlered	11-1	5
2502	Oct 10-Nov 3		Antlered	18-1	13
2503	Oct 15-Nov 24		Antlered	40 29-1	15
2504	Oct Nov 15 -Nov 30 24		Antlered	430-2	15
<u>2505</u>	<u>Nov 1 - Nov 30</u>		<u>Antlered</u>	<u>30A-1</u>	<u>8</u>
<u>2506</u>	<u>Oct 15 - Nov 8</u>		<u>Antlered</u>	<u>31-1</u>	<u>10</u>
<u>2507</u>	<u>Oct 1 - Oct 31</u>		<u>Antlered</u>	<u>36A-1</u>	<u>10</u>
<u>2508</u>	<u>Oct 1 - Oct 31</u>		<u>Antlered</u>	<u>36A-2</u>	<u>13</u>
<u>2509</u>	<u>Oct 1 - Oct 24</u>		<u>Antlered</u>	<u>37-1</u>	<u>5</u>
<u>2510</u>	<u>Oct 1 - Oct 24</u>		<u>Antlered</u>	<u>37A</u>	<u>8</u>
<u>2511</u>	<u>Oct 15-Nov 24</u>		<u>Antlered</u>	<u>40-1</u>	<u>2</u>
<u>2512</u>	<u>Oct 15 - Nov 9</u>		<u>Antlered</u>	<u>43-2</u>	<u>30</u>
<u>2513</u>	<u>Nov 10 - Nov 24</u>		<u>Antlered</u>	<u>43-3</u>	<u>20</u>
<u>2514</u>	<u>Oct 15 - Nov 9</u>		<u>Antlered</u>	<u>44-2</u>	<u>10</u>
<u>2515</u>	<u>Oct 15 - Nov 9</u>	1	<u>Antlered</u>	<u>45-2</u>	<u>5</u>
<u>2516</u>	<u>Oct 15 - Nov 9</u>		<u>Antlered</u>	<u>48-2</u>	<u>13</u>
<u>2517</u>	<u>Oct 15 - Oct 31</u>		<u>Antlered</u>	<u>49-2</u>	<u>25</u>
<u>2518</u>	<u>Nov 1 - Nov 30</u>		<u>Antlered</u>	<u>51-2</u>	<u>8</u>
<u>2519</u>	<u>Sep 1 - Nov 30</u>		<u>Antlered</u>	<u>52A-1</u>	<u>5</u>
<u>2520</u>	<u>Oct 26- Nov 9</u>		<u>Antlered</u>	<u>56-1</u>	<u>3</u>
<u>2521</u>	<u>Nov 1 - Nov 30</u>		<u>Antlered</u>	<u>58</u>	<u>10</u>
<u>2522</u>	<u>Nov 1 - Nov 30</u>		<u>Antlered</u>	<u>60-2</u>	<u>10</u>
<u>2523</u>	<u>Nov 1 - Nov 10</u>		<u>Antlered</u>	<u>61-1</u>	<u>10</u>
<u>2524</u>	<u>Oct 26 - Nov 9</u>		<u>Antlered</u>	<u>66A-2</u>	<u>60</u>
<u>2525</u>	<u>Oct 26 - Nov 9</u>		<u>Antlered</u>	<u>70-2</u>	<u>20</u>

(3-20-98)T(3-19-99)T

02. Antlerless Elk.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
<u>2526</u>	<u>Oct 20 - Nov 13</u>		<u>Antlerless</u>	<u>8-1</u>	<u>8</u>
<u>2527</u>	<u>Oct 20 - Nov 13</u>		<u>Antlerless</u>	<u>8-2</u>	<u>8</u>
<u>2528</u>	<u>Nov 21 - Dec 31</u>		<u>Antlerless</u>	<u>8-3</u>	<u>13</u>
<u>2529</u>	<u>Nov 21 - Dec 31</u>		<u>Antlerless</u>	<u>8-4</u>	<u>15</u>
<u>2530</u>	<u>Oct 20 - Nov 13</u>		<u>Antlerless</u>	<u>10A-1</u>	<u>5</u>
<u>2531</u>	<u>Dec 10 - Dec 31</u>		<u>Antlerless</u>	<u>10A-2</u>	<u>5</u>
2505 <u>32</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>11-2</u>	<u>5</u>
<u>2533</u>	<u>Oct 20 - Dec 31</u>		<u>Antlerless</u>	<u>11A</u>	<u>8</u>
2506 <u>34</u>	<u>Oct 10-Nov 3</u>	<u>1</u>	<u>Antlerless</u>	<u>13-1</u>	<u>8</u>
<u>2535</u>	<u>Oct 20 - Nov 13</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>14-1</u>	<u>3</u>
<u>2536</u>	<u>Dec 10 - Dec 31</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>14-2</u>	<u>5</u>
<u>2537</u>	<u>Oct 20 - Nov 13</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>14-3</u>	<u>5</u>
<u>2538</u>	<u>Nov 14 - Nov 24</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>14-4</u>	<u>10</u>
<u>2539</u>	<u>Oct 20 - Nov 13</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>15-1</u>	<u>8</u>
<u>2540</u>	<u>Nov 14 - Nov 30</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>15-2</u>	<u>25</u>
<u>2541</u>	<u>Oct 20 - Nov 13</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>16-1</u>	<u>15</u>
<u>2542</u>	<u>Nov 14 - Nov 24</u>	<u>2. Research Study</u>	<u>Antlerless</u>	<u>16-2</u>	<u>15</u>
2507 <u>43</u>	<u>Oct 20-Nov 13</u>		<u>Antlerless</u>	<u>18-2</u>	<u>13</u>
<u>2544</u>	<u>Oct 1 - Oct 14</u>		<u>Antlerless</u>	<u>22-1</u>	<u>40</u>
<u>2545</u>	<u>Oct 1 - Oct 14</u>		<u>Antlerless</u>	<u>22-2</u>	<u>10</u>
<u>2546</u>	<u>Oct 15 - Oct 29</u>		<u>Antlerless</u>	<u>22-3</u>	<u>40</u>
<u>2547</u>	<u>Oct 1 - Oct 14</u>		<u>Antlerless</u>	<u>23-2</u>	<u>10</u>
<u>2548</u>	<u>Oct 5 - Oct 29</u>	<u>1</u>	<u>Antlerless</u>	<u>23-3</u>	<u>10</u>
<u>2549</u>	<u>Oct 15 - Nov 8</u>		<u>Antlerless</u>	<u>23-4</u>	<u>15</u>
<u>2550</u>	<u>Oct 15 - Dec 31</u>	<u>1</u>	<u>Antlerless</u>	<u>23-5</u>	<u>15</u>
<u>2551</u>	<u>Nov 1 - Dec 15</u>	<u>1</u>	<u>Antlerless</u>	<u>23-6</u>	<u>10</u>
<u>2552</u>	<u>Oct 15 - Nov 8</u>		<u>Antlerless</u>	<u>24-1</u>	<u>30</u>
<u>2553</u>	<u>Oct 15 - Nov 8</u>		<u>Antlerless</u>	<u>24-2</u>	<u>15</u>
<u>2554</u>	<u>Nov 1 - Nov 20</u>		<u>Antlerless</u>	<u>29-2</u>	<u>40</u>
<u>2555</u>	<u>Dec 1 - Dec 15</u>		<u>Antlerless</u>	<u>30-3</u>	<u>30</u>
<u>2556</u>	<u>Dec 1 - Dec 15</u>		<u>Antlerless</u>	<u>30A-2</u>	<u>8</u>
<u>2557</u>	<u>Oct 1 - Oct 14</u>		<u>Antlerless</u>	<u>31-2</u>	<u>15</u>

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
<u>2558</u>	<u>Oct 15 – Nov 9</u>		<u>Antlerless</u>	<u>31-3</u>	<u>15</u>
<u>2559</u>	<u>Oct 1 – Oct 29</u>		<u>Antlerless</u>	<u>32-1</u>	<u>10</u>
<u>2560</u>	<u>Aug 1 – Aug 29</u> <u>Oct 1 – Dec 31</u>		<u>Antlerless</u>	<u>32-2</u>	<u>25</u>
<u>2561</u>	<u>Nov 1 - Nov 30</u>	<u>1</u>	<u>Antlerless</u>	<u>32-3</u>	<u>20</u>
<u>2562</u>	<u>Oct 1 – Oct 14</u>		<u>Antlerless</u>	<u>32A-1</u>	<u>40</u>
<u>2563</u>	<u>Oct 15 – Oct 29</u>		<u>Antlerless</u>	<u>32A-2</u>	<u>10</u>
<u>2564</u>	<u>Nov 10 – Nov 30</u>		<u>Antlerless</u>	<u>32A-3</u>	<u>10</u>
<u>2565</u>	<u>Oct 15 – Nov 8</u>		<u>Antlerless</u>	<u>33-1</u>	<u>20</u>
<u>2566</u>	<u>Nov 25 - Dec 9</u>		<u>Antlerless</u>	<u>33-2</u>	<u>10</u>
<u>2567</u>	<u>Oct 15 - Nov 8</u>		<u>Antlerless</u>	<u>34</u>	<u>5</u>
<u>2568</u>	<u>Oct 15 - Nov 8</u>		<u>Antlerless</u>	<u>35</u>	<u>5</u>
<u>2569</u>	<u>Nov 10 - Nov 30</u>		<u>Antlerless</u>	<u>36A-3</u>	<u>15</u>
<u>2570</u>	<u>Nov 10 - Nov 30</u>		<u>Antlerless</u>	<u>36A-4</u>	<u>25</u>
<u>2571</u>	<u>Nov 1 - Nov 20</u>		<u>Antlerless</u>	<u>37-2</u>	<u>20</u>
<u>2572</u>	<u>Sep 25 - Nov 3</u>		<u>Antlerless</u>	<u>39-1</u>	<u>10</u>
<u>2573</u>	<u>Oct 15 - Nov 3</u>		<u>Antlerless</u>	<u>39-2</u>	<u>10</u>
<u>2574</u>	<u>Oct 15 - Nov 3</u>		<u>Antlerless</u>	<u>39-3</u>	<u>10</u>
<u>2575</u>	<u>Aug 1 - Nov 15</u> <u>Dec 7 - Dec 31</u>	<u>Land. Perm</u>	<u>Antlerless</u>	<u>39-4</u>	<u>40</u>
<u>250876</u>	<u>Oct 15-Nov 24</u>		<u>Antlerless</u>	<u>40-32</u>	<u>25</u>
<u>2509</u>	<u>Oct 15-Nov 24</u>		<u>Antlerless</u>	<u>40-4</u>	<u>32</u>
<u>2577</u>	<u>Oct 15 - Nov 9</u>		<u>Antlerless</u>	<u>43-4</u>	<u>60</u>
<u>2578</u>	<u>Nov 10 - Nov 24</u>		<u>Antlerless</u>	<u>43-5</u>	<u>30</u>
<u>2579</u>	<u>Oct 15 - Nov 9</u>		<u>Antlerless</u>	<u>44-3</u>	<u>30</u>
<u>2580</u>	<u>Oct 15 - Nov 9</u>	<u>1</u>	<u>Antlerless</u>	<u>45-3</u>	<u>15</u>
<u>2581</u>	<u>Oct 15 - Nov 9</u>		<u>Antlerless</u>	<u>48-3</u>	<u>20</u>
<u>2582</u>	<u>Oct 15 - Nov 9</u>		<u>Antlerless</u>	<u>48-4</u>	<u>25</u>
<u>2583</u>	<u>Oct 15 - Oct 31</u>		<u>Antlerless</u>	<u>49-3</u>	<u>30</u>
<u>2584</u>	<u>Nov 10 - Nov 24</u>		<u>Antlerless</u>	<u>49-4</u>	<u>30</u>
<u>2585</u>	<u>Nov 1 - Nov 15</u>		<u>Antlerless</u>	<u>50-2</u>	<u>10</u>
<u>2586</u>	<u>Nov 1 - Dec 17</u>		<u>Antlerless</u>	<u>50-3</u>	<u>10</u>
<u>2587</u>	<u>Dec 10 - Dec 31</u>		<u>Antlerless</u>	<u>50-4</u>	<u>10</u>
<u>2588</u>	<u>Aug 1 - Dec 1</u>		<u>Antlerless</u>	<u>51-3</u>	<u>10</u>

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number Of Permits
<u>2589</u>	<u>Sep 1 – Nov 30</u>		<u>Antlerless</u>	<u>52A-2</u>	<u>20</u>
<u>2590</u>	<u>Sep 16 - Oct 14</u>		<u>Antlerless</u>	<u>56-2</u>	<u>4</u>
<u>2591</u>	<u>Nov 1 - Nov 30</u>		<u>Antlerless</u>	<u>56-3</u>	<u>4</u>
<u>2592</u>	<u>Nov 1 - Nov 30</u>		<u>Antlerless</u>	<u>60-3</u>	<u>25</u>
<u>2593</u>	<u>Oct 1 - Nov 30</u>		<u>Antlerless</u>	<u>60A-2</u>	<u>35</u>
<u>2594</u>	<u>Oct 22 - Nov 8</u>		<u>Antlerless</u>	<u>61-2</u>	<u>20</u>
<u>2595</u>	<u>Nov 1 - Dec 31</u>		<u>Antlerless</u>	<u>62A-1</u>	<u>15</u>
<u>2596</u>	<u>Nov 1 - Nov 30</u>		<u>Antlerless</u>	<u>64</u>	<u>13</u>
<u>2597</u>	<u>Nov 15 - Dec 10</u>		<u>Antlerless</u>	<u>66</u>	<u>60</u>
<u>2598</u>	<u>Oct 26 - Nov 9</u>		<u>Antlerless</u>	<u>66A-3</u>	<u>100</u>
<u>2599</u>	<u>Nov 25 - Dec 15</u>		<u>Antlerless</u>	<u>67-2</u>	<u>20</u>
<u>2600</u>	<u>Dec 1 - Dec 31</u>		<u>Antlerless</u>	<u>69-2</u>	<u>10</u>
<u>2601</u>	<u>Oct 26 - Nov 9</u>		<u>Antlerless</u>	<u>75-2</u>	<u>45</u>
<u>2602</u>	<u>Nov 10 - Dec 31</u>		<u>Antlerless</u>	<u>76-1</u>	<u>15</u>

(3-20-98)T(3-19-99)T

03. Either Sex Elk.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
2540 <u>603</u>	<u>Oct 10-Nov 3</u>	<u>1</u>	<u>Either Sex</u>	<u>13-2</u>	<u>20</u>
<u>2604</u>	<u>Aug 1 - Dec 31</u>		<u>Either Sex</u>	<u>51-4</u>	<u>3</u>
<u>2605</u>	<u>Oct 25 - Dec 10</u>		<u>Either Sex</u>	<u>62</u>	<u>30</u>
<u>2606</u>	<u>Nov 1 - Dec 10</u>		<u>Either Sex</u>	<u>62A-2</u>	<u>20</u>

(3-20-98)T(3-19-99)T

04. Muzzleloader Elk.

Hunt Number	Open Season Dates	Notes	Legal Elk	Controlled Hunt Area	Number of Permits
<u>2607</u>	<u>Nov 10 - Nov 29</u>		<u>Either Sex</u>	<u>4</u>	<u>2</u>
<u>2608</u>	<u>Nov 1 - Nov 24</u>		<u>Antlerless</u>	<u>22-4</u>	<u>10</u>
<u>2609</u>	<u>Nov 15 - Dec 10</u>		<u>Antlerless</u>	<u>24-3</u>	<u>30</u>
<u>2610</u>	<u>Dec 1 - Dec 31</u>		<u>Antlerless</u>	<u>32A-4</u>	<u>5</u>

<u>2611</u>	<u>Nov 10 - Nov 24</u>		<u>Antlerless</u>	<u>33-4</u>	<u>20</u>
<u>2612</u>	<u>Nov 11 - Dec 9</u>		<u>Either Sex</u>	<u>61-3</u>	<u>30</u>

Notes:

1 - This hunt has very limited access.

2- Successful hunters must report to an IDFG office or official check point within five (5) days of date-of-kill to turn in requested blood and tissue samples for research study. ~~(3-20-98)T(3-19-99)T~~

403. ANTELOPE LANDOWNER PREFERENCE APPRECIATION SEASONS.

01. Any Antelope.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
4501	Sep 25-Oct 24		Any Antelope	29-1	5
4502	Sep 25-Oct 24		Any Antelope	29-2	5
450 <u>3</u> 2	Sep 25-Oct 24		Any Antelope	30	3
4504 <u>3</u>	Sep 25-Oct 24		Any Antelope	30A	4
450 <u>5</u> 4	Sep 25-Oct 24		Any Antelope	36A-1	23
4506	Sep 25-Oct 24		Any Antelope	36A-2	5
4507 <u>5</u>	Sep 25-Oct 24		Any Antelope	36B	3
4508 <u>6</u>	Sep 25-Oct 24		Any Antelope	37-1	83
4509 <u>7</u>	Sep 25-Oct 24		Any Antelope	37-2	403
4510 <u>8</u>	Sep 25-Oct 24		Any Antelope	37A-1	53
4511	Sep 25-Oct 24		Any Antelope	37A-2	3
4512 <u>09</u>	Sep 25-Oct 24		Any Antelope	39	1
4513 <u>0</u>	Sep 25-Oct 24		Any Antelope	40	15
4514 <u>1</u>	Sep 25-Oct 24		Any Antelope	42	20
4515 <u>2</u>	Sep 25-Oct 24		Any Antelope	44- <u>1</u>	4
4516 <u>3</u>	Sep 25-Oct 24		Any Antelope	46-1	6
4517 <u>4</u>	Sep 25-Oct 24		Any Antelope	49	5
4518 <u>5</u>	Sep 25-Oct 24		Any Antelope	50-1	10
4519 <u>6</u>	Sep 25-Oct 24		Any Antelope	50-2	5
4520 <u>17</u>	Sep 25-Oct 24		Any Antelope	50-3	3
4521 <u>8</u>	Sep 25-Oct 24		Any Antelope	51-1	8
4522 <u>19</u>	Sep 25-Oct 24		Any Antelope	51-2	5
4523 <u>0</u>	Oct 25-Nov 30		Any Antelope	51-3	5

4524 1	Sep 25-Oct 24		Any Antelope	54	1
4525 2	Sep 25-Oct 24		Any Antelope	57	1
4526 3	Sep 25-Oct 24		Any Antelope	53	3
4527 4	Sep 25-Oct 24		Any Antelope	58	5
4528 5	Sep 25-Oct 24		Any Antelope	59	10
4529 6	Sep 25-Oct 24		Any Antelope	60A	5
4530 7	Sep 25-Oct 24		Any Antelope	63-1	5
4531 28	Sep 25-Oct 24		Any Antelope	68	5

(3-20-98)T(3-19-99)T

02. Doe or Fawn Only.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number. Of Permits
4529	Oct 5 – Oct 24		Doe or Fawn	44-2	4
45320	Oct 5-Oct 24		Doe or Fawn	46-2	405

(3-20-98)T(3-19-99)T

03. Muzzleloader Antelope.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
45331	Sep 25-Oct 24		Any Antelope	41	3
45342	Sep 25-Oct 24		Any Antelope	47	4
45353	Aug 201-Oct 24		Any Antelope	63-2	18

(3-20-98)T(3-19-99)T

04. Short-Range Only Antelope.

Hunt Number	Open Season Dates, Inclusive	Notes	Legal Antelope	Controlled Hunt Area	Number of Permits
45364	Sep 25-Oct 24	1	Any Antelope	61	53

Notes:

1 - Hunt has very limited access.

(3-20-98)T(3-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

505. DEER AND ELK TAG ALLOCATION.

01. Allocation of Tags. Pursuant to Idaho Code, Section 36-408(d), the Fish and Game Commission may allocate a number of deer and/or elk tags for use by hunters with signed agreements with licensed outfitters in zones with limited numbers of tags. The allocation will be calculated on a zone basis with reductions or increases in hunting opportunities to be proportionate among resident hunters, nonoutfitted nonresident hunters, and outfitted hunters. When the number of hunters in a general hunt unit or zone becomes restricted, the Department will calculate the initial number of allocated tags for each zone using the Idaho Outfitters and Guides Licensing Board's records of average historic use during the previous five (5) year period. Where it is biologically feasible, any reductions in the number of tags available within a zone which exceeds twenty percent (20%) will be spread over a three (3) year period with a maximum reduction of fifty percent (50%) taken in the first year and twenty-five percent (25%) in the second year. When an area becomes controlled, hunt application and eligibility rules will apply to allocated tags in controlled hunts. Only those units or zones with licensed outfitted areas with historic use will be considered for tag allocation. (10-20-97)T

02. Controlled Hunt Areas. Only those controlled hunt areas existing prior to 1998 with historic licensed deer and/or elk outfitted area(s) may be considered for a tag/permit allocation using one (1) of the following options: (10-20-97)T

a. The number of allocated tags available within the controlled hunt area will be based on a variable scale depending on the number of tags established by the Fish and Game Commission: less than fifty-one (51) tags = zero percent (0%); fifty-one (51) or more tags = maximum of three percent (3%); or, (10-20-97)T

b. The number of tags available within the controlled hunt area will be based on the average historic use during the previous five (5) year period; or, (10-20-97)T

c. No tags will be allocated. (10-20-97)T

03. ~~1998 Controlled Deer Hunts Outfitter Allocation Or Hunts With Limited Hunting Opportunities Established After 1997.~~ Controlled hunts or hunts with limited hunting opportunities established after 1997, with historic licensed deer and/or elk outfitted areas, may be considered for allocated tags. The number of tags will be determined by the Fish and Game Commission using Subsections 505.02.a., 505.02.b., and 505.02.c. (4-25-98)T(3-19-99)T

Hunt Number	Open Season Dates, Inclusive	Legal Deer	Controlled Hunt Area	Total Permits	Outfitter Allocation
1005	Nov 10 – Nov 24	Antlered Only	14	150	4
1006	Nov 10 – Nov 24	Antlered Only	18	100	3

(4-25-98)T

04. ~~1998 Elk B Tag Outfitter Allocation:~~

Zone	Units	Dates, Inclusive	Total B Tags	Outfitter Allocation
Lolo	10, 12	Oct 10 – Nov 3	1600	236

~~(4-25-98)T~~

506. DEER AND ELK OUTFITTER ALLOCATED TAG.

01. Allocated Tags. The following number of deer and elk tags shall annually be allocated for sale to persons who have entered into a signed agreement to utilize the services of an outfitter who is licensed in that zone under Title 36, Chapter 21, Idaho Code.

<u>Hunt Number</u>	<u>Open Season Dates, Inclusive</u>	<u>Legal Deer</u>	<u>Controlled Hunt Area</u>	<u>Total Permits</u>	<u>Outfitter Allocation</u>
<u>1002</u>	<u>Oct 10 – Nov 3</u>	<u>Antlered</u>	<u>11</u>	<u>100</u>	<u>1</u>
<u>1005</u>	<u>Nov 10 – Nov 24</u>	<u>Antlered Only</u>	<u>14</u>	<u>150</u>	<u>1</u>
<u>1018</u>	<u>Nov 10 – Nov 24</u>	<u>Antlered</u>	<u>40-1</u>	<u>200</u>	<u>3</u>
<u>1020</u>	<u>Nov 10 – Nov 24</u>	<u>Antlered</u>	<u>42</u>	<u>75</u>	<u>1</u>

~~(10-20-97)T(3-19-99)T~~

02. For The 1999 Elk Hunting Season.

<u>Zone</u>	<u>Units</u>	<u>Dates, Inclusive</u>	<u>Total B Tags</u>	<u>Outfitter Allocation</u>
<u>Lolo</u>	<u>10, 12</u>	<u>Oct 10 - Nov 3</u>	<u>1600</u>	<u>236</u>

<u>Hunt Number</u>	<u>Open Season Dates, Inclusive</u>	<u>Legal Elk</u>	<u>Controlled Hunt Area</u>	<u>Total Permits</u>	<u>Outfitter Allocation</u>
<u>2002</u>	<u>Oct 10 – Nov 3</u>	<u>Antlered</u>	<u>18-1</u>	<u>125</u>	<u>1</u>
<u>2006</u>	<u>Oct 1 – Oct 24</u>	<u>Antlered</u>	<u>29-1</u>	<u>150</u>	<u>3</u>
<u>2011</u>	<u>Oct 1 – Oct 31</u>	<u>Antlered</u>	<u>36A-1</u>	<u>100</u>	<u>2</u>
<u>2012</u>	<u>Oct 1 – Oct 31</u>	<u>Antlered</u>	<u>36A-2</u>	<u>125</u>	<u>3</u>
<u>2014</u>	<u>Oct 1 – Oct 24</u>	<u>Antlered</u>	<u>37A</u>	<u>75</u>	<u>2</u>
<u>2017</u>	<u>Oct 15 – Nov 9</u>	<u>Antlered</u>	<u>43-2</u>	<u>300</u>	<u>3</u>
<u>2018</u>	<u>Nov 10 – Nov 24</u>	<u>Antlered</u>	<u>43-3</u>	<u>200</u>	<u>1</u>
<u>2024</u>	<u>Oct 15 – Nov 9</u>	<u>Antlered</u>	<u>48-2</u>	<u>125</u>	<u>1</u>
<u>2026</u>	<u>Oct 15 – Oct 31</u>	<u>Antlered</u>	<u>49-2</u>	<u>250</u>	<u>2</u>
<u>2036</u>	<u>Nov 1 – Nov 10</u>	<u>Antlered</u>	<u>61-1</u>	<u>100</u>	<u>1</u>
<u>2038</u>	<u>Oct 26 – Nov 9</u>	<u>Antlered</u>	<u>66A-2</u>	<u>600</u>	<u>3</u>
<u>2041</u>	<u>Oct 26 – Nov 9</u>	<u>Antlered</u>	<u>70-2</u>	<u>200</u>	<u>1</u>
<u>2129</u>	<u>Oct 10 – Nov 3</u>	<u>Either Sex</u>	<u>13-2</u>	<u>200</u>	<u>8</u>
<u>2131</u>	<u>Oct 25 – Dec 10</u>	<u>Either Sex</u>	<u>62</u>	<u>300</u>	<u>12</u>

(3-19-99)T

023. Distribution of Allocated Tags. Allocated tags shall be sold by the Department, as designated by IDAPA 25.01.01, "Rules of Idaho Outfitters and Guides Licensing Board," Section 057, to hunters with signed agreements with licensed outfitters in those zones with a cap on the number of tags sold. In zones where resident and nonresident deer and/or elk tags are issued by lottery, allocated tags will be issued by lottery. Application for the purchase of allocated tags shall be made by the outfitter for the hunter on a form prescribed by the Department. The application shall be accompanied by the appropriate license fees and a certification by the outfitter that the hunter has a signed agreement to hunt with the outfitter making application. (10-20-97)T

034. Designated Buyers. Purchasers of allocation tags who return their unused tag and a notarized affidavit stating that the tag buyer has not hunted may designate another person to purchase a replacement tag. If the original buyer does not make a designation, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement tag. (10-02-97)T

045. Unsold Tags. Any allocation tags not sold by August 1 of each year shall be sold by the Department on a first come, first serve basis. The Department may use a waiting list methodology to issue unsold tags. Applications shall be made only to the headquarters office of the Idaho Department of Fish and Game in Boise, Idaho. (10-20-97)T

IDAPA 13 - DEPARTMENT OF FISH AND GAME
13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME
ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-9802

NOTICE OF FINAL RULE

EFFECTIVE DATE: A Subsection of this rule has been rejected by the 1999 Idaho State Legislature for final adoption. House Concurrent Resolution No. 18 rejected IDAPA 13.01.08, Section 421, Subsection 01 only for failure to comply with legislative intent. This action is effective on March 19, 1999.

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the Legislature has rejected a pending rule.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rejecting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The Legislature's action in HCR 018, rejecting Subsection 01 of the mandatory deer and elk report rule, has the effect of not requiring hunters to carry the report form in the field while hunting.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rule, contact W. Dallas Burkhalter, Deputy Attorney General, at 208-334-3715.

W. Dallas Burkhalter
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600 South Walnut
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IDAPA 13 - DEPARTMENT OF FISH AND GAME
13.01.08 - RULES GOVERNING THE TAKING OF BIG GAME
ANIMALS IN THE STATE OF IDAHO

DOCKET NO. 13-0108-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary and proposed rules are effective March 19, 1999.

AUTHORITY: In compliance with Sections 67-5220(1) and 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 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 that July 21, 1999.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

These amendments delete the season material for moose, sheep, goat, deer, elk, antelope, bear, and mountain lion. These 1999 seasons have been set by Commission Proclamation. Additionally, several rules were amended and corrected. Rule 421, Mandatory Report Form, is being amended to be consistent with Legislative action. (House Concurrent Resolution No. 18.) This action is effective March 19, 1999.

House Bill 727 of the 1998 Legislative Session allowed for the setting of seasons and takes by Commission Proclamation. It also allowed for the deletion of all sections in this rule that listed the seasons and take limits. Because of the complexity and enormity of this rulemaking, only the deleted section headers are being reprinted in this Bulletin and not the text or tables.

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: Confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Lonk Kuck, 208-334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May 1999.

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208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS TEXT OF DOCKET NO. 13-0108-9901

010. DEFINITIONS.

- 01. Big Game Animals.** Big game animals are defined as the following species: (7-1-93)
- a. Mule deer - *Odocoileus hemionus*. (7-1-93)
 - b. White-tailed deer - *Odocoileus virginianus*. (7-1-93)
 - c. Elk - *Cervus elaphus*. (7-1-93)
 - d. Moose - *Alces alces*. (7-1-93)
 - e. Pronghorn antelope - *Antilocapra americana*. (7-1-93)
 - f. Rocky Mountain bighorn sheep - *Ovis canadescanadensis*. (7-1-93)
 - g. California bighorn sheep - *Ovis canadensis californiana*. (7-1-93)
 - h. Mountain goat - *Oreamnos americanus*. (7-1-93)
 - i. Black bear - *Ursus americanus*. (7-1-93)
 - j. Mountain lion - ~~*Felis*~~ *Puma* *concolor*. (~~7-1-93~~)(3-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

200. BAG AND POSSESSION LIMITS.

No person may take more than one (1) deer, elk, antelope, moose, bighorn sheep, mountain goat, or black bear during a calendar year EXCEPT: (7-1-93)

01. Depredation Hunts. In depredation hunts, one (1) additional deer, elk or antelope may be taken by persons holding permit/tags for those hunts, EXCEPT those depredation hunt permittees who were selected for depredation hunts prior to the controlled season for the unit(s) in which they hold a controlled hunt permit must include any animal they harvest within the restrictions imposed by the controlled hunt permit (no person may take more than one (1) animal per year by using depredation and controlled hunt permit). (7-1-93)

02. Extra Tag Hunts. In extra tag hunts, one (1) additional deer, elk or antelope may be taken by persons holding tags for those hunts. (7-1-93)

03. Limits On Take -- Deer, Elk, Antelope. In no event shall any person take more than two (2) deer, elk, or antelope during a calendar year or more than one (1) deer, elk or antelope per day. (7-1-93)

04. Limits On Take -- Mountain Lion. No person may take more than ~~one~~ two (2) mountain lion: either during a calendar year, or between September 15 and March 31. (~~10-26-94~~)(3-19-99)T

05. Limits On Take - Black Bear. No person may take more than two (2) black bear during a calendar year or one (1) black bear per day. (3-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

250. TAGS AND PERMITS.

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

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

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

b. A tag issued for mountain lion after the mountain lion season opens may NOT be used until the second day following its purchase. (3-20-97)

c. A tag issued for black bear after the black bear season opens may NOT be used until the second day following its purchase. (3-20-97)

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

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

f. Any person who purchases a tag to hunt black bear, or archery antelope, who is unsuccessful in killing an animal, and who is subsequently drawn for a controlled hunt permit, including an antelope landowner preference permit, must return the unused tag to a Department office not later than August 10 to exchange the tag for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. (3-20-97)

g. Tags issued for black bear and mountain lion may be used statewide. Extra tags issued for black bear and mountain lion may be used only in the hunt area for which the tags are issued. ~~(7-1-93)~~(3-19-99)T

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

i. Regular Deer:

TYPE OF TAG	SEASONS
Resident (Type 311)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
Resident (Type 330)	Extra Any antlerless deer tag season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
Senior Resident (Type 330)	Any archery, muzzleloader or general deer season. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20.
S.E. Idaho Area Units 75, 76, 77, and 78 Nonresident	To Hunt Deer in Units 75, 76, 77, and 78 you must have your deer tag validated for use in these units. These tags are limited to one thousand two-hundred (1200) non-resident tags and will be issued first come - first served. EXCEPT in Clearwater Region, Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20
Nonresident (Type 411)	Any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.

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

(7-1-99)

ii. Clearwater Deer.

TYPE OF TAG	SEASONS
Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Resident Extra Clearwater	To hunt an extra any-antlerless deer tag season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Senior Resident Clearwater	To hunt deer in any archery, muzzleloader or general deer season in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region units, and Regular Deer tags are not valid in these units.
Nonresident Clearwater	To hunt deer in any archery, muzzleloader or general deer season or controlled hunt for which the permittee was drawn in Units 8, 8A, 10, 10A, 11, 11A, 12, 13, 14, 15, 16, 16A, 17, 18, 19, and 20. These tags are valid only in the Clearwater Region, and Regular Deer tags are not valid in these units.

(7-1-99)

iii. Elk A Tag: Validate only for A Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
Resident	Any elk archery, muzzleloader or general season in A Tag elk seasons in specific zones.
Senior Resident	Any elk archery, muzzleloader, or general season in A Tag seasons in specific zones.
Nonresident	Any elk archery, muzzleloader, or general season in A Tag elk seasons in specific zones, or controlled hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the and Tag permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Hunt Permit and Extra Tag	Only the designated controlled extra tag hunt for which the permittee was drawn.

(7-1-99)

iv. Elk B Tag: Validate only for B Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Senior Resident	Any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Nonresident	Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general in B Tag elk seasons in specific zones.
Combination Controlled Hunt Permit and Tag	Only the designated controlled hunt for which the permittee was drawn.
Combination Controlled Depredation Hunt Permit and Tag	Only the designated controlled depredation hunt for which the permittee was drawn.
Combination Controlled Permit and Extra Tag	Only the designated controlled and extra tag hunt for which the permittee was drawn.

(7-1-99)

v. Elk C Tag: Validate only for C Tag elk seasons in specific elk zones.

TYPE OF TAG	SEASONS
<u>Resident</u>	<u>Any archery, muzzleloader, or general in C Tag elk seasons in specific zones.</u>
<u>Senior Resident</u>	<u>Any archery, muzzleloader, or general in C Tag elk seasons in specific zones.</u>
<u>Nonresident</u>	<u>Any elk controlled hunt for which the permittee was drawn or any archery, muzzleloader, or general in C Tag elk seasons in specific zones.</u>
<u>Combination Controlled Hunt Permit and Tag</u>	<u>Only the designated controlled hunt for which the permittee was drawn.</u>
<u>Combination Controlled Depredation Hunt Permit and Tag</u>	<u>Only the designated controlled depredation hunt for which the permittee was drawn.</u>
<u>Combination Controlled Permit and Extra Tag</u>	<u>Only the designated controlled and extra tag hunt for which the permittee was drawn.</u>

(3-19-99)T

vi. Super Tag.

TYPE OF TAG	SEASONS
<u>Combination Controlled Hunt Permit and "Super" Tag</u>	<u>Valid for either deer or elk and allows the hunter to hunt in any open and/or controlled hunt for the selected species.</u>

(3-19-99)T

02. Return Of Tags By Unsuccessful Permittees. Permittees who are not successful in killing a bighorn sheep, mountain goat or moose shall present or mail their unused tags to a Department office within ten (10) days after the close of the season for which the tag was valid. Canceled tags will be returned to the hunter upon request. (5-15-95)

03. Archery And Muzzleloader Permits. Any person hunting in an archery only or muzzleloader only season must have the appropriate permit (archery or muzzleloader) for the relevant season validated on their license. (3-20-97)

a. Except as noted below, individual archery and muzzleloader permits may be sold only until midnight of October 31st of each year. Sportsman licenses (Type 104) are not subject to this cutoff date. After that time and date, permits may be obtained only from Department offices by persons who: (7-1-98)

i. Hold a valid controlled hunt permit for archery or muzzleloader hunts, through the final day of the hunt for which they have a permit. (7-1-93)

ii. Become twelve (12) years of age after the cutoff date. (7-1-93)

iii. Acquired their six (6) months' residency after the cutoff date. (7-1-93)

iv. Are Idaho servicemen on leave arriving after the cutoff date. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

260. PERMITS FOR CONTROLLED HUNTS.

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

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

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

c. Any person who receives a controlled hunt permit and tag for deer is prohibited from hunting in any other deer hunt--archery, muzzleloader, or general; EXCEPT the holder of a deer controlled hunt permit and tag may purchase a tag for and hunt in an extra tag hunt, or controlled hunt permit/extra tag hunt for deer. (3-20-97)

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

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

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

g. Any person who receives a spring controlled hunt permit for black bear is prohibited from hunting in any other spring bear hunt - April 15 to June 30. (7-1-99)

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

02. Nonresident Permit Limitations. In controlled hunts with ten (10) or fewer permits, not more than one (1) nonresident permit will be issued. In controlled hunts, EXCEPT unlimited controlled hunts, with more than ten (10) permits, not more than ten percent (10%) of the permits will be issued to nonresidents. (7-1-98)

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

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

b. Any person whose name was drawn on a controlled hunt for either sub-species of bighorn sheep may not apply for any bighorn permit for two (2) years. Any person whose name was drawn on a controlled hunt for mountain goat may not apply for a mountain goat permit for two (2) years. Any person whose name was drawn on a controlled hunt for moose may not apply for a moose permit for two (2) years. Any person whose name was drawn on a controlled antlered-only deer hunt may NOT apply for any other controlled antlered-only deer hunt for one (1) year. Any person whose name was drawn on a controlled antlered-only elk hunt may NOT apply for any other controlled antlered-only elk hunt for one (1) year. The one (1) year waiting period does NOT apply to controlled hunts with an unlimited number of permits nor Landowner Preference Permits. EXCEPT all successful and unsuccessful deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled deer/elk tags to hunt in any open general and/or controlled deer or elk hunt in the following hunting season. (7-1-99)

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

d. Any person who has killed a California bighorn ram, Rocky Mountain bighorn ram or a moose on any controlled hunt may not apply for a permit for the same subspecies, EXCEPT any person who has killed a California bighorn ram south of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a Rocky Mountain bighorn ram permit for any hunt north of Interstate Highway 84. Any person who has killed a Rocky Mountain bighorn ram north of Interstate Highway 84 since 1974 and is otherwise eligible, may apply for a California bighorn ram permit for any hunt south of Interstate Highway 84. Auction tag and lottery tag winners are exempt from the once-in-a-lifetime restrictions on killing bighorn sheep of either subspecies. ~~(7-1-93)~~(3-19-99)T

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

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

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

h. Any person who has killed a moose in Idaho may not apply for a moose permit. (3-19-99)T

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

ij. Any person applying for a landowner permission hunt must have a signed permission slip from a landowner who owns more than one hundred fifty-nine (159) acres in the hunt area. The permission slip must have the landowner's name and address on it along with the landowner's signature. (7-1-98)

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

kl. Nonresident hound hunters applying for controlled black bear hunts must first obtain a Hound Hunter Permit pursuant to IDAPA 13.01.15.200.04, "Rules Governing the Use of Dogs". (7-1-99)

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

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

b. Deer, elk, antelope and fall black bear - May 31. (3-20-97)

c. Spring black bear - February 16. (3-20-97)

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

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

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

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

d. Fees must be submitted with each application. A single payment (either cashier's check, money order, certified check, or a personal check) may be submitted to cover fees for all applications in the same envelope. If a check or money order is insufficient to cover the fees, all applications will be voided and returned. The application fee is five dollars (\$5) per person per hunt, for deer, elk, antelope, moose, bighorn sheep, mountain goat, black bear, and lion, applied for and is NOT refundable. The tag fees are not to be submitted with either the telephone or mail-in-application for deer, elk, antelope, black bear, or mountain lion. Persons applying for moose, bighorn sheep, or mountain goat controlled hunts must submit the tag fee and application fee with their application. Applicants successful in drawing for a moose, bighorn sheep, or mountain goat will receive a permit tag in the mail. (7-1-98)

e. Any controlled hunt permits for deer, elk, antelope or black bear, EXCEPT unlimited controlled hunts that remain unsold after the controlled hunt drawings may be sold by any Point-of-Sale vendor or on a first-come, first-served basis. A controlled hunt permit and tag will be issued to successful applicants. The ten percent (10%) nonresident limitation shall not apply. Applicants with a tag already in possession must return their tag to a Department office to be exchanged for the appropriate controlled hunt tag. The fee for the exchanged tag is the fee for a duplicate tag. Applications for leftover controlled hunt permits will be accepted at Department offices Point-of-Sale vendor on or after the following dates: (3-20-97)

i. Spring black bear - March 22. (3-20-97)

ii. Deer, elk, antelope or fall black bear - July 15. (3-20-97)

f. A "group application" for deer, elk, and antelope is defined as two, three, or four (2, 3, or 4) hunters

applying for the same controlled hunt on the same application. All hunters must comply with all rules and complete applications properly. All applicants must abide by the same first and second hunt choices. (10-26-94)

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

h. If a group application exceeds the number of permits available in a hunt that group application will not be selected for that hunt. (7-1-98)

i. Landowner permission hunt permits will be sold first-come, first-served basis at the Nampa, McCall and Headquarters offices of the Idaho Department of Fish and Game after July 15. (7-1-98)

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

a. Controlled hunt tag fees will be refunded to the unsuccessful or ineligible applicants for moose, sheep, and mountain goat. Unsuccessful applicants may donate all or a portion of their tag fee for moose, bighorn sheep, and mountain goat to Citizens Against Poaching by checking the appropriate box on the application. One dollar (\$1) of the non-refundable application fee will go to Citizens Against Poaching unless the applicant instructs otherwise. (3-20-97)

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

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

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

07. Controlled Hunt Drawing. Single or group applications which are not drawn for the first choice hunt will automatically be entered into a second choice drawing, provided the second choice hunt applied for has not been filled. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

351. WASTE OF GAME MEAT.

Hunters are required to remove and care for the edible meat of big game animals, except mountain lions. This includes the meat of the front quarters as far down as the knees, hindquarters as far down as the hock, neck meat, meat along the backbone and meat covering the ribs. It does not include meat of the head, internal organs and meat on the bones after close trimming. (3-19-99)T

~~354~~2. -- 399. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

420. MANDATORY CHECK AND REPORT REQUIREMENTS.

Any hunter killing black bear, Panhandle elk, moose, bighorn sheep or mountain goat, or mountain lion in a unit with no female lion quota must, WITHIN TEN (10) DAYS OF THE DATE OF KILL, or any hunter killing mountain lion in a unit with a female quota must, WITHIN FIVE (5) DAYS OF THE DATE OF KILL, comply with the mandatory check and report requirements by: (5-15-95)(3-19-99)T

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

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

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

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

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

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

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

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

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

421. MANDATORY DEER AND ELK REPORT REQUIREMENTS.

01. Mandatory Report Form. After a deer and/or elk is killed the hunter must accurately complete a Mandatory Report as provided by the Director. (3-19-99)T

02. Mandatory Report. Any hunter that obtains a deer and/or elk tag and kills a deer and/or elk must submit a completed Mandatory Report to the Department or authorized agent WITHIN TEN (10) DAYS OF KILL. Any hunter that obtains a deer and/or elk tag and does not successfully kill a deer and/or elk must submit a completed Mandatory Report Form to the Department or authorized agent WITHIN TEN (10) DAYS OF THE CLOSING DATE OF THE APPROPRIATE SEASON. (7-1-99)

03. Failure To Report. Failure to submit the required deer and/or elk Mandatory Report by January 31 of the following year as required in Subsection 421.02 will render the hunter ineligible to obtain any subsequent year's license until a Mandatory Report is filed with the Department or authorized agent. (7-1-99)

04. Drawing For "Super" Tag. All successful and unsuccessful deer and elk hunters that comply with all Mandatory Report requirements will be eligible to be randomly drawn for one (1) of ten (10) "Super" controlled deer/elk tags. Each hunter drawn for a "Super" controlled deer/elk hunt must notify the Department by ~~April~~ May 1 of which species they have selected to hunt. The "Super" controlled hunt tag is valid for the selected species and allows the hunter to hunt in any open general and/or controlled hunt for the selected species in the following season. (~~3-20-98~~)T(3-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

500. AREAS CLOSED TO HUNTING OF BIG GAME ANIMALS.

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

- a. Craters of the Moon National Monument in Blaine and Butte Counties; (7-1-93)
- b. All state parks, EXCEPT Farragut State Park that has a November/December deer archery season; (7-1-93)
- c. All state land within City of Rocks National Reserve in Unit 55; (7-1-93)
- d. Idaho National Engineering and Environmental Laboratory (INEEL) site in Bingham, Bonneville, Butte, Clark, and Jefferson Counties, EXCEPT as modified in General A Tag hunt in the Big Desert Zone, elk controlled hunt areas 51-1, 51-2, 51-3, and 51-4, ~~52A-1, 52A-2, and 52A-3~~ and antelope controlled hunt areas 51-2, 63-1 and 63-2. ~~(3-20-98)T~~(3-19-99)T
- e. Nez Perce National Historical Park in Clearwater, Idaho, and Nez Perce Counties; (7-1-93)
- f. That portion of Ada County within Veterans Memorial Park and the area between State Highway 21 to Warm Springs Avenue and then along Warm Springs Avenue and the New York Canal from the New York Canal Diversion Dam downstream to the Boise City limits; (7-1-99)
- g. Yellowstone National Park in Fremont County; (7-1-93)
- h. On any of those portions of State game preserves, State wildlife management areas, bird preserves, bird refuges, and bird sanctuaries for which hunting closures have been declared by legislative or Commission action; (7-1-93)
- i. All or portions of national wildlife refuges, EXCEPT as specified in federal regulations for individual refuges; and, (7-1-93)
- j. All Snake River islands between the Glens Ferry bridge and the Sailor Creek bridge in Elmore County. (7-1-93)
- k. Hagerman Fossil Beds National Monument in Twin Falls County, EXCEPT that portion within an area of fifty (50) feet in elevation above the high water level of the Snake River. The upslope area is marked by yellow fiberglass markers, and hunting is permitted downslope to the river. (3-20-97)

02. Mountain Lions. Mountain lion may not be hunted or pursued within one-half (1/2) mile of any active Department of Fish and Game big game feeding site. (7-1-93)

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

501. -- 5499. (RESERVED).

~~**550. DEER GENERAL SEASONS.**~~ ~~(3-20-98)T~~
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)

~~**551. DEER ARCHERY SEASONS.**~~ ~~(3-20-98)T~~
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)

~~**552. DEER MUZZLELOADER SEASONS.**~~ ~~(3-20-98)T~~
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)

- 553. DEER CONTROLLED HUNTS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 554.—557. (RESERVED):**
- 558. ELK GENERAL SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 559.—560. (RESERVED):**
- 561. ELK CONTROLLED HUNTS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 562.—565. (RESERVED):**
- 566. MOOSE CONTROLLED HUNTS.** (7-1-98)
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 567.—570. (RESERVED):**
- 571. ANTELOPE ARCHERY SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 572. ANTELOPE CONTROLLED HUNTS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 573.—576. (RESERVED):**
- 577. BIGHORN SHEEP CONTROLLED HUNTS.** (7-1-98)
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 578.—581. (RESERVED):**
- 582. MOUNTAIN GOAT CONTROLLED HUNTS.** (7-1-98)
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 583.—586. (RESERVED):**
- 587. BLACK BEAR TAKE SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 588. BLACK BEAR DOG TRAINING SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 589. BLACK BEAR CONTROLLED HUNTS.** (7-1-98)
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 590.—593. (RESERVED):**
- 594. MOUNTAIN LION TAKE SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 595. MOUNTAIN LION DOG TRAINING SEASONS.** (3-20-98)T
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)
- 596.—599. (RESERVED):**

600. GAME MANAGEMENT UNIT BOUNDARY DESCRIPTIONS.

01. Unit 1. All of BOUNDARY COUNTY and that portion of BONNER COUNTY north of the Pend Oreille River, Pend Oreille Lake and Clark Fork River. MYRTLE CREEK AND DAVID THOMPSON GAME PRESERVES - CLOSED. (7-1-93)

02. Unit 2. Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the north bank of the Pend Oreille River, then east along the Pend Oreille River to Pend Oreille Lake at the railroad trestle in the southeast corner of the City of Sandpoint, then south across the railroad trestle, then east and south along the western shore line of Pend Oreille Lake to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance to Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Lake Coeur d'Alene at the source of the Spokane River, then west along the southern bank of the Spokane River to the Idaho-Washington State line, then north along the state line to the point of beginning. FARRAGUT STATE PARK, CLOSED EXCEPT TO ARCHERY. (7-1-93)

03. Unit 3. Those portions of KOOTENAI, SHOSHONE, and BENEWAH COUNTIES within the following boundary: beginning at Mission Point on the St. Joe River and State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then west along the lake shore to the south boundary fence of Farragut State Park, then west along the boundary fence to State Highway 54 at the west entrance of Farragut State Park, then west on State Highway 54 to U.S. 95, then south on U.S. 95 to Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, the point of beginning. (3-20-97)

04. Unit 4. Those portions of BONNER, KOOTENAI, and SHOSHONE COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southeast along the state line to the watershed divide between the Coeur d'Alene and St. Joe Rivers, then west along the divide to State Highway 3, then northeast on State Highway 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (North Fork of the Coeur d'Alene River Road) to Forest Service Road 209 (Little North Fork of the Coeur d'Alene River Road), then northwest along Forest Service Road 209 to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northeast along the divide to the point of beginning. (3-20-97)

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

06. Unit 5. Those portions of BENEWAH and KOOTENAI COUNTIES within the following boundary: beginning at the intersection of the Idaho-Washington State line and the Spokane River, then east along the southern bank of the Spokane River to U.S. 95 at Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round Lakes to Mission Point, then upstream along the northern bank of the St. Joe River to the mouth of St. Maries River, then upstream along the St. Maries River to the intersection of the St. Maries River and State Highway 3 near Washburn, then south on State Highway 3 to the intersection of State Highway 6, then west on State Highway 6 to the watershed divide between the St. Maries and Palouse Rivers, then northwest along the divide to West Dennis Peak, then west along the watershed divide between Hangman Creek and Palouse River to the Idaho-Washington State line, then north along the state line to the Spokane River, the point of beginning. HEYBURN STATE PARK-CLOSED. (7-1-93)

07. Unit 6. Those portions of KOOTENAI, SHOSHONE, BENEWAH, CLEARWATER, and LATAH COUNTIES within the following boundary: beginning at St. Maries, then downstream along the northern bank of the

St. Joe River to Mission Point on State Highway 3, then north on State Highway 3 to the watershed divide between the St. Joe and Coeur d'Alene Rivers, then east along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Forest Service Road 301 to White Rock Springs, then south along the watershed divide between the St. Maries River and Little North Fork of the Clearwater River over Stony Butte to Hemlock Butte, then northwest along the St. Maries River-Potlatch River watershed divide across Bald Mountain to State Highway 6, then northeast on State Highway 6 to the intersection of State Highway 3, then north on State Highway 3 to the St. Maries River, then downstream to St. Maries, the point of beginning. (7-1-93)

08. Unit 7. That portion of SHOSHONE COUNTY within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between the St. Joe and Coeur d'Alene Rivers, then west along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on the Fishhook Creek Road to Forest Service Road 201, then east on Forest Service Road 201 to Bluff Creek Saddle (Dismal Saddle), then southeast past Dismal Lake and Bathub Springs to the watershed divide between the St. Joe and North Fork of the Clearwater Rivers, then east along the divide to the Idaho-Montana State line, then north along the state line to the point of beginning. (7-1-93)

09. Unit 8. Those portions of LATAH, NEZ PERCE, and CLEARWATER COUNTIES within the following boundary: Beginning on the Idaho-Washington state line at the watershed divide between Hangman Creek and Palouse River, south along the divide to U.S. 95, then south along U.S. 95 to State Highway 6, then east along State Highway 6 to State Highway 9, then southeast along State Highway 9 to Deary, then south on State Highway 3 to Kendrick, then southeast along County Road P-1 through Southwick and Cavendish to the North Fork of the Clearwater River at Ahsahka, then downstream along the North Fork of the Clearwater River to its junction with the main Clearwater River, then down the main Clearwater River to the Idaho-Washington state line, then north to the point of beginning. (7-1-98)

10. Unit 8A. Those portions of BENEWAH, LATAH, CLEARWATER, and NEZ PERCE COUNTIES within the following boundary: Beginning at Ahsahka on County Road P-1, then northwest along County Road P-1 through Southwick and Cavendish to State Highway 3, then northeast along State Highway 3 to Deary, then northwest along State Highway 9 to State Highway 6, then west along State Highway 6 to U.S. 95, then north along U.S. 95 to the watershed divide between Hangman Creek and Palouse River, then southeast along the divide to West Dennis Mountain, then southeast along the St. Maries watershed divide to Hemlock Butte, then south on Elk Creek Road (Forest Service Road 382.4) to Elk River, then south on the Dent Bridge-Elk River Road to the south shoreline of Dworshak Reservoir, then along the southern shoreline to Dworshak Dam, then downstream to the main Clearwater River, then downstream along the North Fork of the Clearwater River (including islands) to Ahsahka, the point of beginning. ~~(7-1-98)~~(3-19-99)T

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

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

between Weitas and Orogrande Creeks, then north along the divide to Cabin Point then northwest along Forest Service Trail 17 to the North Fork Clearwater River then downstream along the North Fork of the Clearwater River and the north bank of Dworshak Reservoir to the mouth of the Little North Fork of the Clearwater River, the point of beginning. (7-1-93)

13. Unit 10A. Those portions of SHOSHONE, IDAHO and CLEARWATER COUNTIES within the following boundary: beginning at the mouth of the North Fork of the Clearwater River, upstream to Dworshak Dam, then up Dworshak Reservoir along the southern shoreline to Dent Bridge, then north on the Elk River Road to Elk River, then north on the Elk Creek Road (Forest Service Road 382) to Hemlock Butte, then north along the watershed divide between the St. Maries and Little North Fork of the Clearwater Rivers over Stony Butte to White Rock Springs, then east on the Gold Center-Roundtop Road (Forest Service Road 301) to the Goat Mountain-Getaway Point Road (Forest Service Roads 457 and 220), then south along Goat Mountain-Getaway Point Road to Getaway Point, then due south to the Little North Fork of the Clearwater River, then downstream to Dworshak Reservoir, then along the east bank of the reservoir to the North Fork of the Clearwater River, then east along the north bank of the reservoir and the North Fork of the Clearwater River, to Forest Service Trail 17, then south along Forest Service Trail 17 to Cabin Point and the watershed divide between Orogrande and Weitas Creeks, then south along the divide to Hemlock Butte and its intersection with Forest Service Road 104, then southeast on Forest Service Road 104 to Lolo Motor Way (Forest Service Road 500), then south along Lolo Motor Way to Smith Creek Road (Forest Service Road 101), then southwest along Smith Creek Road to the Middle Fork of the Clearwater River, then northwest along the Middle Fork of the Clearwater River to the mouth of the North Fork of the Clearwater River, the point of beginning. (10-26-94)

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

15. Unit 11A. Those portions of CLEARWATER, NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: beginning on the Clearwater River at the U.S. 95 bridge near Spalding, upstream (excluding islands) to the South Fork of the Clearwater River, then up the South Fork to Harpster Bridge, then southwest on State Highway 13 to U.S. 95 at Grangeville, then northwest on U.S. 95 to Spalding, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. ~~(7-1-93)~~(3-19-99)T

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

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

18. Unit 14. That portion of IDAHO COUNTY within the following boundary: beginning at Riggins on the Salmon River, then upstream to Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the old wagon road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then west on the divide to Square Mountain, then west on the Square Mountain-Gospel Hill Road (Forest Service Road 444) to the Grangeville-Salmon River Road (Forest Service Road 221), then north on Grangeville-Salmon River Road to State Highway 13 at Grangeville, then west on Highway 13 to U.S. 95, then northwest on U.S. 95 to Cottonwood, then south on the Graves Creek Road to the Salmon River, then upstream to Riggins, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (10-26-94)

19. Unit 15. That portion of IDAHO COUNTY within the following boundary: beginning at

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

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

21. Unit 16A. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of Meadow Creek on the Selway River, up the Selway River to Mink Creek, then up the divide between Mink Creek and the drainages of Coyote, Wolf, Jims, and Otter Creeks, over Wolf Point and Highline Ridge to the divide between Meadow Creek and the Selway River, then southeast along the divide over Bilk Mountain and Elk Mountain to the Elk Mountain Road, then southwest on the Elk Mountain-Green Mountain-Montana Road to the watershed divide between the South Fork of the Clearwater River and the Selway River (near Mountain Meadows), then northeast along the divide over Soda Creek Point and around the head of Red River, then northwest along the divide over Black Hawk Mountain to Anderson Butte, then from Anderson Butte northwest on Forest Service Trail 835 to the Falls Point Road (Forest Service Road 443), then northeast on Falls Point Road to the mouth of Meadow Creek, the point of beginning. (7-1-93)

22. Unit 17. That portion of IDAHO COUNTY within the following boundary: beginning at the Fog Mountain Road (Forest Service Road 319) on the Selway River, then north along Fog Mountain Road to Big Fog Saddle, then north along Forest Service Trail 343 to Big Fog Mountain, then north along the watershed divide between Gedney and Three Links Creeks to the watershed divide between the Lochsa and Selway Rivers, then northeast along the divide over McConnell Mountain and Diablo Mountain to the Idaho-Montana State line, then south along the state line to the watershed divide between the Selway and Salmon Rivers, then west along the divide over Square Top, Waugh Mountain, Salmon Mountain, Burnt Knob and Three Prong Mountain to the Green Mountain-Elk Mountain Road, then north along Green Mountain-Elk Mountain Road to Elk Mountain, then along the watershed divide between the Selway River and Meadow Creek over Elk Mountain and Bilk Mountain to the head of Mink Creek, then down the divide between Mink Creek and the drainages of Otter, Jims, Wolf and Coyote Creeks over Highline Ridge and Wolf Point to the confluence of Three Links Creek with the Selway River, then down the Selway River to the Fog Mountain Road, the point of beginning. (7-1-93)

23. Unit 18. Those portions of IDAHO and ADAMS COUNTIES within the following boundary: beginning at Riggins, up the Little Salmon River to Rapid River, then up Rapid River to and including the Shingle Creek drainage to the Snake River divide, then south along the divide to Purgatory Saddle at the head of Granite Creek, then down Granite Creek to the Snake River, then downstream to Pittsburg Landing, then east on the Pittsburg Landing-White Bird Road to the Salmon River, then upstream to Riggins, the point of beginning. (4-25-94)

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

divide to Dixie Summit on the Red River Ranger Station-Dixie-Mackay Bar Road, then south on Red River Ranger Station-Dixie-Mackay Bar Road to Mackay Bar, then down the Salmon River to the mouth of Wind River, the point of beginning. (7-1-93)

25. Unit 19A. Those portions of IDAHO and VALLEY COUNTIES within the drainage of the south side of the Salmon River from the French Creek-Burgdorf-Summit Creek Road upstream to the South Fork of the Salmon River, the drainage of the west side of the South Fork of the Salmon River from its mouth upstream to and including the Bear Creek watershed, and the drainage of the Secesh River upstream from the mouth of Paradise Creek (including the Paradise Creek watershed), EXCEPT those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit Creek Road. (7-1-93)

26. Unit 20. That portion of IDAHO COUNTY within the following boundary: beginning at the mouth of the South Fork of the Salmon River, then north along the Mackay Bar-Red River Ranger Station Road (Forest Service Road 222.3) to the Montana Road, then east along Montana Road to the Green Mountain-Elk Mountain Road, then northeast along Green Mountain-Elk Mountain Road to the watershed divide between the Selway and Salmon Rivers around the head of Bargamin Creek, then southeast along the divide over Three Prong Mountain, Burnt Knob, Salmon Mountain and Waugh Mountain, then south down Waugh Ridge to the Salmon River, then downstream to the South Fork of the Salmon River, the point of beginning. (7-1-93)

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

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

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

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

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

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

33. Unit 25. That portion of VALLEY COUNTY within the drainage of the South Fork of the Salmon River south of the Hall Creek drainage on the east side of the river, and south of the Bear Creek drainage on the west side of the river, EXCEPT that portion of the Secesh River drainage upstream from and including Paradise Creek drainage. (7-1-93)

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

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

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

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

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

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

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

41. Unit 32. Those portions of ADAMS, BOISE, GEM, PAYETTE, VALLEY, and WASHINGTON COUNTIES within the following boundary: beginning at Banks, then down State Highway 55 to Floating Feather Road, then west on Floating Feather Road to State Highway 16, then north on State Highway 16 to State Highway 52, then north on State Highway 52 to the Payette River, then downstream (EXCLUDING PAYETTE RIVER ISLANDS) to the Snake River, then downstream to Weiser, then northeast on U.S. 95 to the Emmett-Council Road in Indian Valley, then south on Emmett-Council Road to the Sheep Creek Road, then east on the Sheep Creek Road to the Squaw Creek Road, then south on the Squaw Creek Road to Ola, then northeast on the Ola-Smiths Ferry Road to High Valley, then south on the High Valley-Dry Buck Road to Banks, the point of beginning. (7-1-93)

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

43. Unit 33. Those portions of BOISE and VALLEY COUNTIES within the North Fork of the Payette River drainage east of the river and south of the Packer John Lookout Road, and the drainage of the Middle and South

Forks of the Payette River, (EXCEPT the drainage of the Deadwood River upstream from and including Nine Mile Creek on the west side, and No Man Creek on the east side), and that portion of the South Fork of the Payette River drainage downstream from and including the Lick Creek drainage on the north side of the South Fork of the Payette River and downstream from, but excluding, the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (7-1-93)

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

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

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

47. Unit 36A. That portion of CUSTER COUNTY within the Salmon River drainage south and west of U.S. 93 between Willow Creek Summit and the U.S. 93 bridge across the Salmon River south of the town of Challis, and all drainages on the southeast side of the Salmon River upstream from the U.S. 93 bridge to, but excluding, the Warm Springs, Treon, Cold, and Beaver Creek drainages. (7-1-93)

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

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

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

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

52. Unit 39. Those portions of ADA, BOISE, and ELMORE COUNTIES within the following boundary: beginning at the City of Boise, then southeast on Interstate 84 to Mountain Home, then northeast on the Mountain Home-Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River to Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road, then north on Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar-James Creek Road to James Creek Summit, then east along the watershed divide between the South and Middle Forks of the Boise River to the intersection of the Camas, Blaine and Elmore County lines, then north along the watershed divide between the Boise and Salmon Rivers to the watershed divide between the Boise and South Fork of the Payette Rivers, then west along the divide to Hawley Mountain, then northwest along the

divide between the Payette River and the South Fork Payette River to Banks, then south on State Highway 55 to State Highway 44, then east on State Highway 44 to Boise, the point of beginning. THE AREA BETWEEN STATE HIGHWAY 21 AND THE NEW YORK CANAL FROM THE NEW YORK CANAL DIVERSION DAM DOWNSTREAM TO BOISE CITY LIMITS-CLOSED. (7-1-93)

53. Unit 40. That portion of OWYHEE COUNTY within the following boundary: beginning on the Snake River at the Idaho-Oregon State line, upstream to Grandview, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek-Mud Flat-Deep Creek-Cliffs Road to the North Fork of the Owyhee River, then downstream to the Idaho-Oregon State line, then north to the Snake River, the point of beginning. (7-1-93)

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

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

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

57. Unit 44. Those portions of BLAINE, CAMAS, and ELMORE COUNTIES within the following boundary: beginning at the junction of the Camp Creek-Croy Creek Road and U.S. 20, then west on U.S. 20 to the Anderson Ranch Dam Road, then north on the Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to Lime Creek, then upstream along Lime Creek to the Middle Fork of Lime Creek, then northeast on the Middle Fork Lime Creek Forest Service trail to Iron Mountain (Forest Service Trails 049 and 050), then east along the South Fork Boise River-Camas Creek watershed divide to Couch Summit, then north on the Five Points Creek Road (Forest Service Road 094), to the Little Smoky Creek-Carrie Creek-Dollarhide Summit Road (Forest Service Road 227), then northeast on Little Smoky Creek-Carrie Creek-Dollarhide Summit Road to Dollarhide Summit, then southeast along the Little Smoky Creek-Big Wood River-Camas Creek watershed divide to Kelly Mountain, then south down Kelly Gulch Creek to the Camp Creek-Croy Creek Road, then southwest on Camp Creek-Croy Creek Road to U.S. 20, the point of beginning. (4-25-94)

58. Unit 45. Those portions of CAMAS, ELMORE, and GOODING COUNTIES within the following boundary: beginning at the junction of U.S. 20 and the Anderson Ranch Dam Road, then east on U.S. 20 to State Highway 46, then south on State Highway 46 to Gooding, then west on U.S. 26 to Bliss, then south on U.S. 30 to the

Malad River, then downstream to the Snake River, then downstream (EXCLUDING ALL ISLANDS) to State Highway 51, then north on State Highway 51 to Mountain Home, then northeast on U.S. 20 to Anderson Ranch Dam Road, the point of beginning. THREE ISLAND STATE PARK-CLOSED. (7-1-93)

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

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

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

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

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

64. Unit 51. Those portions of BUTTE, CUSTER, and LEMHI COUNTIES within the Little Lost River drainage north and west of State Highway 33. I.N.E.E.L. SITE-CLOSED. (7-1-99)

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

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

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

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

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

70. Unit 56. Those portions of CASSIA, ONEIDA, and POWER COUNTIES within the following boundary: beginning at the Yale Road-State Highway 81 junction, then northeast on Yale Road over Interstate 84 to Interstate 86, then east on Interstate 86 to State Highway 37, then south on State Highway 37 to Holbrook, then south on the Holbrook-Stone Road to the Idaho-Utah State line, then west on the state line to Interstate 84, then northwest on Interstate 84 to the Malta-Sublett Road, then west on Malta-Sublett Road to its junction with State Highway 81, then north on State Highway 81 to the point of beginning. (7-1-93)

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

72. Unit 58. Those portions of BUTTE, CLARK, JEFFERSON, and LEMHI COUNTIES within the Birch Creek drainage northwest of State Highway 22. I.N.E.E.L. SITE-CLOSED. (7-1-99)

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

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

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

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

77. Unit 61. Those portions of CLARK and FREMONT COUNTIES within the following boundary: beginning at Spencer, east on the Spencer-Kilgore Road to Idman, then east on the old (south) Shotgun Valley Road to U.S. 191, then south on U.S. 191 to State Highway 47, then southeast on State Highway 47 to the North Hatchery Butte Road, then east on North Hatchery Butte Road to Pineview, then north on the Pineview-Island Park Road to the

Baker Draw-Black Mountain Springs Road, then east on Baker Draw-Black Mountain Springs Road to Fish Creek Road, then south on Fish Creek Road to the North Fork of Partridge Creek, then upstream to the Yellowstone Park boundary, then north along the Yellowstone Park boundary to the Idaho-Montana State line, then west to Monida Pass, then south on Interstate 15 to Spencer, the point of beginning. (7-1-93)(3-19-99)T

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

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

80. Unit 63. Those portions of BINGHAM, BONNEVILLE, BUTTE, CLARK, and JEFFERSON COUNTIES within the following boundary: beginning at Blackfoot then north on Interstate 15 to Dubois, then southwest on State Highway 22 to U.S. 20-26, then southeast on U.S. 26 to Interstate 15 at Blackfoot, the point of beginning. I.N.E.E.L. SITE-CLOSED, Camas National Wildlife Refuge - CLOSED. (7-1-99)

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

82. Unit 64. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning at the junction of State Highway 33 and U.S. 191 at Sugar City, then south on U.S. 191 to the Lyman-Archer-Heise Road (Snake River Road), then southeast on Lyman-Archer-Heise Road to the Kelly Canyon-Tablerock Road, then east on Kelly Canyon-Tablerock Road to the Hawley Gulch Road (Forest Service Road 218), then east on Hawley Gulch Road to the Moody Swamp Road (Forest Service Road 226), then northeast on Moody Swamp Road to the head of Hilton Creek, then east along the watershed divide between Big Burns and Canyon Creeks to Garns Mountain, then north along the watershed divide between Canyon Creek and Teton River to Grandview Point, then north down the Milk Creek Road to State Highway 33, then west on State Highway 33 to U.S. 191, the point of beginning. (7-1-93)

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

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

down Brockman Creek to Grays Lake Outlet, then upstream along the outlet to the Bone-Grays Lake Road, then east on Bone-Grays Lake Road to the McCoy Creek Road (Forest Service Road 087), then east on the McCoy Creek Road to the Idaho-Wyoming State line, then north to the point of beginning. (7-1-93)

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

86. Unit 67. Those portions of BONNEVILLE, JEFFERSON, MADISON, and TETON COUNTIES within the following boundary: beginning on State Highway 33 at the Idaho-Wyoming State line, then northwest to Victor, then southwest on State Highway 31 to Pine Creek Pass, then northwest along the watershed divide between Pine Creek and Teton River over Red Mountain to Garns Mountain, then west along the watershed divide between Big Burns and Canyon Creeks to the Moody Swamp Road (Forest Service Road 226) at Hilton Creek, then west on Moody Swamp Road to the Hawley Gulch Road (Forest Service Road 218), then west on Hawley Gulch Road and the Kelly Canyon Road to the South Fork Snake River Road, then upstream to the Heise measuring cable (about 1.5 miles upstream from Heise Hot Springs), then due south across the river to the mean high water line on the south shore of the South Fork Snake River, then upstream along the mean high water line to the divide between Garden and Granite Creeks in Conant Valley, then south up the divide to U.S. 26, then southeast on U.S. 26 to the Swan Valley bridge, then up the South Fork Snake River to the Idaho-Wyoming State line, then north on the state line to State Highway 33, the point of beginning. (7-1-93)

87. Unit 68. Those portions of BINGHAM, BLAINE, BUTTE, CASSIA, MINIDOKA, and POWER COUNTIES within the following boundary: beginning at Arco, then southeast on U.S. 26 to Blackfoot, then southwest on State Highway 39 to American Falls, then southwest on Interstate 86 to the Cassia-Power County line east of Raft River, then north along the county line to the Snake River, then northwest along the northern boundary of the Minidoka National Wildlife Refuge to the Minidoka-Blaine County line, then north along the Minidoka-Blaine County line to the Union Pacific Railroad tracks, then west on the tracks to Minidoka, then north on the Minidoka-Arco Road to Arco, the point of beginning. I.N.E.E.L. SITE-CLOSED. (7-1-99)

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

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

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

91. Unit 71. Those portions of BANNOCK, BINGHAM, and CARIBOU COUNTIES within the

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

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

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

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

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

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

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

98. Unit 77. That portion of FRANKLIN COUNTY within the following boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon-Emigration Canyon Road, then east to the Franklin-Bear Lake County line, then south on the county line to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to the Franklin Basin Road, then south to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning. (7-1-93)

99. Unit 78. Those portions of BEAR LAKE and FRANKLIN COUNTIES within the following boundary: beginning at U.S. 89 on the Idaho-Utah State line, then north to Ovid, then west on the Emigration Canyon-Strawberry Canyon Road to the Bear Lake-Franklin County line, then south to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to Franklin Basin Road, then south on Franklin Basin Road to the Idaho-Utah State line, then east on the state line to U.S. 89, the point of beginning. (7-1-93)

(BREAK IN CONTINUITY OF SECTIONS)

605. ELK ZONE DESCRIPTIONS.

- | | | |
|------------|--|--------------------------------|
| 01. | Panhandle Zone. All of Units 1, 2, 3, 4, 4A, 5, 6, 7, and 9. | (7-1-99) |
| 02. | Palouse Zone. All of Units 8, 8A, and 11A. | (7-1-99) |
| 03. | Dworshak Zone. All of Unit 10A. | (7-1-99) |
| 04. | Hells Canyon Zone. All of Units 11, 13, and 18. | (7-1-99) |
| 05. | Lolo Zone. All of Units 10 and 12. | (7-1-99) |
| 06. | Elk City Zone. All of Units 14, 15, and 16. | (7-1-99) |
| 07. | Selway Zone. All of Units 16A, 17, 19, and 20. | (7-1-99) |
| 08. | Middle Fork Zone. All of Units 20A, 26, and 36B. | (7-1-99) |
| 09. | Salmon Zone. All of Units 21, 21A, <u>27, and 28,</u> and 36B. | (7-1-99) (3-19-99)T |
| 10. | Weiser <u>River</u> Zone. All of Units 22, 32, and 32A. | (7-1-99) (3-19-99)T |
| 11. | McCall Zone. All of Units 19A, 23, 24, and 25. | (7-1-99) |
| 12. | Lemhi Zone. All of Units 29, 37, 37A, and 51. | (7-1-99) |
| 13. | Beaverhead Zone. All of Units 30, 30A, 58, 59, and 59A. | (7-1-99) |
| 14. | Brownlee Zone. All of Unit 31. | (7-1-99) |
| 15. | Sawtooth Zone. All of Units 33, 34, 35, and 36. | (7-1-99) |
| 16. | Pioneer Zone. All of Units 36A, 49, and 50. | (7-1-99) |
| 17. | Owyhee-South Hill Zone. All of Units 38, 40, 41, 42, and 46, 47, 54, 55, and 57. | (7-1-99) (3-19-99)T |
| 18. | Boise River Zone. All of Unit 39. | (7-1-99) |
| 19. | Smokey Mountain Zone. All of Units 43, 44, and 48. | (7-1-99) |
| 20. | Bennett Hills Zone. All of Units 45 and 52. | (7-1-99) |
| 21. | Big Desert Zone. All of Units 52A, 53, 63, 63A, 68, and 68A. | (7-1-99) |
| 22. | Island Park Zone. All of Units 60, 60A, 61, and 62A. | (7-1-99) |
| 23. | Teton Zone. All of Units 62 and 65. | (7-1-99) |
| 24. | Palisades Zone. All of Units 64 and 67. | (7-1-99) |
| 25. | Tex Creek Zone. All of Units 66 and 69. | (7-1-99) |
| 26. | Bannock Zone. All of Units 56, 70, 71, 72, 73, 73A, and 74. | (7-1-99) |

27. **Bear River Zone.** All of Units 75, 77, and 78. (7-1-99)
28. **Diamond Creek Zone.** All of Units 66A and 76. (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

700. CONTROLLED HUNT AREA DESCRIPTIONS - DEER.

01. **Hunt Area 1.** That portion of All of Unit 1 within the Priest Lake excluding the Kootenai River
drainage. ~~(7-1-99)~~(3-19-99)T
02. **Hunt Area 10AX.** That portion of Unit 10A west of the Clearwater National Forest boundary,
south of Forest Service Road 250, west of State Highway 11 north of Pierce and south of the Grangemont county
road. (7-1-98)
03. **Hunt Area 11.** All of Unit 11. (10-26-94)
04. **Hunt Area 11A.** All of Unit 11A. (7-1-99)
05. **Hunt Area 13.** All of Unit 13. (7-1-99)
06. **Hunt Area 14.** All of Unit 14. (7-1-99)
07. **Unit Area 18.** All of Unit 18. (7-1-99)
08. **Hunt Area 11AX.** That portion of Unit 11A south of State Highway 162, and east of State
Highway 7. (7-1-98)
09. **Hunt Area 16X.** That portion of Unit 16 south of the Selway River, and west of the O'Hara Creek
Road (Forest Service Road 651). (7-1-98)
10. **Hunt Area 19A.** All of Unit 19A. (7-1-98)
11. **Hunt Area 20A.** All of Unit 20A. (3-19-99)T
12. **Hunt Area 21-1.** All of Units 21, 21A, 28, 29, 30, 37, and 37A. (7-1-99)
13. **Hunt Area 22-1 And 22-2.** All of Unit 22. ~~(10-26-94)~~(3-19-99)T
14. **Hunt Area 22-3.** All of Units 22, 31, 32, 32A, and 39. (3-19-99)T
135. **Hunt Area 23.** All of Unit 23. (10-26-94)
146. **Hunt Area 25.** All of Unit 25. (7-1-93)
17. **Hunt Area 26.** All of unit 26. (3-19-99)T
18. **Hunt Area 27.** All of Unit 27. (3-19-99)T
159. **Hunt Area 29.** All of Units 29, 37, and 37A. (7-1-99)
1620. **Hunt Areas 31-1 And 31-2.** All of Unit 31. ~~(10-26-94)~~(3-19-99)T

- ~~1721.~~ **Hunt Area 32-1 And 32-2.** All of Unit 32. (~~10-26-94~~)(3-19-99)T
- ~~1822.~~ **Hunt Area 32A-1 And 32A-2.** All of Unit 32A. (~~7-1-93~~)(3-19-99)T
- ~~1923.~~ **Hunt Area 33.** All of Units 33 and 35, and that portion of Unit 34 south and west of the Landmark Stanley Road. (10-26-94)
- ~~204.~~ **Hunt Area 39-1 And 39-2.** All of Unit 39. (~~10-26-94~~)(3-19-99)T
- ~~215.~~ **Hunt Area 39-23.** That portion of Unit 39 within the following boundary: Beginning at a point four hundred (400) yards north of State Highway 21 at the Ada County Line, south and west on a line four hundred (400) yards north of State Highway 21 to Warm Springs Avenue, and west on a line four hundred (400) yards north of Warm Springs Avenue to the Highlands-Table Rock powerline, north and west on the Highlands-Table Rock powerline to State Highway 55, north on Highway 55 to the Ada County Line, and southeast on the Ada County Line to the point of beginning. (~~7-1-99~~)(3-19-99)T
- ~~226.~~ **Hunt Area 40-1.** All of Unit 40. (~~7-1-98~~)(3-19-99)T
- ~~27.~~ **Hunt Area 40-2.** All of Units 40, 41, and 42. (3-19-99)T
- ~~238.~~ **Hunt Area 41-1.** All of Unit 41. (7-1-98)
- ~~24.~~ **Hunt Area 41-2.** That portion of Unit 41 within ten (10) miles of Highway 78. (~~7-1-98~~)
- ~~259.~~ **Hunt Area 42.** All of Unit 42. (10-26-94)
- ~~2630.~~ **Hunt Area 43.** All of Unit 43. (7-1-98)
- ~~31.~~ **Hunt Area 43-2.** All of Units 43, 48, 49, 52A, 54, and 56. (3-19-99)T
- ~~2732.~~ **Hunt Areas 44-1, 44-2 and 44-3.** All of Unit 44. (7-1-98)
- ~~33.~~ **Hunt Area 44-4.** All of Units 44, 45, and 52. (3-19-99)T
- ~~2834.~~ **Hunt Areas 45-1, 45-2, 45-3 and 45-4.** All of Unit 45, EXCEPT that portion of Unit 45 within the following boundary: Beginning at Bliss, then north on the Bliss-Hill City Road to the two-pole powerline at White Arrow Ponds (nine point five (9.5) miles north of Bliss), then west along the two-pole powerline to U.S. 20 (milepost 102.3), then southwest on U.S. 20 to Mountain Home, then south on U.S. 51 to the Snake River, then upstream on the Snake River to the Malad River, then up the Malad River to U.S. 30, then northwest on U.S. 30 to Bliss, the point of beginning. (10-26-94)
- ~~2935.~~ **Hunt Area 47-1.** All of Unit 47. (7-1-98)
- ~~306.~~ **Hunt Area 47-2.** All of Units 46 and 47. (10-26-94)
- ~~317.~~ **Hunt Area 48.** All of Unit 48. (10-26-94)
- ~~328.~~ **Hunt Area 49.** All of Unit 49. (10-26-94)
- ~~39.~~ **Hunt Area 50X.** All of Units 50, 51, 58, 59, 59A, 60, 60A, 61, 62, 62A, 63, 63A, 64, 65, 66, 67, and 69. (3-19-99)T
- ~~33.~~ **Hunt Area 50-1.** That portion of Unit 50 west of U.S. 93. (~~7-1-98~~)
- ~~340.~~ **Hunt Area 50-2.** All of Unit 50. (7-1-98)
- ~~35.~~ **Hunt Area 51-1.** All of Units 51 and 58. (~~7-1-98~~)

- ~~3641.~~ **Hunt Area 51-2.** All of Unit 51 and that portion of Unit 50 east of U.S. Highway 93. (7-1-98)
- ~~3742.~~ **Hunt Areas 52-1 and 52-2.** All of Unit 52. (7-1-98)
- ~~3843.~~ **Hunt Area 52A.** All of Unit 52A. (7-1-93)
- ~~3944.~~ **Hunt Areas 54-1, 54-2, and 54-3.** All of Unit 54. (10-26-94)
- ~~405.~~ **Hunt Areas 55-1 and 55-2.** All of Unit 55. Most of City of Rocks National Reserve is open to hunting. Information about hunting within the Reserve is available to permittees at Department offices and at the National Park Service office in Almo. (7-1-98)
- ~~446.~~ **Hunt Area 56.** All of Unit 56. (10-26-94)
- ~~427.~~ **Hunt Areas 57-1 and 57-2.** All of Unit 57. (7-1-98)
- ~~438.~~ **Hunt Area 58.** All of Unit 58. (10-26-94)
- ~~449.~~ **Hunt Areas 59-1 and 59-2.** All of Units 59 and 59A. (7-1-98)
- ~~450.~~ **Hunt Area 60.** All of Unit 60, 61, and 62A. (7-1-98)
- ~~4651.~~ **Hunt Areas 60A-1 and 60A-2.** That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road) and beyond one (1) mile north and west of the North (Henry's) Fork of the Snake River. (3-20-97)
- ~~4752.~~ **Hunt Area 61.** All of Unit 61. (3-20-97)
- ~~4853.~~ **Hunt Area 62.** All of Units 62 and 65. (7-1-98)
- ~~4954.~~ **Hunt Area 63.** All of Unit 63. (7-1-99)
- ~~505.~~ **Hunt Area 63A.** All of 63A. (7-1-99)
- ~~516.~~ **Hunt Area 64.** All of Unit 64 and that portion of Unit 67 north and east of State Highway 26. (7-1-99)
- ~~527.~~ **Hunt Area 65X.** All of Unit 65. (7-1-98)
- ~~538.~~ **Hunt Areas 66-1 and 66-2.** All of Unit 66. (7-1-98)
- ~~549.~~ **Hunt Area 67.** That portion of Unit 67 north and east of State Highway 26. (7-1-98)
- ~~5560.~~ **Hunt Area 68A.** All of Unit 68A. (3-20-97)
- ~~561.~~ **Hunt Area 69-1.** That portion of Unit 69 north and east of the Grays Lake-Long Valley-Bone-Iona Road. (7-1-98)
- ~~5762.~~ **Hunt Area 69-2.** All of Unit 69. (7-1-98)
- ~~5863.~~ **Hunt Area 72.** All of Unit 72. (3-20-97)
- ~~5964.~~ **Hunt Area 75.** All of Unit 75. EXCEPT that portion east and north of the Bear River is CLOSED. ~~(10-26-94)~~(3-19-99)T

701. CONTROLLED HUNT AREA DESCRIPTIONS - ELK.

- 01. Hunt Area 4.** All of Units 4 and 7. (3-20-97)
- 02. Hunt Areas 8-1 and 8-3.** That portion of Units 8 and 8A north of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to State Highway 9, then northwest on Highway 9 to State Highway 6, then north on Highway 6 to the Unit 8A boundary. (7-1-99)
- 03. Hunt Areas 8-2 and 8-4.** That portion of Units 8 and 8A south of the following line: Beginning at the western boundary of Unit 8 at its junction with State Highway 8, then east on Highway 8 to Forest Service Road 1963 at Helmer, then south and east on Forest Service Road 1963 to Long Meadow Creek, then southeast along Long Meadow Creek to Dworshak Reservoir, then south along the western shoreline of Dworshak Reservoir to the Unit 8A boundary at Dworshak Dam. (10-26-94)
- 04. Hunt Area 10A-1.** All of Unit 10A. (7-1-99)
- 05. Hunt Area 10A-2.** That portion of Unit 10A west of the Clearwater National Forest boundary, south of Forest Service Road 250, south of State Highway 11 from Pierce to Weippe, and Jim Ford Creek from Weippe to its junction with the Clearwater River. (7-1-99)
- 06. Hunt Areas 11-1 And 11-2.** All of Unit 11. (10-26-94)
- 07. Hunt Area 11A.** All of Unit 11A. (7-1-99)
- 08. Hunt Areas 13-1 And 13-2.** All of Unit 13. (10-26-94)
- 09. Hunt Areas 14-1 And 14-2.** That portion of Unit 14 north of the following line: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (10-26-94)
- 10. Hunt Areas 14-3 And 14-4.** That portion of Unit 14 south of the following boundary: Beginning on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east on the Slate Creek Road to Forest Service Road 221, then north on Forest Service Road 221 to the Unit 14 east boundary. (7-1-98)
- 11. Hunt Areas 15-1 And 15-2.** All of Unit 15. (7-1-98)
- 12. Hunt Areas 16-1 And 16-2.** All of Unit 16. (7-1-99)
- 13. Hunt Areas 18-1 And 18-2.** All of Unit 18. (7-1-99)
- 14. Hunt Areas 19A-1 And 19A-2.** All of Unit 19A. (~~10-26-94~~)(3-19-99)T
- 15. Hunt Area 21.** All of Units 21, ~~21A, 28, and 36B.~~ (~~7-1-99~~)(3-19-99)T
- 16. Hunt Area 21A.** All of Unit 21A. (3-19-99)T
- 167. Hunt Areas 22-1, 22-3, and 22-4.** That portion of Unit 22 described as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then west on Unit 22 boundary to the Snake River, then south on the Snake River to State Highway 71, then southeast on State Highway 71 to Cambridge, then north on U.S. 95 to the point of beginning. (7-1-98)
- 178. Hunt Area 22-2.** That portion of Unit 22 as follows: Beginning at the junction of U.S. 95 and the West Fork Weiser River Road (Forest Service Road 127), then north on Forest Service Road 127 to Grouse Creek Road (Forest Service Road 123), then northwest on Forest Service Road 123 to the watershed divide between Lick

Creek and Lost Creek drainages, then north on the divide between Lick Creek and Lost Creek drainages to Lick Creek Lookout, then east along Unit 22 boundary to U.S. 95 to the point of beginning. (5-15-95)

189. Hunt Area 23-1. All of Unit 23. (10-26-94)

1920. Hunt Areas 23-2 And 23-4. That portion of Unit 23 within the Little Salmon River drainage, upstream from but excluding the Round Valley Creek drainage on the west side of the Little Salmon River; and upstream from but excluding the Hazard Creek drainage on the east side of the Little Salmon River, EXCEPT the Little Goose Creek drainage and the Goose Creek drainage above Little Goose Creek are CLOSED. (5-15-95)

201. Hunt Areas 23-3 And 23-6. That portion of Unit 23 west of U.S. 95 and north of, and excluding, the Boulder Creek drainage. (5-15-95)

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

223. Hunt Areas 24-1 And 24-3. That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and the Warm Lake Road, then east along Warm Lake Road to the Unit 24/25 boundary, then north along the Unit 24/25/19A boundary to the intersection of the Unit 24/19A/23 boundaries, then south along the Unit 24/23/32A boundary to Forest Service Road 186 at No Business Saddle, then southeast on Forest Service Road 186 to West Mountain Road, then north and east on West Mountain Road and West Valley Road to Boydston Street, then north on Boydston Street to State Highway 55, then south on State Highway 55 to Elo Road, then east on Elo Road to Farm-To-Market Road, then south on Farm-To-Market Road to State Highway 55, then south on West Mountain Road to Tamarack Falls Road, then east on Tamarack Falls Road to Norwood Road, then north on Norwood Road to West Roseberry Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to the point of beginning. EXCEPT Short Range Weapons ONLY in that portion within the following boundary: Beginning in McCall at the junction of State Highway 55 and Boydston Street, then south on Boydston Street to West Valley Road, then west and south along West Valley Road and West Mountain Road to Tamarack Falls Road, then east on West Roseberry Road to State Highway 55, then south on State Highway 55 to Farm-to-Market Road, then north on Farm-to-Market Road to Elo Road, then west on Elo Road to State Highway 55, then north on State Highway 55 to the point of beginning. (3-13-96)(3-19-99)T

234. Hunt Areas 24-2 And 24-4. That portion of Unit 24 within the following boundary: Beginning in north of Cascade at the junction of State Highway 55 and Warm Lake Road, then north on Highway 55 to West Roseberry Road, then west on West Roseberry Road to Norwood Road, then south on Norwood Road to Tamarack Falls Road, then west on Tamarack Road Cabarton Road, then south on Cabarton Road to West Mountain Road, then west and north on West Mountain Road to Forest Service Road 186, then northwest on Forest Service Road 186 to No Business Saddle, then south along the Unit 24/32A unit boundary to the intersection of the Unit 24/32A/33 boundaries at Smith's Ferry, then north along the Unit 24/33/25 boundary to Warm Lake Road, then west on Warm Lake Road to State Highway 55, then south on State Highway 55 to the point of beginning. EXCEPT Short Range Weapons Only within the following boundary: Beginning in Donnelly at the junction of State of State Highway 55 and West Roseberry Road, then west on West Roseberry Road to West Mountain Road, then south on West Mountain Road to Cabarton Road, then north on Cabarton Road to State Highway 55, then north on State Highway 55 to the point of beginning. (7-1-98)(3-19-99)T

24. Hunt Area 24-5. That portion of Unit 24 within the following boundary: Beginning at the junction of State Highway 55 and Warm Lake Road, then east on Warm Lake Road to the Unit 24/25 boundary, then south on the Unit 24/25/33 boundary to the North Fork Payette River at Smith's Ferry, then north along the North Fork Payette River to Cabarton Road, then north on Cabarton Road to West Mountain Road, then west and north along the West Mountain Road and West Valley Road to Boydston Street, then north on Boydston Street to State Highway 55, then south on State Highway 55 to Elo Road, then east on Elo Road to Farm-To-Market Road, then south on Farm-To-Market Road to State Highway 55, then south on State Highway 55 to the point of beginning. (3-20-97)

25. Hunt Area 24-63. All of Unit 24. (3-20-97)(3-19-99)T

26. Hunt Area 25-1 And 25-2. All of Unit 25. (10-26-94)(3-19-99)T

- 27.** Hunt Area 27. All of Unit 27. (3-19-99)T
- 28.** Hunt Area 28. All of Unit 28. (3-19-99)T
- ~~279.~~ **Hunt Area 29-1.** All of Unit 29. (7-1-99)
- ~~2830.~~ **Hunt Area 29-2.** All of Units 29 and 37A. (7-1-99)
- ~~2931.~~ **Hunt Area 30-1.** All of Units 30, 30A, 58, 59, and 59A. (7-1-99)
- ~~302.~~ **Hunt Areas 30-2 and 30-3.** All of Unit 30. (7-1-99)
- ~~313.~~ **Hunt Areas 30A-1 and 30A-2.** All of Unit 30A. (10-26-94)
- ~~324.~~ **Hunt Area 31-1, 31-2, and 31-3.** All of Unit 31. (10-26-94)
- 335.** **Hunt Areas 32-1 And 32-3.** That portion of Unit 32 south and east of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. (3-20-97)
- 346.** ~~Hunt Areas 32-2, 32-4, And 32-5.~~ That portion of Unit 32 north and west of the following boundary: Beginning at the mouth of Big Willow Creek, north and east on Big Willow Creek to the point where Four Mile Road crosses Big Willow Creek, then north on Four Mile Road to the Riley Butte Road, then east on the Riley Butte Road to the North Crane Road, then north on the North Crane Road to the Emmett/Council Road, then north on the Emmett/Council Road to U.S. Highway 95. ~~(5-15-95)~~(3-19-99)T
- 357.** **Hunt Areas 32A-1, 32A-2, 32A-3, and 32A-4.** All of Unit 32A. (10-26-94)
- 368.** **Hunt Area 33-1.** All of Unit 33. (7-1-98)
- 379.** **Hunt Area 33-2.** That portion of Unit 33 outside of the exterior boundary of the Boise National Forest. (7-1-98)
- 3840.** **Hunt Areas 33-3 and 33-4.** All of Units 33 and 35 and that portion of Unit 34 south and west of the Landmark-Stanley Road. (7-1-98)
- ~~3941.~~ **Hunt Area 34.** All of Unit 34. (10-26-94)
- ~~402.~~ **Hunt Area 35.** All of Unit 35. (10-26-94)
- ~~413.~~ **Hunt Areas 36-1; And 36-2, and 36-3.** All of Unit 36. ~~(7-1-99)~~(3-19-99)T
- 44.** Hunt Area 36-3. That portion of Unit 36 upstream from and including Four Aces and Joes Gulch drainages on the Salmon River. (3-19-99)T
- 425.** **Hunt Area 36A-1 And 36A-3.** That portion of Unit 36A west of the East Fork of the Salmon River and that portion east of the East Fork of the Salmon River upstream from and including the West Pass Creek drainage. ~~(7-1-99)~~(3-19-99)T
- 436.** **Hunt Area 36A-2 And 36A-4.** That portion of Unit 36A east of the East Fork of the Salmon River downstream from but EXCLUDING the West Pass Creek drainage; and that portion of Unit 50 north of Trail Creek Road and west of U.S. 93, and that portion of Unit 50 north of the Doublespring Pass Road east of U.S. 93. ~~(7-1-99)~~(3-19-99)T
- 44.** ~~Hunt Area 36A-3.~~ All of Unit 36A. (7-1-99)

- 47.** **Hunt Area 36B.** All of Unit 36B. (3-19-99)T
- 458.** **Hunt Areas 37-1 and 37-2.** All of Unit 37. (10-26-94)
- 462.** **Hunt Area 37A.** All of Unit 37A. (7-1-99)
- 4750.** **Hunt Area 39-1.** That portion of Unit 39 south and east of the Blacks Creek Road and the South Fork of the Boise River. (7-1-98)
- 4851.** **Hunt Area 39-2.** That portion of Unit 39 south and east of State Highway 21. (7-1-98)
- 4952.** **Hunt Area 39-3.** That portion of Unit 39 north and west of State Highway 21. (7-1-98)
- 503.** **Hunt Area 39-4.** That portion of Unit 39 north and west of the following boundary: Beginning in Boise, north on the Bogus Basin Road to Bogus Basin, then north on Forest Service Road 374 (Boise Ridge Road) to the Unit 39 boundary at Hawley Mountain. (7-1-98)
- 514.** **Hunt Areas 40-1 And 40-32.** ~~All of Units 40, 41, and 42. That portion of Unit 40 north of the following boundary: Beginning at the Cow Creek-Delamar-Silver City Road at the Oregon-Idaho border, south and east on the Cow Creek-Delamar-Silver City Road to the Murphy-Silver City Road, north on the Murphy-Silver City Road to Highway 78, east on Highway 78 to Sinker Creek, north on Sinker Creek to the Snake River.~~ (7-1-98)(3-19-99)T
- 52.** **Hunt Areas 40-2 And 40.** That portion of Unit 40 south of the following boundary: Beginning at the Cow Creek-Delamar-Silver City Road at the Oregon-Idaho border, south and east on the Cow Creek-Delamar-Silver City Road to the Murphy-Silver City Road, north on the Murphy-Silver City Road to Highway 78, east on Highway 78 to Sinker Creek, north on Sinker Creek to the Snake River and all of Unit 42. (7-1-98)
- 535.** **Hunt Areas 43-1, 43-2, 43-3, 43-4, And 43-5.** All of Unit 43. (7-1-99)
- 546.** **Hunt Areas 44-1, 44-2, And 44-3.** All of Unit 44. (10-26-94)
- 557.** **Hunt Area 45-1, 45-2, And 45-3.** All of Units 45 and 52. (7-1-99)
- 568.** **Hunt Areas 48-1 And 48-2.** All of Unit 48. (10-26-94)(3-19-99)T
- 579.** **Hunt Areas 48-23 And 48-4.** That portion of Unit 48 north of the Ketchum-Warm Springs Creek-Dollarhide Summit Road and west and south of State Highway 75. (10-26-94)(3-19-99)T
- 5860.** **Hunt Areas 48-34 And 48-5.** All of Unit 48 EXCEPT that portion north of the Ketchum-Warm Springs Creek-Dollarhide Summit Road and west and south of State Highway 75. (10-26-94)(3-19-99)T
- 5961.** **Hunt Areas 49-1, 49-2, 49-3, And 49-4.** All of Unit 49 and that portion of Unit 50 in the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (7-1-98)
- 602.** **Hunt Areas 50-1 And 50-2.** That portion of Unit 50 south of the Doublespring Pass Road east of U.S. 93, and that portion south of the Trail Creek Road west of U.S. 93 but EXCLUDING the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (10-26-94)
- 613.** **Hunt Area 50-3.** That portion of Unit 50 ~~downstream from and excluding the Barlett Creek drainage of the Big Lost River, west of U.S. 93, south of Trail Creek Road, but EXCLUDING the North Fork and East Fork of the Big Lost River drainages, and~~ the Copper Creek and Cottonwood Creek drainages west of the Craters of the Moon National Monument. (7-1-99)(3-19-99)T
- 624.** **Hunt Area 50-4.** That portion of Unit 50 east of U.S. 93. (7-1-98)

~~635.~~ **Hunt Areas 51-1, 51-2, And 51-3.** All of Unit 51 including that portion of this hunt within one-half (1/2) mile inside the north and west boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) adjacent to agricultural lands. (7-1-99)

~~646.~~ **Hunt Area 51-4.** That portion of Unit 51 south of Deer Creek and Cedar Run Creek and within one (1) mile of private fields on which cultivated crops are currently growing, and that portion of Unit 58 south of and including the Kyle Canyon drainage north and west of State Highway 22, including all the Idaho National Engineering and Environmental Laboratory (INEEL) lands in Units 51 and 58 within the described boundary. (7-1-99)

~~657.~~ **Hunt Areas 52A-1; And 52A-2, And 52A-3.** All of Units 52A, ~~53, 63, 63A, 68, and 68A~~ and including that portion of this hunt in Unit 63 within one-half (1/2) mile inside the boundary of the Idaho National Engineering and Environmental Laboratory (INEEL) which is adjacent to agricultural lands. (7-1-99)(3-19-99)T

~~668.~~ **Hunt Areas 56-1 And 56-2.** All of Unit 56. (7-1-99)

~~679.~~ **Hunt Area 58-1.** All of Unit 58, 59, and 59A. (7-1-99)

~~6870.~~ **Hunt Area 58-2.** All of Unit 58. (7-1-99)

~~6971.~~ **Hunt Area 59.** All of Units 59 and 59A. (7-1-99)

~~702.~~ **Hunt Area 60-1.** All of Units 60, 61, and 62A, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED. (7-1-99)

~~743.~~ **Hunt Areas 60-2 And 60-3.** All of Unit 60, EXCEPT the Harriman State Park Wildlife Refuge is CLOSED. (7-1-99)

~~724.~~ **Hunt Areas 60A-1 And 60A-2.** That portion of Unit 60A south of the Dubois-Kilgore Road and west of the Parker-Salem Road (Red Road). (7-1-99)

~~735.~~ **Hunt Areas 61-1, 61-2, And 61-3.** All of Unit 61. (5-15-95)

~~746.~~ **Hunt Area 62.** All of Unit ~~62~~ and ~~t~~That portion of Unit ~~652~~ east of the following described boundary: beginning at the junction of State Highway 33 and State Highway 32, then north on State Highway 32 to Lamont, then north on 4700 East approximately five miles to 1100 North, then west on 1100 North approximately two (2) miles to 4500 East, then north on 4500 East to Robinson Creek and that portion of Unit 65 east of Poleline-Bates-Cedron Road-Highway 31 Road. (7-1-98)(3-19-99)T

~~757.~~ **Hunt Area 62A-1.** That portion of Unit 62A west of the Henrys Fork of the Snake River and that portion of Unit 60 south of the Microwave Tower Road and east of the powerline to its intersection with Ashton Reservoir. (7-1-99)

~~768.~~ **Hunt Area 62A-2.** That portion of Unit 62A east of the Henrys Fork of the Snake River. (7-1-99)

~~779.~~ **Hunt Area 64.** All of Unit 64 and that portion of Unit 65 west of the Poleline-Bates-Cedron Highway 31 Road. (7-1-99)

~~780.~~ **Hunt Areas 66-1 And 66-2.** All of Unit 66, and that portion of Unit 69 north and east of the Gray's Lake-Long Valley-Bone-Iona Road. (10-26-94)(3-19-99)T

~~7981.~~ **Hunt Areas 66A-1, 66A-2, And 66A-3.** All of Units 66A and 76. (7-1-99)

~~802.~~ **Hunt Area 67-1.** All of Unit 67 and 64. (7-1-99)

~~813.~~ **Hunt Area 67-2 And 67-3.** All That portion of Unit 67 south of Dry Creek. (7-1-99)(3-19-99)T

824. **Hunt Areas ~~69-1~~ And ~~69-2~~.** That portion of Unit 69 south and west of the Gray's Lake-Long Valley-Bone-Iona Road. (~~7-1-98~~)(3-19-99)T

835. **Hunt Areas 70-1; And 70-2, ~~And~~ 70-3.** All of Units 70, 71, 72, 73, 73A, and 74. (~~7-1-99~~)(3-19-99)T

846. **Hunt Areas 75-1 And 75-2.** All of Units 75, 77, and 78. (7-1-99)

857. **Hunt Area 76-1.** That portion of Unit 66A within the Miller and Newswander Creek drainages, the Jackknife Creek drainage east of the mouth of Squaw Creek, and east of the Cabin Creek-Haderlie Ridge Trail (Forest Service Trail 619), and that portion of Unit 76 within the following boundary: Beginning at the intersection of State Highway 34 and the Idaho-Wyoming border, then west approximately four (4) miles to the mouth of the South Fork of Tincup Creek and Forest Service Trail 014, then south up Trail 014 to the Stump Creek Road, then south and east along Stump Creek Road to the Idaho-Wyoming border, then north along the border to the junction of State Highway 34, the point of beginning. (7-1-99)

702. CONTROLLED HUNT AREA DESCRIPTIONS - MOOSE.

01. Hunt Area 1-1. That portion of Unit 1 within the Kootenai River drainage west of U.S. Highway 95, and west of the Kootenai River. EXCEPT MYRTLE CREEK GAME PRESERVE-CLOSED. (7-1-98)

02. Hunt Area 1-2. That portion of Unit 1 east and north of the Kootenai River and west of the Moyie River. (4-3-95)

03. Hunt Area 1-3. That portion of Unit 1 north of the Kootenai River and east of the Moyie River. (4-3-95)

04. Hunt Area 1-4. That portion of Unit 1 within the following boundary: Beginning at Bonners Ferry, then east along the Kootenai River to the Idaho-Montana border, then southwest along the Boulder Creek-Star Creek divide to Calder Mountain, then west along the Kootenai River-Pack River divide to U.S. Highway 95, then north along the highway to the point of beginning. (4-3-95)

05. Hunt Area 1-5. That portion of Unit 1 within the Pend Oreille River drainage east of U.S. Highway 95. EXCEPT THE DAVID THOMPSON GAME PRESERVE-CLOSED. (4-3-95)

06. Hunt Area 1-6. That portion of Unit 1 within the Pend Oreille River drainage west of U.S. Highway 95 excluding the Priest River drainage. (4-3-95)

07. Hunt Area 1-7. Those portions of Unit 1 within the Salmon River drainage, and within the Priest River drainages west of Priest River. (7-1-98)

08. Hunt Area 1-8. That portion of Unit 1 within the Priest River drainage east of Priest River. (7-1-98)

09. Hunt Area 1-9. That portion of Unit 1 within the following boundary: Beginning at the Idaho-Montana border where it crosses the Kootenai River, then south along the Idaho-Montana border to the Kootenai River-Clark Fork watershed divide, then northwest along the watershed divide to Mount Pend Oreille, then north along the Kootenai River-Pack River watershed divide to Mount Calder, then northeast along the Boulder Creek-Star Creek watershed divide to the point of beginning. (4-3-95)

10. Hunt Area 2. All of Unit 2. (4-3-95)

11. Hunt Area ~~4-13~~. ~~Those portions~~ All of Units ~~3 and 4~~ north of U.S. Interstate 90, and all of Unit 4A. (~~7-1-98~~)(3-19-99)T

12. Hunt Area ~~4-2~~. ~~Those portions~~ All of Units ~~34~~ and ~~4A~~ south of U.S. Interstate 90.

- ~~(4-3-95)~~(3-19-99)T
13. **Hunt Area 6.** All of Units 5 and 6. (7-1-98)
14. **Hunt Area 7.** All of Unit 7. (7-1-98)
15. **Hunt Area 8-1 And 8-2.** All of Unit 8. ~~(4-3-95)~~(3-19-99)T
16. **Hunt Area 8A-1 And 8A-2.** All of Unit 8A. ~~(4-3-95)~~(3-19-99)T
17. **Hunt Area 9.** All of Unit 9. (4-3-95)
18. **Hunt Area 10-1.** That portion of Unit 10 within the Cayuse Creek drainage. (4-3-95)
19. **Hunt Area 10-2.** That portion of Unit 10 on the north side of the Kelly Creek drainage upstream from, but excluding, the Moose Creek drainage, and that portion on the south side of the Kelly Creek drainage upstream from, but excluding, the Cayuse Creek drainage. (4-3-95)
20. **Hunt Area 10-3.** That portion of Unit 10 on the north side of the Kelly Creek drainage upstream from its mouth to and including the Moose Creek drainage, and the North Fork of the Clearwater River drainage upstream from the mouth of Kelly Creek. (4-3-95)
21. **Hunt Area 10-4.** That portion of Unit 10 within the Fourth of July Creek drainage, that portion on the south side of the North Fork of the Clearwater River from the mouth of Fourth of July Creek upstream to the mouth of Kelly Creek, and the south side of the Kelly Creek drainage from its mouth upstream to, but excluding, the Cayuse Creek drainage. (4-3-95)
22. **Hunt Area 10-5.** That portion of Unit 10 within the Weitas Creek drainage (a tributary of the upper North Fork of the Clearwater River), and the drainages on the southwest side of the North Fork of the Clearwater River from the Weitas Creek drainage to, but excluding, the Fourth of July Creek drainage. (4-3-95)
23. **Hunt Area 10A-1.** That portion of Unit 10A within the following boundary: Beginning at the junction of the Unit 10A boundary with Forest Service Road 250 along the North Fork of the Clearwater River, then west along Forest Service Road 250 to Forest Service Road 669, then west and south along Forest Service Road 669 to Highway 11 at Pierce, then south on Highway 11 to Forest Service Road 100, then south on Forest Service Road 100 to Forest Service Road 519, then southeast on Forest Service Road 519 to Forest Service Road 514, then east on Forest Service Road 514 to the Unit 10A boundary, then north along the Unit 10A boundary to the point of beginning. (4-3-95)
24. **Hunt Area 10A-2.** That portion of Unit 10A within the following boundary: Beginning at the junction of Unit 10A boundary with Forest Service Road 247, then south on Forest Service Road 247 to Forest Service Road 251, then south on Forest Service Road 251 to Forest Service Road 246, then southwest on Forest Service Road 246 to State Highway 11 at Headquarters, then south on Highway 11 to Forest Service Road 669 at Pierce, then northeast on Forest Service Road 669 to Forest Service Road 250, then northeast on Forest Service Road 250, to the Unit 10A boundary, then north and east along the Unit 10A boundary to the point of beginning. (4-3-95)
25. **Hunt Area 10A-3.** That portion of Unit 10A within the following boundary: Beginning at the Grandad Bridge on the Unit 10A boundary, then south and east along the Silver Creek-Casey Creek Road to Forest Service Road 247, then south on Forest Service Road 247 to Forest Service Road 246 at Headquarters, then northeast on Forest Service Road 246 to Forest Service Road 251, then north on Forest Service Road 251 to Forest Service Road 247, then north on Forest Service Road 247 to the Unit 10A boundary at the North Fork of the Clearwater River, then west on the Unit 10A boundary to the point of beginning. (7-1-98)
26. **Hunt Area 10A-4.** That portion of Unit 10A north of Forest Service Road 1705 from Elk River to Grandad Bridge and north and west of Dworshak Reservoir and the Little North Fork of the Clearwater River. (4-3-95)

- 27.** **Hunt Area 10A-5.** That portion of Unit 10A south of Forest Road 1705 from Elk River to Grandad Bridge and north and west of Dworshak Reservoir. (3-19-99)T
- 278.** **Hunt Area 12-1.** That portion of Unit 12 north of the Lochsa River from and including the Lost Creek drainage upstream to, but excluding the Crooked Fork drainage. (7-1-98)
- 289.** **Hunt Area 12-2.** That portion of Unit 12 within the Crooked Fork drainage northwest of U.S. 12. (4-3-95)
- 2930.** **Hunt Area 12-3.** That portion of Unit 12 within the Old Man Creek drainage. (4-3-95)
- 301.** **Hunt Area 12-4.** That portion of Unit 12 within the Boulder Creek drainage upstream from the mouth of, but excluding, the Cantaloupe Creek drainage. (4-3-95)
- 312.** **Hunt Area 12-5.** That portion of Unit 12 on the south side of the Lochsa River from and including the Lone Knob Creek drainage upstream to and including the Mocus Creek drainage. (4-3-95)
- 323.** **Hunt Area 12-6.** That portion of Unit 12 south of the Lochsa River from, but excluding, the Mocus Creek drainage upstream to and including the Lake Creek drainage; and including the Fish Lake Creek drainage up to the mouth of California Creek. (7-1-98)
- 334.** **Hunt Area 12-7.** That portion of Unit 12 within the Fish Lake Creek drainage upstream from the mouth of and including California Creek. (4-3-95)
- 345.** **Hunt Area 12-8.** That portion of Unit 12 south of the Lochsa River from, but excluding, the Lake Creek drainage upstream to and including the Cliff Creek drainage. (4-3-95)
- 356.** **Hunt Area 12-9.** That portion of Unit 12 within the Walton Creek drainage, that portion on the south side of White Sand Creek upstream to the mouth of Storm Creek, and all of White Sand Creek drainage upstream from, but excluding, the Storm Creek drainage. (4-3-95)
- 367.** **Hunt Area 12-10.** That portion of Unit 12 within the Crooked Fork Creek drainage south and east of U.S. 12, and the north side of White Sand Creek upstream to and including the Storm Creek drainage. (4-3-95)
- 378.** **Hunt Area 12-11.** That portion of Unit 12 north of the Middle Fork of the Clearwater River from the Smith Creek Road (Forest Service Road 101) upstream to the mouth of the Lochsa River, that portion on the north side of the Lochsa River upstream to, but excluding, the Lost Creek drainage, and that portion on the south side of the Lochsa River from its mouth upstream to, but excluding, the Old Man Creek drainage. (4-3-95)
- 389.** **Hunt Area 14-1.** That portion of Unit 14 north and west of the following boundary: Beginning at the junction of Highway 95 and on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east along on the Slate Creek Road to the Grangeville-Salmon River Road (Forest Service Road 221), then north along the Grangeville-Salmon River Road to its junction with the Square Mountain Gospel Hill Road (on Forest Service Road 444) 221 to the Unit 14 east boundary. (4-3-95)(3-19-99)T
- 3940.** **Hunt Area 14-2.** That portion of Unit 14 south and east of the following boundary: Beginning at the junction of Highway 95 and on the Unit 14 west boundary on the Slate Creek Road (Forest Service Road 354), then east along on the Slate Creek Road to the Grangeville-Salmon River Road (Forest Service Road 221), then north along the Grangeville-Salmon River Road to its junction with the Square Mountain Gospel Hill Road (on Forest Service Road 444) 221 to the Unit 14 east boundary. (4-3-95)(3-19-99)T
- 401.** **Hunt Area 15-1.** That portion of Unit 15 within the Newsome Creek drainage. (4-3-95)
- 412.** **Hunt Area 15-2.** That portion of Unit 15 north of the South Fork of the Clearwater River downstream from and including the American River drainage to, but excluding, the Newsome Creek drainage. (4-3-95)

- 423. Hunt Area 15-3.** That portion of Unit 15 on the south and west sides of the South Fork of the Clearwater River downstream from, but excluding, the Crooked River drainage. (4-3-95)
- 434. Hunt Area 15-4.** That portion of Unit 15 on the south side of the South Fork of the Clearwater River from and including the Crooked River drainage upstream to the mouth of Red River, and the south side of Red River from its mouth upstream to and including the Deadwood Creek drainage. (4-3-95)
- 445. Hunt Area 15-5.** That portion of Unit 15 within the Red River drainage EXCEPT the south side of Red River from its mouth upstream to and including the Deadwood Creek drainage. (4-3-95)
- 456. Hunt Area 15-6.** That portion of Unit 15 north and east of the South Fork of the Clearwater River from and including the Sally Ann Creek drainage upstream to and including the Peasley Creek drainage. (4-3-95)
- 467. Hunt Area 15-7.** That portion of Unit 15 north of the South Fork of the Clearwater River from and including the Silver Creek drainage to and including the Leggett Creek drainage. (4-3-95)
- 478. Hunt Area 16-1.** That portion of Unit 16 north and west of the Hamby Creek Road (Forest Service Road 651), and that portion south and west of the Selway River from its mouth upstream to the Hamby Creek Road. (4-3-95)
- 489. Hunt Area 16-2.** That portion of Unit 16 south and east of Hamby Creek Road (Forest Service Road 651), and that portion north and east of the Selway River from its mouth upstream to Fog Mountain Road (Forest Service Road 319). (4-3-95)
- 4950. Hunt Area 16A-1.** That portion of Unit 16A north and west of the following boundary: Beginning at Anderson Butte, then east along the Drive Ridge Trail (Forest Service Trail 809) to the Meadow Creek Trail (Forest Service Trail 726), then east along the Meadow Creek Trail to the Disgrace Butte-Vermilion Peak Trail (Forest Service Trail 609), then northeast along the Disgrace Butte-Vermilion Peak Trail to the Buck Lake Creek-Drake Creek Trail (Forest Service Trail 628), then northeast along the Buck Lake Creek-Drake Creek Trail to the Unit 16A boundary at Drake Saddle. (4-3-95)
- 501. Hunt Area 16A-2.** That portion of Unit 16A south and east of the following boundary: Beginning at Anderson Butte, then east along the Drive Ridge Trail (Forest Service Trail 809) to the Meadow Creek Trail (Forest Service Trail 726), then east along the Meadow Creek Trail to the Disgrace Butte-Vermilion Peak Trail (Forest Service Trail 609), then northeast along the Disgrace Butte-Vermilion Peak Trail to the Buck Lake Creek-Drake Creek Trail (Forest Service Trail 628), then northeast along the Buck Lake Creek-Drake Creek Trail to the Unit 16A boundary at Drake Saddle. (4-3-95)
- 512. Hunt Area 17-1.** That portion of Unit 17 within the Rhoda Creek drainage. (4-3-95)
- 523. Hunt Area 17-2.** That portion of Unit 17 within the North Fork Moose Creek drainage EXCEPT the Rhoda Creek drainage, and that portion on the north side of the East Fork Moose Creek drainage upstream to, but excluding, Cedar Creek. (4-3-95)
- 534. Hunt Area 17-3.** That portion of Unit 17 north of the Selway River from Fog Mountain Road (Forest Service Road 319) upstream to and including the west side of the Moose Creek drainage upstream to the mouth of, but excluding, the North Fork Moose Creek drainage. (4-3-95)
- 545. Hunt Area 17-4.** That portion of Unit 17 east of the Selway River from the mouth of Moose Creek upstream to and including the Bear Creek drainage, and that portion on the east side of the Moose Creek and East Fork Moose Creek drainages from the mouth of Moose Creek upstream to and including the Cedar Creek drainage. (4-3-95)
- 556. Hunt Area 17-5.** That portion of Unit 17 south and west of the Selway River from and including the Mink Creek drainage upstream to and including the Goat Creek drainage. (4-3-95)
- 567. Hunt Area 17-6.** That portion of Unit 17 west of the Selway River from, but excluding the Goat

- Creek drainage, upstream to Forest Service Road 468. (4-3-95)
- 578.** **Hunt Area 17-7.** That portion of Unit 17 east of the Selway River upstream from, but excluding the Bear Creek drainage to Forest Service Road 468; all of the Selway River drainage south of Forest Service Road 468. (4-3-95)
- 582.** **Hunt Area 19-1.** That portion of Unit 19 outside the Gospel Hump Wilderness boundary. (4-3-95)
- 5960.** **Hunt Area 19-2.** That portion of Unit 19 within the Gospel Hump Wilderness boundary. (4-3-95)
- 61.** **Hunt Area 19A.** All of Unit 19A. (3-19-99)T
- 602.** **Hunt Area 20-1.** That portion of Unit 20 within South Fork of Red River, the Big Mallard Creek and Little Mallard Creek drainages and the Salmon River drainage from the Big Mallard drainage to but EXCLUDING the Bargamin Creek drainage. (4-3-95)
- 643.** **Hunt Area 20-2.** That portion of Unit 20 within the Bargamin Creek drainage, and that portion on the north side of the Salmon River to, but excluding, the Sabe Creek drainage. (4-3-95)
- 624.** **Hunt Area 20-3.** That portion of Unit 20 within the Sabe Creek drainage. (4-3-95)
- 635.** **Hunt Area 20-4.** That portion of Unit 20 from the Mackay Bar Road (Forest Service Road 222) upstream to and including the Elkhorn Creek drainage. (4-3-95)
- 646.** **Hunt Area 20A-1.** That portion of Unit 20A east of the following Forest Service trails: Beginning at the Salmon River on Forest Service Trail 039, then south on Trail 039 to Forest Service Trail 038, then south on Trail 038 to Forest Service Trail 002, then south on Trail 002 to the south boundary of Unit 20A. (4-3-95)
- 657.** **Hunt Area 20A-2.** That portion of Unit 20A within the following boundary: Beginning at the Salmon River on Forest Service Trail 033, then south on Trail 033 to Forest Service Trail 007, then southwest on Trail 007 to the south boundary of Unit 20A, then east on the Unit 20A boundary to Forest Service Trail 002 to Forest Service Trail 038, then northeast on Trail 038 to Forest Service Trail 039, then northeast on Trail 039 to the Salmon River, then northwest on the unit boundary to Forest Service Trail 033, the point of beginning. (4-3-95)
- 668.** **Hunt Area 20A-3.** That portion of Unit 20A north and west of the following Forest Service trails: Beginning at the Salmon River on Forest Service trail 033, then southwest on Trail 033 to Forest Service Trail 007, then southwest on Trail 007 to the south boundary of Unit 20A. (4-3-95)
- 672.** **Hunt Area 21.** All of Units 21 and 21A. (4-3-95)
- 70.** **Hunt Area 25.** All of Unit 25. (3-19-99)T
- 6871.** **Hunt Area 26.** That portion of Unit 26 on the north side of Big Creek downstream from, but excluding, the Smith Creek drainage, and the south side of Big Creek downstream from and including the Little Marble Creek drainage. (7-1-98)
- 6972.** **Hunt Area 29.** All of Units 29 and 37A. (4-3-95)
- 703.** **Hunt Area 30.** All of Units 30 and 30A. (~~4-3-95~~)(3-19-99)T
- 74.** **Hunt Area 30A.** All of Unit 30A. (3-19-99)T
- 745.** **Hunt Area 50.** All of Unit 50. (4-3-95)
- 76.** **Hunt Area 51.** All of Unit 51. (3-19-99)T
- 77.** **Hunt Area 56.** All of Units 56, 73, and 73A. (3-19-99)T

- ~~728.~~ **Hunt Area 59.** All of Units 59 and 59A. (4-3-95)
- ~~732.~~ **Hunt Area 60.** All of Unit 60. (4-3-95)
- ~~7480.~~ **Hunt Areas 60A-1 and 60A-2.** That portion of Unit 60A south and east of the North Fork (Henry's Fork) of the Snake River, and that portion within one (1) mile north and west of the North Fork of the Snake River. (4-3-95)
- ~~7581.~~ **Hunt Area 61-1.** That portion of Unit 61 west of East Dry Creek and Yale-Kilgore Roads. (4-3-95)
- ~~7682.~~ **Hunt Area 61-2.** That portion of Unit 61 east of East Dry Creek and Yale-Kilgore Roads and west of U.S. 191-20 and south and west of State Highway 87. (4-3-95)
- ~~7783.~~ **Hunt Area 61-3.** That portion of Unit 61 north of State Highway 87 and that portion east of U.S. Highway 191-20 EXCEPT that portion enclosed by the Big Springs Loop Road and U.S. Highway 191-20. (4-3-95)
- ~~784.~~ **Hunt Area 62.** All of Unit 62. (4-3-95)
- ~~7985.~~ **Hunt Area 62A.** All of Unit 62A. (4-3-95)
- ~~806.~~ **Hunt Areas 63A-1 and 63A-2.** All of Units 63 and 63A. (~~4-3-95~~)(3-19-99)T
- ~~817.~~ **Hunt Area 64-1.** All of Unit 64. (7-1-98)
- ~~828.~~ **Hunt Area 64-2.** All of Units 64 and 65. (7-1-98)
- ~~832.~~ **Hunt Area 65.** All of Unit 65. (4-3-95)
- ~~8490.~~ **Hunt Area 66-1.** That portion of Unit 66 north of main Bear Creek EXCEPT the Pritchard and Garden Creek drainages. (4-3-95)
- ~~8591.~~ **Hunt Area 66-2.** That portion of Unit 66 south of main Bear Creek. (4-3-95)
- ~~92.~~ **Hunt Area 66-3.** All of Units 66 and 69. (3-19-99)T
- ~~8693.~~ **Hunt Areas 66A-1 And 66A-2.** All of Unit 66A. (4-3-95)
- ~~8794.~~ **Hunt Area 67-1.** That portion of Unit 67 north and west of State Highway 31. (4-3-95)
- ~~8895.~~ **Hunt Area 67-2.** That portion of Unit 67 south and east of State Highway 31. (4-3-95)
- ~~896.~~ **Hunt Area 69-1.** That portion of Unit 69 west of the Grays Lake-Long Valley-Bone-Iona Road. (4-3-95)
- ~~907.~~ **Hunt Area 69-2.** That portion of Unit 69 east of the Grays Lake-Long Valley-Bone-Iona Road EXCEPT the Antelope and Granite Creek drainages. (4-3-95)
- ~~918.~~ **Hunt Area 69-3.** That portion of Unit 69 within the Antelope and Granite Creek drainages, and that portion of Unit 66 within the Pritchard and Garden Creek drainages. (4-3-95)
- ~~92.~~ **Hunt Area 69-4.** All of Unit 69. (~~4-3-95~~)
- ~~932.~~ **Hunt Area 70.** All of Unit 70. (4-3-95)
- ~~94100.~~ **Hunt Area 71-1.** That portion of Unit 71 located in Bannock and Bingham counties. (4-3-95)

- 95101.** Hunt Area 71-2. That portion of Unit 71 located in Caribou County. (4-3-95)
- 96102.** Hunt Area 72. All of Unit 72. (4-3-95)
- 97103.** Hunt Area 74. All of Unit 74. (4-3-95)
- 98104.** Hunt Area 75-1 and 75-2. All of Unit 75. (~~4-3-95~~)(3-19-99)T
- 99105.** Hunt Areas 76-1 And 76-2. That portion of Unit 76 within the following boundary: Beginning at Soda Springs on State Highway 34, then northeast to the Lanes Creek Road at Wayan, then south along the Lanes Creek-Diamond Creek Road to Timber Creek Road, then northeast along Timber Creek-Smoky Canyon-Stump Creek Road to the Idaho-Wyoming state line, then south along the state line to the Crow Creek Road, then southwest along Crow Creek-Wells Canyon-Georgetown Canyon Road to U.S. 30, then north along U.S. 30 to Soda Springs, the point of beginning. (4-3-95)
- 1006.** Hunt Areas 76-3 And 76-4. That portion of Unit 76 south of the Georgetown-Wells Canyon-Crow Creek Road. (4-3-95)
- 1047.** Hunt Areas 76-5 And 76-6. That portion of Unit 76 north and east of the following boundary: Beginning at the Idaho-Wyoming state line, then west along the Stump Creek-Smoky Canyon-Timber Creek Road to the Diamond Creek Road, then north along the Diamond Creek-Lanes Creek Road to State Highway 34 at Wayan. (4-3-95)
- 1028.** Hunt Area 77. All of Unit 77. (4-3-95)
- 1039.** Hunt Area 78. All of Unit 78. (4-3-95)

(BREAK IN CONTINUITY OF SECTIONS)

704. CONTROLLED HUNT AREA DESCRIPTIONS - ROCKY MOUNTAIN BIGHORN SHEEP.

- 01.** Hunt Area 19. That portion of Unit 19 west of the Crooked Creek Trail (Forest Service Trails 215 and 204), and those portions of Units 14 and 19 within the Wind River drainage. (7-1-98)
- 02.** Hunt Area 20-1. That portion of Unit 20 upstream from Sabe Creek, that portion of Unit 21 downstream from the Horse Creek Trail (Forest Service Trail 159) and Reynolds Creek Trail (Forest Service Trail 067) and that portion of Unit 17 upstream from the Witter Ridge Trail (Forest Service Trail 75) and the Thompson Flat-Wood Hump-Surprise Creek Trail (Forest Service Trail 031). (7-1-98)
- 03.** Hunt Area 20-2. That portion of Unit 20 downstream from the Nez Perce-Bitterroot Forest boundary along Sabe Creek to the Red River Ranger Station-White Water Ranch Road. (7-1-98)
- 04.** Hunt Area 20A. Those portions of Unit 20A upstream from and including the Butts Creek drainage to the Middle Fork of the Salmon River, and within the Middle Fork of the Salmon River drainage upstream to Papoose Creek-Papoose Lake-Coyote Springs. (7-1-98)
- 05.** Hunt Area 21. That portion of Unit 21 downstream from the Spring Creek Road (Forest Service Road 038) to the Horse Creek Trail (Forest Service Trail 159) and Reynolds Creek Trail (Forest Service Trail 067). (7-1-98)
- 06.** Hunt Area 26. All of Unit 26 and that portion of Unit 20A within the Middle Fork of the Salmon River drainage upstream from Papoose Creek-Papoose Lake-Coyote Springs and that portion of Unit 27 on the west side of the Middle Fork of the Salmon River from Big Creek upstream to and including the Brush Creek drainage. (7-1-98)

- 07. Hunt Area 27-1.** That portion of Unit 27 west of the Middle Fork of the Salmon River upstream from but excluding the Brush Creek drainage to and including the Indian Creek drainage. (7-1-98)
- 08. Hunt Area 27-2.** That portion of Unit 27 east of the Middle Fork of the Salmon River upstream from its mouth to the Waterfall Creek Trail (Forest Service Trail 045). (7-1-98)
- 09. Hunt Area 27-3.** That portion of Unit 27 east of the Middle Fork of the Salmon River upstream from the Waterfall Creek Trail (Forest Service Trail 045) to and including the Camas Creek drainage on the north side of Camas Creek, and that portion of Unit 28 within the Camas Creek drainage north of Camas Creek and west of the Silver Creek-Meyers Cove Road (Forest Service Road 108). (7-1-98)
- 10. Hunt Area 27-4.** That portion of Unit 27 east of the Middle Fork of the Salmon River, south of Camas Creek, northwest of Fly Creek Trail (Forest Service Trail 124) and Mahoney Creek Trail (Forest Service Trail 121), north of Warm Springs Creek and north of Loon Creek. (7-1-98)
- 11. Hunt Area 28-1.** That portion of Unit 28 ~~on the west side of~~ within the Pine Creek and Panther Creek downstream from and including the Big Deer Creek drainages, and the south side of the main Salmon River from ~~Panther Pine~~ Pine Creek downstream to, but excluding, the Middle Fork of the Salmon River drainage. (7-1-98)(3-19-99)T
- 12. Hunt Area 28-2.** ~~That portion of Unit 28 on the east side of Panther Creek from and including the Big Jureano Creek drainage downstream to the mouth of Panther Creek, and the south side of the main Salmon River downstream from, and including, the Pine Creek drainage to the mouth of Panther Creek.~~ (7-1-98)
- 132. Hunt Area 36B.** All of Unit 36B; that portion of Unit 28 south of and including the Hat Creek drainage; that portion of Unit 28 west of the Panther Creek Road and south of the Silver Creek-Meyers Cove Road; and that portion of Unit 27 southeast of Fly Creek Trail (Forest Service Trail 124) and Mahoney Creek Trail (Forest Service Trail 121), and northeast of Warm Springs Creek and the South Fork of Warm Springs Creek. (7-1-98)
- 143. Hunt Area 37.** All of Unit 37. That portion of Unit 50 east of U.S. Highway 93 and that portion of Unit 51 west of the Howe-Goldburg Road. (7-1-98)
- 15. Hunt Area 26-L.** All of Unit 26. (7-1-98)
- 16. Hunt Area 27-L.** ~~That portion of Unit 20A within the Middle Fork of the Salmon River drainage, and that portion of Unit 27 on the west side of the Middle Fork of the Salmon River downstream from, but excluding, the Pistol Creek drainage and the east side of the Middle Fork of the Salmon River downstream from, but excluding, the Camas Creek drainage.~~ (7-1-98)

705. CONTROLLED HUNT AREA DESCRIPTIONS - MOUNTAIN GOAT.

- 01. Hunt Area 10-1.** That portion of Unit 10 within the Isabella Creek drainage. (4-3-95)
- 02. Hunt Area 10-2.** That portion of Unit 10 within the Collins Creek drainage. (4-3-95)
- 03. Hunt Area 18.** Those portions of Units 18 and 22 within the Snake River drainage from and including Brush Creek drainage downstream to and including the Sheep Creek drainage, and that portion of Unit 23 within the Rapid River drainage. (7-1-98)
- 04. Hunt Area 27-2.** That portion of Unit 27 south of Forest Service Road 172 from Loon Creek summit to Loon Creek guard station, Pinyon Peak, and Feltman Creek Point, and that portion of Unit 36 from Forest Service Road 172 west to the Pioneer Creek-West Fork Yankee Fork Trail (Forest Service Trail 113-155.) (7-1-98)
- 05. Hunt Area 27-3.** That portion of Unit 27 east of the Middle Fork of the Salmon River, south of Camas Creek, northwest of Fly Creek Trail (Forest Service Trail 124) and Mahoney Creek Trail (Forest Service Trail 121), north of Warm Springs Creek and north of Loon Creek. (4-3-95)

06. **Hunt Area 27-4.** That portion of Unit 27 east of the Middle Fork of the Salmon River and north of Camas Creek to the Waterfall Creek Trail (Forest Service Trail 045) and that portion of Unit 28 within the Yellowjacket Creek drainage. (3-19-99)T

067. **Hunt Area 30.** Those portions of Units 21A and 30 south of and including the Freeman Creek drainage to the Agency Creek-Lemhi Pass Road. (4-3-95)

078. **Hunt Area 36A-1.** That portion of Unit 36A south and east of the East Fork of the Salmon River from and including the Herd Creek drainage upstream to and including the West Pass Creek drainage. (4-3-95)

082. **Hunt Area 36A-2.** That portion of Unit 36A, including all headwaters of the East Fork of the Salmon River upstream from, but excluding, the Germania Creek drainage on the west and upstream from, but excluding, the West Pass Creek drainage on the east. (4-3-95)

0910. **Hunt Area 36A-3.** That portion of Unit 36A, north and west of the East Fork of the Salmon River downstream from, but excluding, the Germania Creek drainage, and that portion of Unit 36 on the south and east sides of the main Salmon River downstream from, but excluding, the Fourth of July Creek drainage above Stanley. (4-3-95)

101. **Hunt Area 36A-4.** That portion of Unit 36A within the Germania Creek drainage, and that portion of Unit 36 within the Salmon River drainage east of State Highway 75 from and including the Fourth of July Creek drainage upstream to and including the Pole Creek drainage. (4-3-95)

112. **Hunt Area 36B.** That portion of Unit 36B south of and including the Challis Creek drainage; that portion of Unit 36 east of the Yankee Fork-Mill Creek Summit Road. (4-3-95)

123. **Hunt Area 48.** That portion of Unit 48 north and east of State Highway 75 and that portion south and west of State Highway 75 upstream from and including the Baker Creek drainage. (4-3-95)

134. **Hunt Area 50.** That portion of Unit 50 south and east of the Trail Creek Road and south and west of U.S. Highway 93. (4-3-95)

145. **Hunt Area 51.** That portion of Unit 29 south of and excluding the Big Timber Creek drainage, that portion of Unit 51 east of the Howe-Goldburg Road and that portion of Unit 58 west of State Highway 28. (4-3-95)

156. **Hunt Area 59A.** All of Unit 59A and that portion of Unit 58 east of State Highway 28. (7-1-98)

167. **Hunt Area 67-1.** That portion of Unit 67 south of Palisades Creek. (4-3-95)

17: **Hunt Area 67-2.** That portion of Unit 67 north of Palisades Creek and south of State Highway 31. (4-3-95)

706. CONTROLLED HUNT AREA DESCRIPTIONS - CALIFORNIA BIGHORN SHEEP.

01. **Hunt Areas 41-1 and 41-2.** That portion of Unit 41 within the Little Jacks Creek and Shoofly Creek drainages and all of Unit 40. (4-3-95)(3-19-99)T

02. **Hunt Area 41-4 And 41-5.** That portion of Unit 41 within the Big Jacks Creek Drainage (4-3-95)(3-19-99)T

03. **Hunt Areas 42-1, And 42-2.** That portion of Units 41 and 42 within the drainage of the East Fork of the Owyhee River outside the Duck Valley Indian Reservation boundary (EXCLUDING the South Fork of the Owyhee River drainage). (4-3-95)

04. **Hunt Areas 42-3 And 42-4.** That portion of Unit 42 within the South Fork of the Owyhee River drainage. (7-1-98)

05. Hunt Area 46. Those portions of Units 41, ~~and 46, and 47~~ within the Bruneau and Jarbidge River drainages upstream from ~~Indian Hot Springs not~~ and including the Sheep Creek drainage. (~~4-3-95~~)(3-19-99)T

IDAPA 13 - DEPARTMENT OF FISH AND GAME
13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO
DOCKET NO. 13-0109-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective May 10, 1999.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 July 21, 1999.

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 the required finding and concise statement of the supporting reasons for the proposed rulemaking:

These amendments delete season material for turkey, sandhill crane, and early goose, and delete redundant unit boundary descriptions. The 1999 turkey, sandhill crane, and early goose seasons were set by Commission proclamation. Additionally, the rules were amended to allow a second turkey tag in some areas.

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:

Confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Gary Will, 208-334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May, 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715/FAX: 208-334-2148

THE FOLLOWING IS TEXT OF DOCKET NO. 13-0109-9901

100. TAGS, STAMPS, PERMITS, AND VALIDATIONS.

01. Pheasant, Quail, or Partridge. No person, seventeen (17) years of age or older, shall hunt pheasant, quail, or partridge anywhere within the state, except licensed shooting preserves, without having in his or her possession the appropriate hunting license that has been validated for upland game. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

02. Ducks, Geese, or Brant. No person, seventeen (17) years of age or older, shall hunt ducks, geese, or brant anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for waterfowl. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

03. Migratory Game Birds. No person shall hunt ducks, geese, brant, coots, common snipe, sandhill cranes, or mourning doves anywhere within the state, without having in his or her possession the appropriate hunting license that has been validated for the Federal Migratory Game Bird Harvest Information Program. The validation shall be valid from January 1 through December 31 of each year. (7-1-98)

04. Wild Turkey. No person shall hunt wild turkey without having in his or her possession the appropriate hunting license, tag, and controlled hunt permit. Persons obtaining and using tags, stamps, and permits must comply with the following requirements: (7-1-98)

a. ~~General~~ Tags issued for wild turkey are valid for any general season hunt. ~~(7-1-93)~~(5-10-99)T

b. Permits for Controlled Hunts: Any person who receives a controlled hunt permit for wild turkey is prohibited from using that permit/tag to hunting in any ~~general~~ other wild turkey hunt. ~~(12-15-97)~~(5-10-99)T

c. Nonresident permit limitations: On controlled hunts with ten (10) or fewer permits, not more than one (1) permit will be issued to nonresidents. On controlled hunts with more than ten (10) permits, not more than ten percent (10%) of the permits may be issued to nonresidents. (7-1-98)

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)

~~iii. Hunters who harvest a turkey during the Spring season are ineligible to apply for controlled Fall permits. (12-15-97)T~~

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 for Spring hunts and May 31 for Fall hunts, annually. Applications must comply with the following requirements: (12-15-97)T

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: All applicants for controlled hunts must submit a non-refundable application fee with their

application; 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. (7-1-98)

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)

vii. All ~~unsuccessful~~ spring wild turkey hunters may apply for a Fall turkey controlled hunt permit during the same calendar year. If successful in being drawn they ~~must~~ may present their ~~invalidated~~ nonvalidated general wild turkey tag at any Department office for exchange for a new Fall controlled hunt permit and tag. (12-15-97)T(5-10-99)T

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 (2) triangles on the border of the tag, one (1) for the month and one (1) 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)

05. Early September Canada Goose Hunts. (7-1-98)

a. Controlled Hunts: No person shall hunt Canada geese during controlled, early September seasons (September 1-15) without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using controlled hunt permits must comply with the following requirements: (7-1-98)

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 13~~ July 15, annually. Applications must comply with the following requirements: (7-1-98)T(5-10-99)T

ii. Fees: All applicants for controlled hunts must submit a nonrefundable application fee with their application; 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 waterfowl validation (waterfowl stamp) and the Federal Migratory Bird Stamp are required by any person sixteen (16) and seventeen (17) years of age and older, respectively (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20)). (7-1-98)

iii. Landowner Preference Permits: Landowner Preference Permits shall be the same as IDAPA 13.01.04.400.01 through 400.06. (7-1-98)

iv. The following rules previously established for wild turkey also apply to early September Canada goose hunts: Subsections 100.034.b., 100.034.c., 100.034.d., 100.034.e.ii., 100.034.e.iv. through 100.034.e.vi., and 100.034.f. (7-1-98)T(5-10-99)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. (7-1-98)

607. WILD TURKEY SEASONS, BAG AND POSSESSION LIMITS. (10-26-94)
(This section has been deleted in accordance with House Bill No. 727 of the 1998 Legislative Session.)

(BREAK IN CONTINUITY OF SECTIONS)

615. SANDHILL CRANES.

No person shall hunt sandhill cranes without having in his or her possession the appropriate hunting license and controlled hunt permit. Persons obtaining and using a permit must comply with the following requirements: (7-1-98)

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 or postmarked not later than August July 135, annually. (~~7-1-98~~)(5-10-99)T

02. Fees. All applicants for controlled hunts must submit a nonrefundable application fee with their application; 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 waterfowl validation (waterfowl stamp) and the Federal Migratory Bird Stamp are not required.) (Idaho Code 36-414; Title 50 Code of Federal Regulations, Part 20.) (7-1-98)

03. Hunt Rules. (7-1-98)

a. The following rules previously established for wild turkey hunts also apply to sandhill crane hunts. Subsections 100.034.b., 100.034.c., 100.034.d., 100.034.e.ii, 100.034.e.iv. through 100.034.e.vi., and 100.034.f. through 100.034.i. (~~7-1-98~~)(5-10-99)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. (7-1-98)

616. SANDHILL CRANE SEASONS AND BAG AND POSSESSION LIMITS.

The following seasons, bag and possession limits, and permits shall apply: (7-1-98)

01. Controlled Hunts. Controlled hunt areas include the following: (7-1-98)

a. Area 1 includes that portion of ~~Caribou County north of U.S. Highway 30~~ Bear Lake County north of State Highway 36 and U.S. Highway 89; and all of Caribou County EXCEPT that portion downstream from the dam at Alexander Reservoir south of U.S. Highway 30, and that portion lying within the Grays Lake Basin. (~~7-1-99~~)(5-10-99)T

b. Area 2 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. (5-25-98)T

c. Area 3 includes that portion of Fremont County within Township 9 North, Range 42 East, and that portion within Township 8 North, Range 42 East north of the Falls River. (5-10-99)T

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

HUNT AREA	HUNT NUMBER	SEASON	PERMITS
1	9501	September 1-2	3047
1	9502	September 3-4	3047

HUNT AREA	HUNT NUMBER	SEASON	PERMITS
1	9503	September 5-6	3047
1	9504	September 7-8	3047
1	9505	September 9-10	3047
1	9506	September 11-12	3047
1	9507	September 13-15	3047
2	9508	September 1, 2, 4 , 5, 6, 7, 11, 12, 13	5075
<u>2</u>	<u>9508</u>	<u>September 1, 2, 4, 5, 6, 7,</u> <u>11, 12, 13</u>	<u>50</u>
NOTE: Daily limit, possession limit, season limit - are all 1.			

~~(7-1-99)~~(5-10-99)T

~~**03. Mandatory Check and Report.** Any person taking a sandhill crane must comply with the following mandatory check and report requirements by:~~ ~~(7-1-98)~~

~~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.~~ ~~(7-1-98)~~

(BREAK IN CONTINUITY OF SECTIONS)

620. EARLY SEPTEMBER CANADA GOOSE SEASONS AND BAG AND POSSESSION LIMITS.

01. General Hunts. General hunts include the following: (7-1-98)

a. Nez Perce County. Nez Perce County within the following boundary: beginning at the Snake River at the Idaho-Washington state line, then north along the Idaho-Washington state line to the Nez Perce-Latah county line, then east along the Nez Perce county line to the Potlatch River, then south along the east bank of the Potlatch River to the Clearwater River, then west along the south bank of the Clearwater River to Lapwai Creek, then south along Lapwai Creek to Webb Creek Road, then west along Webb Creek Road to Waha Road, then south along Waha Road to Ten-Mile Creek, then northwest along Ten-Mile Creek to the Snake River, the point of beginning. (7-1-98)

02. General Hunt Seasons, Bag And Possession Limits, And Permits. (7-1-98)

a. Season: September 5, 1998~~9~~ through September 11, 1998~~9~~. ~~(7-1-99)~~(5-10-99)T

b. Possession limit after the first day of the season: Eight (8). (7-1-98)

c. Daily bag limit: Four (4). (7-1-98)

03. Controlled Hunts. Controlled hunt areas include the following: (7-1-98)

a. Area 1 includes that portion of Fremont County within Township 9 North, Range 42 East, and that portion within Township 8 North, Range 42 East north of the Falls River. (5-25-98)T

b. Area 2 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. (5-25-98)T

04. 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	Permits
1	9601	September 1, 2, 4, 5, 6, 7, 11, 12, and 13	2	4	30
2	9602	September 1, 2, 4, 5, 6, 7, 11, 12, and 13	2	4	30

(7-1-99)(5-10-99)T

(BREAK IN CONTINUITY OF SECTIONS)

700. MANAGEMENT UNIT DESCRIPTIONS.

The Management Unit Descriptions are contained in IDAPA 13.01.08, "Rules Governing the Taking of Big Game Animals," Section 600. (5-10-99)T

~~**01. Unit 1.** ALL of BOUNDARY COUNTY and that portion of BONNER COUNTY north of the Pend Oreille River, Pend Oreille Lake and Clark Fork River. MYRTLE CREEK AND DAVID THOMPSON GAME PRESERVES CLOSED. (7-1-93)~~

~~**02. Unit 2.** Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: Beginning at the intersection of the Idaho-Washington state line and the north bank of the Pend Oreille River, then east along said river to Pend Oreille Lake at the railroad trestle in the southeast corner of the city of Sandpoint, then south across said railroad trestle, then east and south along the western shoreline of said lake to the south boundary fence of Farragut State Park, then west along said fence to State Highway 54 at the west entrance to Farragut State Park, then west on State 54 to U.S. 95, then south on U.S. 95 to Lake Coeur d'Alene at the mouth of the Spokane River, then west along the southern bank of the Spokane River to the Idaho-Washington state line, then north along the state line to the point of beginning. (7-1-93)~~

~~**03. Unit 3.** Those portions of KOOTENAI, SHOSHONE, and BENEWAH COUNTIES within the following boundary: Beginning at Mission Point on the St. Joe River and State Highway 3, then northeast on State 3 to Interstate 90, then east on Interstate 90 to Kingston, then north on Forest Highway 9 (Coeur d'Alene River Road) to Forest Service Road 209 (North Fork of the Coeur d'Alene River Road), then northwest along said road to the watershed divide between the Coeur d'Alene River and Pend Oreille Lake, then northwest along said divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then west along the lake shore to the south boundary fence of Farragut State Park, then west along said fence to State Highway 54 at the west entrance of Farragut State Park, then west on State 54 to U.S. 95, then south on U.S. 95 to Coeur d'Alene Lake, then southeast along the eastern shoreline of Coeur d'Alene and Round Lakes to Mission Point, the point of beginning. (7-1-93)~~

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

~~divide between the Coeur d'Alene River and Pend Oreille Lake, then northeast along the divide to the point of beginning. (7-1-93)~~

~~**05. Unit 4A.** Those portions of BONNER and KOOTENAI COUNTIES within the following boundary: beginning on the Idaho-Montana State line at the watershed divide between Pend Oreille Lake and the Coeur d'Alene River, then southwest along the divide to Bernard Peak, then north to Steamboat Rock on Pend Oreille Lake, then northwest along the western shoreline of Pend Oreille Lake to the railroad trestle approximately one (1) mile south of Sandpoint, then north on the railroad trestle to Sandpoint, then east along the north banks of Pend Oreille Lake and the Clark Fork River to the Idaho-Montana State line, then south on the state line to the point of beginning. (2-7-95)~~

~~**06. Unit 5.** Those portions of BENEWAH and KOOTENAI COUNTIES within the following boundary: Beginning at the intersection of the Idaho-Washington state line and the Spokane River, then east along the southern bank of the Spokane River to U.S. 95 at Coeur d'Alene Lake, then southeast along the eastern shore line of Coeur d'Alene and Round lakes to Mission Point, then upstream along the northern bank of the St. Joe River to the mouth of St. Maries River, then upstream along the St. Maries River to the intersection of the St. Maries River and State Highway 3 near Mashburn, then south on State Highway 3 to the intersection of State Highway 6, then west on State Highway 6 to the watershed divide between the St. Maries and Palouse rivers, then northwest along the divide to West Dennis Peak, then west along the watershed divide between Hangman Creek and Palouse River to the Idaho-Washington state line, then north along the state line to the Spokane River, to the point of beginning. HEYBURN STATE PARK—CLOSED. (3-23-94)~~

~~**07. Unit 6.** Those portions of KOOTENAI, SHOSHONE, BENEWAH, CLEARWATER, and LATAH COUNTIES within the following boundary: Beginning at St. Maries, then downstream along the northern bank of the St. Joe River to Mission Point on State Highway 3, then north on State Highway 3 to the watershed divide between the St. Joe and Coeur d'Alene rivers, then east along the divide to the Moon Pass Road, then south on Moon Pass Road to Avery, then west on the St. Joe River Road to the Fishhook Creek Road (Forest Service Road 301), then south on Fishhook Creek Road to Breezy Saddle, then southwest on Forest Service Road 301 to White Rock Springs, then south along the watershed divide between the St. Maries River and Little North Fork of the Clearwater River over Stony Butte to Hemlock Butte, then northwest along the St. Maries River-Potlatch River watershed divide across Bald Mountain to State Highway 6, then northeast on State Highway 6 to the intersection of State Highway 3, then north on State Highway 3 to the St. Maries River, then downstream to St. Maries, the point of beginning. (3-23-94)~~

~~**08. Unit 8.** Those portions of LATAH, NEZ PERCE, AND CLEARWATER COUNTIES within the following boundary: Beginning on the Idaho-Washington state line at the watershed divide between Hangman Creek and Palouse River, south along said divide to U.S. 95, then south along said highway to State Highway 6, then east along said highway to State Highway 9, then southeast along said highway to Deary, then south on State Highway 3 to Kendrick, then southeast along County Road P-1 through Southwick and Cavendish to the Clearwater River at Ahsahka, then downstream along said river to the Idaho-Washington state line, then north to the point of beginning. (7-1-93)~~

~~**09. Unit 8A.** Those portions of BENEWAH, LATAH, CLEARWATER, and NEZ PERCE COUNTIES within the following boundary: beginning at Ahsahka on County Road P-1, then northwest along County Road P-1 through Southwick and Cavendish to State Highway 3, then northeast along State Highway 3 to Deary, then northwest along State Highway 9 to State Highway 6, then west along State Highway 6 to U.S. 95, then north along U.S. 95 to the watershed divide between Hangman Creek and Palouse River, then southeast along the divide to West Dennis Mountain, then southeast along the St. Maries watershed divide to Hemlock Butte, then south on Elk Creek Road (Forest Service Road 382.4) to Elk River, then south on the Dent Bridge-Elk River Road to the south shore line of Dworshak Reservoir, then along the southern shore line to Dworshak Dam, then downstream to the main Clearwater River, then down the Clearwater River to Ahsahka, the point of beginning. (2-7-95)~~

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

Point Road (Forest Service Roads 457 and 220), then south along said road to Getaway Point, then due south to the Little North Fork of the Clearwater River, then downstream to Dworshak Reservoir, then along the east bank of the reservoir to the North Fork of the Clearwater River, then east along the north bank of the reservoir and the North Fork of the Clearwater River, to Forest Service Trail 17, then south along said trail to Cabin Point and the watershed divide between Orogrande and Weitas Creeks, then south along said divide to Hemlock Butte and its intersection with Forest Service Road 104, then southeast on said road to Lolo Motor Way (Forest Service Road 500), then south along said road to Mex Mountain Smith Creek Road (Forest Service Road 101), then south along said road to the Middle Fork of the Clearwater River, then northwest along said river to the mouth of the North Fork of the Clearwater River, the point of beginning. (3-23-94)

11. Unit 11. Those portions of NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: Beginning at the mouth of the Clearwater River, upstream to U.S. 95 bridge near Spalding, then southeast on U.S. 95 to the Graves Creek Road at Cottonwood, then south on said road to the Salmon River, then downstream to the Snake River, then downstream to the mouth of the Clearwater River, the point of beginning. (3-23-94)

12. Unit 11A. Those portions of CLEARWATER, NEZ PERCE, LEWIS, and IDAHO COUNTIES within the following boundary: Beginning on the Clearwater River at the U.S. 95 bridge near Spalding, upstream to the South Fork of the Clearwater River, then up the South Fork to Harpster Bridge, then southwest on State Highway 13 to U.S. 95 at Grangeville, then northwest on U.S. 95 to Spalding, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (3-23-94)

13. Unit 13. That portion of IDAHO COUNTY bounded by the Snake River on the west, the Salmon River on the east and north and the White Bird-Pittsburg Landing Road on the south. (3-23-94)

14. Unit 14. That portion of IDAHO COUNTY within the following boundary: Beginning at Riggins on the Salmon River, then upstream to Wind River, then up Wind River to Anchor Creek, then up Anchor Creek to Anchor Meadows, then northeast along the Old Wagon Road (Forest Service Trail 313) to the divide between the Salmon River and South Fork Clearwater River, then west on said divide to Square Mountain, then west on the Square Mountain-Gospel Hill Road (Forest Service Road 444) to the Grangeville-Salmon River Road (Forest Service Road 221), then north on said road to State Highway 13 at Grangeville, then west on State 13 to U.S. 95, then northwest on U.S. 95 to Cottonwood, then south on the Graves Creek Road to the Salmon River, then upstream to Riggins, the point of beginning. NEZ PERCE NATIONAL HISTORICAL PARK-CLOSED. (3-23-94)

15. Unit 15. That portion of IDAHO COUNTY within the following boundary: Beginning at Grangeville on State Highway 13, then northeast on State 13 to the South Fork of the Clearwater River, then downstream to the road that goes up Sally Ann Creek, then up said road to the town of Clearwater, then southeast along Forest Service Road 284 to Forest Service Road 464, then east along said road to the watershed divide between the South Fork Clearwater and Selway Rivers, then southeast along said divide over Forest Service Trail 835 to Anderson Butte, then south over Forest Service Trail 505 to Black Hawk Mountain and Soda Creek Point to the Montana Road (Forest Service Road 468), then west on said road to the Red River Ranger Station Mackay Bar Road (Forest Service Road 222.3), then southwest on said road to Dixie Summit, then west along the watershed divide between the South Fork Clearwater and Salmon Rivers over the Crooked River Big Creek Divide, Orogrande Summit and Square Mountain to the Moores Guard Station Adams Ranger Station Road (Forest Service Road 444), then west on said road to the new Grangeville-Salmon River Road (Forest Service Road 221.4), then north on said road to Grangeville, the point of beginning. (3-23-94)

16. Unit 16. That portion of IDAHO COUNTY within the following boundary: Beginning at the mouth of the Middle Fork of the Clearwater River, then upstream to the confluence of the Lochsa and Selway Rivers, then east along the watershed divide between the Lochsa and Selway Rivers to the watershed divide between Gedney and Three Links Creeks, then south along said divide to Big Fog Mountain, then along Forest Service Trail 343 to Big Fog Saddle, then south along the Fog Mountain Road (Forest Service Road 319) to the Selway River, then upstream to Meadow Creek, then up the Meadow Creek Falls Point Road (Forest Service Road 443) to Forest Service Road 464, then west along said road to Forest Service Road 284, then along said road to the town of Clearwater, then west along the road down Sally Ann Creek to State Highway 13, then downstream on the South Fork of the Clearwater River to the Middle Fork of the Clearwater River, the point of beginning. (3-23-94)

17. Unit 18. Those portions of IDAHO and ADAMS COUNTIES within the following boundary:

~~Beginning at Riggins, up the Little Salmon River to Rapid River, then up Rapid River to and including the Shingle Creek drainage to the Snake River divide, then south along said divide to Purgatory Saddle at the head of Granite Creek, then down Granite Creek to the Snake River, then downstream to Pittsburg Landing, then east on the Pittsburg Landing Whitebird Road to the Salmon River, then upstream to Riggins, the point of beginning. (3-23-94)~~

~~**18. Unit 21A.** That portion of LEMHI COUNTY within the drainage of the east side of the Salmon River downstream from and including the Carmen Creek drainage to the town of North Fork, and that portion of the North Fork of the Salmon River drainage east of U.S. 93 between the town of North Fork and the Idaho-Montana State line. (2-7-95)~~

~~**19. Unit 22.** Those portions of IDAHO, ADAMS, and WASHINGTON COUNTIES within the following boundary: Beginning at the mouth of Granite Creek on the Snake River, then up Granite Creek to Purgatory Saddle located on the watershed divide between Rapid River and Snake River, then south along said divide to Lick Creek Lookout, then along the watershed divide between Boulder Creek and the Weiser River to the watershed divide between Mud Creek and the Weiser River, then south along said divide to U.S. 95, then southwest on U.S. 95 to Cambridge, then northwest on State Highway 71 to Brownlee Dam, then down the Snake River to Granite Creek, the point of beginning. (3-23-94)~~

~~**20. Unit 23.** Those portions of IDAHO, ADAMS, and VALLEY COUNTIES within the drainage of the south side of the Salmon River from its confluence with the Little Salmon River upstream to the French Creek-Burgdorf-Summit-Creek Road; those portions of the French Creek, Lake Creek and Summit Creek drainages west of the French Creek-Burgdorf-Summit-Creek Road; and within the Little Salmon River drainage, EXCEPT that portion on the north side of Rapid River from the mouth upstream to and including Shingle Creek drainage. (2-7-95)~~

~~**21. Unit 28.** That portion of LEMHI COUNTY within the drainage of the Salmon River south and west of the river from the mouth of the Middle Fork of the Salmon River upstream to, but excluding, the Ellis Creek and Morgan Creek drainages to the Custer County line, and that portion of the north side of Camas Creek and north of the Camas Creek Trail (Forest Service Trail 134) upstream from and including the Yellowjacket Creek drainage. (2-7-95)~~

~~**22. Unit 29.** That portion of LEMHI COUNTY within the Lemhi River drainage south and west of State Highway 28 and that portion of the Salmon River drainage east of the Salmon River from the Salmon River bridge in the City of Salmon upstream to and including the Poison Creek drainage. (2-7-95)~~

~~**23. Unit 30.** That portion of LEMHI COUNTY within the Lemhi River drainage north and east of State Highway 28 and north and west of State Highway 29 and that portion of the Salmon River drainage east of the Salmon River from the U.S. 93 bridge in the City of Salmon downstream to, but excluding, the Carmen Creek drainage. (2-7-95)~~

~~**24. Unit 31.** That portion of WASHINGTON COUNTY within the following boundary: Beginning at Brownlee Dam on the Snake River, then southeast on State Highway 71 to U.S. 95, then southwest on U.S. 95 to the Snake River at Weiser, then down the Snake River to Brownlee Dam, the point of beginning. (3-23-94)~~

~~**25. Unit 32.** Those portions of ADAMS, BOISE, GEM, PAYETTE, VALLEY, and WASHINGTON COUNTIES within the following boundary: Beginning at Banks, then down State Highway 55 to Floating Feather Road, then west on said road to State Highway 16, then north on State 16 to State Highway 52, then north on State 52 to the Payette River, then downstream (EXCLUDING PAYETTE RIVER ISLANDS) to the Snake River, then downstream to Weiser, then northeast on U.S. 95 to the Emmett Council Road in Indian Valley, then south on said road to the Sheep Creek Road, then east on the Sheep Creek Road to the Squaw Creek Road, then south on the Squaw Creek Road to Ola, then northeast on the Ola-Smiths Ferry Road to High Valley, then south on the High Valley-Dry Buck Road to Banks, the point of beginning. EXCEPT THAT PORTION OF PAYETTE COUNTY IN UNIT 32—CLOSED.— (3-23-94)~~

~~**26. Unit 32A.** Those portions of ADAMS, GEM, VALLEY, and WASHINGTON COUNTIES within the following boundary: Beginning at U.S. 95 on the watershed divide between Weiser River and Mud Creek, then southeast along the watershed divide between Weiser River and Little Salmon River to No-Business Lookout, then south along the watershed divide between Weiser River and North Fork Payette River to Lookout Peak, then south~~

along the watershed divide between Squaw Creek and North Fork Payette River to the Smiths Ferry Ola Road, then northeast on said road to Smiths Ferry, then down the North Fork to Banks, then northwest on the Banks-Dry Buck-High Valley Road to the Ola-High Valley Road, then west on said road to Ola, then north on the Squaw-Creek Road to the Sheep Creek Road, then west on the Sheep Creek Road to the Emmett Council Road, then north on said road to U.S. 95 in Indian Valley, then north on U.S. 95 to the watershed divide between the Weiser River and Mud Creek, the point of beginning. (3-23-94)

27. Unit 33. Those portions of BOISE and VALLEY COUNTIES within the North Fork of the Payette River drainage east of the river and south of the Packer John Lookout Road, and the drainage of the Middle and South Forks of the Payette River, (EXCEPT the drainage of the Deadwood River upstream from and including Nine Mile Creek on the west side, and No Man Creek on the east side), and that portion of the South Fork of the Payette River drainage downstream from and including the Lick Creek drainage on the north side of the South Fork of the Payette River and downstream from, but excluding, the Huckleberry Creek drainage on the south side of the South Fork of the Payette River. (2-7-95)

28. Unit 36B. That portion of CUSTER COUNTY within the Salmon River drainage on the north and west side of the Salmon River from and including the Ellis Creek drainage upstream to, but excluding, the Yankee Fork drainage. (2-7-95)

29. Unit 37. Those portions of CUSTER and LEMHI COUNTIES within the Salmon and Pahsimeroi River drainages east of the Salmon River, south and west of the Ellis-May-Howe Highway, and north and east of U.S. 93 between the U.S. 93 bridge across the Salmon River south of the town of Challis and Willow Creek Summit. (2-7-95)

30. Unit 38. Those portions of ADA, BOISE, CANYON, ELMORE, GEM, and PAYETTE COUNTIES within the following boundary: Beginning at the confluence of the Payette and Snake Rivers, then up the Payette River (INCLUDING ISLANDS) to State Highway 52 near Emmett, then south on State 52 to State Highway 16, then south on State 16 to Floating Feather Road, then east on said road to State Highway 55, then south on State 55 to State Highway 44, then east on State 44 to Boise, then south on Interstate 84 to Mountain Home, then south on State Highway 51 to the Snake River, then downstream (INCLUDING ISLANDS) to the Idaho-Oregon state line, then north on the state line to the Payette River, the point of beginning. LAKE LOWELL SECTOR OF DEER FLAT NATIONAL WILDLIFE REFUGE CLOSED. (3-23-94)

31. Unit 39. Those portions of ADA, BOISE, and ELMORE COUNTIES within the following boundary: Beginning at the City of Boise, then southeast on Interstate 84 to Mountain Home, then northeast on the Mountain Home-Dixie-Anderson Ranch Dam Road to Anderson Ranch Dam, then up the South Fork of the Boise River to Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir Fall Creek Trinity Mountain Rocky Bar James Creek Road, then north on said road to James Creek Summit, then east along the watershed divide between the South and Middle Forks of the Boise River to the intersection of the Camas, Blaine and Elmore County lines, then north along the watershed divide between the Boise and Salmon Rivers to the watershed divide between the Boise and South Fork of the Payette Rivers, then west along said divide to Hawley Mountain, then northwest along said divide between the Payette River and the South Fork Payette River to Banks, then south on State Highway 55 to State Highway 44, then east on State 44 to Boise, the point of beginning. THE AREA BETWEEN STATE HIGHWAY 21 AND THE NEW YORK CANAL FROM THE NEW YORK CANAL DIVERSION DAM DOWNSTREAM TO BOISE CITY LIMITS CLOSED. (3-23-94)

32. Unit 40. That portion of OWYHEE COUNTY within the following boundary: beginning on the Snake River at the Idaho-Oregon State line, upstream to Grandview, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek Mud Flat Deep Creek Cliffs Road to the North Fork of the Owyhee River, then downstream to the Idaho-Oregon State line, then north to the Snake River, the point of beginning. (2-7-95)

33. Unit 41. That portion of OWYHEE COUNTY within the following boundary: beginning at Grandview on the Snake River, then southeast on State Highway 78 to the Poison Creek Road, then southwest on the Poison Creek Mud Flat Road to Poison Creek Summit, then southeast along the watershed divide between the drainages of Poison, Shoofly and Jacks Creeks, and the drainage of Battle Creek to the El Paso Natural Gas Pipeline, then south along the pipeline to the Idaho-Nevada State line, then east to the Rogerson-Three-Creek-Jarbridge Road,

then north on Rogerson Three Creek Jarbidge Road to the Jarbidge River, then downstream to the West Fork of the Bruneau River, then downstream to the Bruneau River, then downstream to State Highway 51, then north on State Highway 51 to the Snake River, then downstream (EXCLUDING ISLANDS) to Grandview, the point of beginning. (2-7-95)

34. Unit 43. Those portions of CAMAS and ELMORE COUNTIES within the following boundary: Beginning at the confluence of the South Fork of the Boise River and Fall Creek (center of Anderson Ranch Reservoir), then up Fall Creek to the Anderson Ranch Reservoir-Fall Creek-Trinity Mountain-Rocky Bar James Creek Road, then north on said road to James Creek Summit, then east along the watershed divide between the Middle and South Forks of the Boise River to the intersection with the Elmore-Camas County line, then north along said county line to the junction with the Camas-Blaine County line, then southeast along said county line to the Dollarhide-Summit-Carrie Creek-Little Smoky Creek Road (U.S. Forest Service Road 227), then southwest on said road to the Five Points Creek Couch Summit Road (U.S. Forest Service Road 094), then south on said road to Couch Summit, then west along the South Fork of the Boise River-Camas Creek watershed divide to Iron Mountain, then southwest on the Forest Service trail to and down the Middle Fork of Lime Creek to Lime Creek (Forest Service Trails 050 and 049), then downstream to the South Fork of the Boise River (middle of Anderson Ranch Reservoir) to the confluence of Fall Creek, the point of beginning. (3-23-94)

35. Unit 54. Those portions of CASSIA and TWIN FALLS COUNTIES within the following boundary: beginning at Burley, then west on U.S. 30 to U.S. 93 west of Twin Falls, then south on U.S. 93 to the Idaho-Nevada State line, then east along the state line to the Oakley-Goose Creek Road, then north on Oakley-Goose Creek Road to Oakley, then north on State Highway 27 to Burley, the point of beginning. (2-7-95)

36. Unit 55. That portion of CASSIA COUNTY within the following boundary: beginning at Burley, then south on State Highway 27 to Oakley, then south on the Oakley-Goose Creek Road to the Idaho-Utah State line, then east on the state line to the Strevell-Malta Road, then north on Strevell-Malta Road to Malta and State Highway 81, then northwest on State Highway 81 to Burley, the point of beginning. (2-7-95)

37. Unit 63A. Those portions of BONNEVILLE, JEFFERSON, and MADISON COUNTIES within the following boundary: beginning at Idaho Falls, then east on U.S. 26 to the spot directly above the Heise measuring cable (about one and one-half (1.5) miles upstream from Heise Hot Springs), then north across the South Fork of the Snake River to the Heise-Archer-Lyman Road (Snake River Road), then northwest on Heise-Archer-Lyman Road to U.S. 191, then north on U.S. 191 to Rexburg, then west on State Highway 33 to Interstate 15 (Sage Junction), then south on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 26, the point of beginning. (2-7-95)

38. Unit 68A. Those portions of BANNOCK, BINGHAM, BONNEVILLE, and POWER COUNTIES within the following boundary: Beginning at American Falls, then northeast on State Highway 39 to U.S. 26 near Blackfoot, then east on U.S. 26 to Interstate 15, then north on Interstate 15 to Idaho Falls, then east on Broadway Street to U.S. 91 (Old Yellowstone Highway), then south on U.S. 91 to Interstate 15, then south on Interstate 15 to Interstate 86, then southwest on Interstate 86 to American Falls, the point of beginning. (3-23-94)

39. Unit 73. Those portions of BANNOCK, FRANKLIN, POWER, and ONEIDA COUNTIES within the following boundary: beginning on U.S. 91 at the Idaho-Utah State line, then north to Arimo, then northwest on the Arimo-Garden Gap Rattlesnake Road to the Mink Creek Highway, then south along Mink Creek Highway to the Arbon Valley Highway near Pauline, then south on the Arbon Valley Highway to State Highway 37, then west to Holbrook, then south on the Holbrook Stone Road to the Idaho-Utah State line, then east along the state line to U.S. 91, the point of beginning. (2-7-95)

40. Unit 74. Those portions of BANNOCK, CARIBOU, and FRANKLIN COUNTIES within the following boundary: beginning at Preston, then north on U.S. 91 to Interstate 15, then north on Interstate 15 to U.S. 30N, then east on U.S. 30N to the Pebble-Baneroft County Road (old U.S. 30N), then northeast to State Highway 34, then south on State Highway 34 to Preston, the point of beginning. (2-7-95)

41. Unit 77. That portion of FRANKLIN COUNTY within the following boundary: beginning at U.S. 91 on the Idaho-Utah State line, then north to Preston, then north on State Highway 34 to Cleveland Bridge, then south on the county road to Maple Grove Hot Springs, then east on the Hot Springs-Strawberry Canyon Road to the Strawberry Canyon Emigration Canyon Road, then east to the Franklin-Bear Lake County line, then south on the

~~Franklin Bear Lake County line to the ridge at the head of Hillyard Canyon, then west approximately one mile along the ridge to the Franklin Basin Road, then south to the Idaho-Utah State line, then west on the state line to U.S. 91, the point of beginning.~~ (2-7-95)

(BREAK IN CONTINUITY OF SECTIONS)

800. WILD TURKEY CONTROLLED HUNT AREA DESCRIPTIONS.

- ~~01. Hunt Areas **901-1, 901-2 and 901-3.** All of Game Management Units 1, 2, (except Farragut State Park and Farragut Wildlife Management Area are closed), 3, 4, 5, and 6. (7-1-98)(5-10-99)T~~
- ~~02. Hunt Area **901-2.** All of Game Management Units 1, 2, 3, 4, 5, and 6. (7-1-98)~~
- ~~03. Hunt Area **938-1.** All of Game Management Unit 38. (7-1-98)~~
- ~~04. Hunt Area **954-1.** All of Game Management Unit 54. (7-1-98)~~
- ~~05. Hunt Area **968A-1.** All of Game Management Unit 68A. (7-1-98)~~
- ~~06. Hunt Area **968A-2.** All of Game Management Unit 68A. (7-1-98)~~
- ~~07. Hunt Area **968A-3.** All of Game Management Unit 68A. (7-1-98)~~
- ~~08. Hunt Area **977-1, 977-2, 977-3, 977-4, And 977-5.** All Those portions of Game Management Units 73, 74, and 77 within Franklin County. (7-1-98)(5-10-99)T~~
- ~~09. Hunt Area **977-2.** Those portions of Game Management Units 73, 74, and 77 within Franklin County. (7-1-98)~~
- ~~10. Hunt Area **977-3.** Those portions of Game Management Units 73, 74, and 77 within Franklin County. (7-1-98)~~
- ~~11. Hunt Area **977-4.** Those portions of Game Management Units 73, 74, and 77 within Franklin County. (12-15-97)T~~
- ~~12. Hunt Area **977-5.** Those portions of Game Management Units 73, 74, and 77 within Franklin County. (12-15-97)T~~

IDAPA 13 - IDAHO FISH AND GAME COMMISSION
13.01.15 - RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-9801
NOTICE OF FINAL RULE

EFFECTIVE DATE: This rule has been rejected by the 1999 Idaho State Legislature for final adoption. House Concurrent Resolution No. 18 rejected pending rules which would have amended IDAPA 13.01.15 for failure to comply with legislative intent. This action is effective on March 16, 1999.

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the Legislature has rejected a pending rule.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for rejecting the pending rule.

The Legislature felt the pending rules were too restrictive as to the persons required to have a hound hunting permit.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact W. Dallas Burkhalter, Deputy Attorney General, at 208-334-3715.

DATED this 24th day of May, 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
PO Box 25
Boise, ID 82707
Phone: 208-334-3715
FAX 208-334-2148

IDAPA 13 - DEPARTMENT OF FISH AND GAME
13.01.15 - RULES GOVERNING THE USE OF DOGS
DOCKET NO. 13-0115-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary and proposed rules are effective March 19, 1999.

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 36-104(b).

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 July 21, 1999.

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 the required finding and concise statement of the supporting reasons for temporary rule-making:

House Concurrent Resolution No. 18 rejected pending rules in this area. These rules are the result of discussions with Legislators and negotiations with hound hunter organizations.

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:

Confers a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

None.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Beecham, 208-334-2920.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May 1999.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department of Fish and Game
600 South Walnut
PO Box 25
Boise, ID 83707
208-334-3715
FAX: 208-334-2148

THE FOLLOWING IS TEXT OF DOCKET NO. 13-0115-9901

000. -- 0909. (RESERVED).

010. DEFINITIONS.

01. Immediate Family Member. Immediate family member is defined exclusively as the parents, grandparents, siblings, spouse, children, and grandchildren of the Hound Hunting Permit holder, whether by blood or marriage. Immediate family members must be identified by affidavit on an approved form by the Hound Hunting Permit holder, and listed on the Hound Hunter Permit. (3-19-99)T

02. Licensed Outfitter. Licensed outfitter means the holder of an appropriate outfitter's license issued by the Idaho Outfitters and Guides Licensing Board pursuant to Sections 36-2101, et seq., Idaho Code. (3-19-99)T

03. Licensed Guide. As defined in Section 36-2102(c), Idaho Code, any natural person who is employed by a licensed outfitter to furnish personal services for the conduct of outdoor activities directly related to the conduct of activities for which the employing outfitter is licensed. (3-19-99)T

011. -- 099. (RESERVED).

100. USE OF HUNTING DOGS.

Dogs may be used to hunt or pursue ONLY the following wildlife, ONLY under the conditions listed, and ONLY if not prohibited by current rules: (7-1-93)

01. Upland Game Animals, and Upland Game Birds, And Migratory Game Birds. To train on or hunt upland game, and animals, game birds, and migratory game birds. (7-1-99)(3-19-99)T

02. Taking With Conditions. To take black bear, mountain lion, bobcat, lynx, fox and raccoon, unprotected and predatory wildlife provided that the following conditions are met: (7-1-93)

a. There is an open take season in the area to be hunted. (7-1-93)

b. Use of dogs is allowed during the take season in the area to be hunted. (7-1-93)

c. No firearm season for deer or elk is open in the area to be hunted (EXCLUDING muzzleloader hunts and EXCLUDING controlled hunts during September and from November 25 to December 31). (7-1-93)

d. The following persons must have a valid Hound Hunters Permit in possession when dogs are being run in the field. (10-26-94)

i. ~~Anyone who owns pursuit dogs.~~ All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed by name on the permit holder's Hound Hunter Permit are exempted from having to have a separate Hound Hunting Permit. (10-26-94)(3-19-99)T

ii. ~~Anyone having control of dogs owned by another person.~~ (10-26-94)

03. To Pursue With Conditions. To pursue black bear, mountain lion, bobcat, lynx, and raccoon provided that the following conditions are met: (7-1-93)

a. There is an open dog training season in the area to be hunted. (7-1-93)

b. No firearm season (EXCLUDING muzzleloader hunts and EXCLUDING controlled hunts during September and from November 25 to December 31) for deer or elk is open in the area to be hunted. (7-1-93)

c. ~~The following persons must have a valid Hound Hunter's Permit in possession when dogs are being run in the field used to hunt or pursue black bear, mountain lion, bobcat, fox, or raccoon and unprotected and predatory wildlife:~~ (10-26-94)(3-19-99)T

i. ~~Anyone who owns pursuit dogs. All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed by name on the permit holder's Hound Hunter Permit are exempted from having a separate Hound Hunter Permit.~~ (10-26-94)(3-19-99)T

ii. ~~Anyone having control of dogs owned by another person.~~ (10-26-94)

200. HOUND HUNTER'S PERMIT.

01. Use Of Hound Hunter's Permits. (7-1-93)(3-19-99)T

a. ~~The following persons must have a valid Hound Hunter's Permit in possession when dogs are being run in the field used to hunt or pursue black bear, mountain lion, bobcat, fox, and raccoon, and unprotected and predatory wildlife:~~ (10-26-94)(3-19-99)T

i. ~~Anyone who owns pursuit dogs. All participants in the hunt who are twelve (12) years old or older are required to have a valid Idaho hunting license and those participants older than seventeen (17) must have a Hound Hunter Permit. Any clients of licensed outfitters when accompanied by that permitted outfitter or his licensed guide, or immediate family members accompanied by a permit holder that are listed on the permit holder's Hound Hunter Permit are exempted from having a separate Hound Hunter Permit. Resident hunters who wish to list exempted family members on their Hound Hunter Permit must sign an affidavit certifying that the names listed on his/her Hound Hunter Permit are immediate family members as defined in Section 010. A maximum of four (4) family members may be listed on any single Hound Hunter Permit.~~ (10-26-94)(3-19-99)T

ii. ~~Anyone having control of dogs owned by another person.~~ (10-26-94)

b. Permits are not transferable EXCEPT, an outfitter licensed pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code, may ~~transfer~~ convey the authority of his Hound Hunter's Permit to a nonresident licensed guide operating for him. A nonresident guide will be deemed to be in compliance with this requirement if the guide has a copy of the above-referenced Hound Hunter's Permit in his possession. (7-1-93)(3-19-99)T

c. Hound Hunter's Permits are valid from January 1 through December 31 of each year. (7-1-93)(3-19-99)T

02. ~~Nonresident Limitation On Hound Hunter's Permits~~ Limitations For Nonresidents. No more than fifty-five (55) nonresident hound hunter's permits will be issued to nonresident hunters who are not licensed outfitters pursuant to the authority vested in the Outfitters and Guides Board, Sections 36-2101, et seq., Idaho Code. A licensed outfitter, who is a nonresident, is exempt from the limitation. Nonresident licensed outfitters and guides who have obtained a nonresident hound hunter's permit under this exemption may shall not use this for personal hunting. Sales of hHound hHunter's pPermits to the following persons shall not be counted in the quota for nonresidents: (7-3-93)(3-19-99)T

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 hound hunter's permit buyers who return their nonresident hound hunter's permit and a notarized affidavit stating that the permit buyer has not hunted or pursued may designate another nonresident to purchase an additional permit. If the original buyer does not make a designation and has retained an outfitter, the outfitter may make the designation. The designated buyer must pay the regular fee for the replacement permit. If no designation is made by either the original buyer or the outfitter, the Department may sell the~~

replacement tag on a first-come, first-served basis. (7-1-93)

e. ~~Successful nonresident black bear controlled hunt applicants who have not received a nonresident hound hunter's permit as of the date of the controlled hunt drawing.~~ (7-1-93)

03. Eligibility -- Residents. A resident ~~h~~Hound ~~h~~Hunter's ~~p~~Permit may be obtained by a holder of a resident hunting license ~~presenting a valid Idaho resident hunting license to a Department office or Conservation Officer by paying the appropriate fee at a license vendor.~~ Resident hunters who wish to list exempted immediate family members on their Hound Hunter Permit must sign an affidavit certifying that the names listed on his/her Hound Hunter Permit are immediate family members as defined by Section 010. (7-3-93)(3-19-99)T

04. Eligibility -- Nonresidents. (7-1-93)

a. Applications for ~~nonresident h~~Hound ~~h~~Hunter's ~~p~~Permits 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 December 1 of the year preceding the year in which the permit is to be valid. (7-1-93)(3-19-99)T

b. Any application which is unreadable, ~~has incomplete or incorrect hunting license numbers,~~ or which lacks the required information will be declared void and will not be entered in the drawing. All applications will be considered final. They may not be resubmitted after correction. (7-1-93)(3-19-99)T

c. Applicants must comply with the following requirements: (7-1-93)

i. No person may submit more than one (1) application for a ~~nonresident h~~Hound ~~h~~Hunter's ~~p~~Permit. (7-1-93)(3-19-99)T

ii. ~~No g~~Group applications will be accepted. A group application for a Hound Hunter Permit is defined as two (2) hunters applying for two (2) permits on the same application form. Nonresidents who wish to list immediate family members on their permit must sign an affidavit certifying that the names listed on his Hound Hunter Permit are immediate family members as defined in Section 010. (7-1-93)(3-19-99)T

iii. No applications will be accepted from residents of states or provinces that do not allow Idaho residents reciprocal opportunity to pursue game animals or furbearers with hounds, if such seasons exist. (7-1-93)

d. ~~Nonresident h~~Hound ~~h~~Hunter's ~~p~~Permits that remain unissued after the drawing may be issued by the Department on a first-come, first-served basis at the Regional offices during normal business hours on or after December 10. (7-1-93)(3-19-99)T

05. Invalidity Of Permit. In the event a permit is issued based on erroneous or fraudulent information, the permit is invalid and CANNOT be used. ~~The Department will notify the permittee that the permit is invalid.~~ Any permit issued on the basis of fraudulent information is subject to the provisions of Title 36, Idaho Code, and IDAPA 13.01.04, "Rules Governing Licensing". (7-1-93)(3-19-99)T

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE**

DOCKET NO. 16-0309-9901

NOTICE OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2000 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 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 56-203(b), Idaho Code.

DESCRIPTIVE SUMMARY: The pending rules are being adopted as proposed. The original text of the proposed rules was published in the January 6, 1999 Administrative Bulletin, Volume 99-1, pages 257 through 261.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Dr. A. Riley Cutler, Dental Consultant, at (208) 364-1839.

DATED this 2nd day July, 1999.

Sherri Kovach
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 09**

RULES GOVERNING MEDICAL ASSISTANCE

**There are no substantive changes
from the proposed rule text.**

**The original text was published in the Idaho
Administrative Bulletin, Volume 99-1, January 6, 1999,
pages 257 through 261.**

**This rule has been adopted as Final by the Agency
and is now pending review by the
2000 Idaho State Legislature for final adoption.**

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9904

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective January 1, 1999.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(f), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 July 21, 1999.

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: When rules were last promulgated, an error was made in provider qualifications for mental health clinics. Description of provider was not as definitive.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Mary Lou Forbes at (208) 364-1844.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 1999.

DATED this 7th day of July, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
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 TEXT OF DOCKET NO. 16-0309-9904

115. CLINIC SERVICES -- MENTAL HEALTH CLINICS.

Pursuant to 42 CFR 440.90, the Department will pay for preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services provided by a mental health clinic to a recipient who is not an inpatient in a hospital or nursing home except as specified under Subsection 115.05.d. The mental health clinic must be approved by the Department and be under the direction of a licensed physician. (12-31-91)

01. Care and Services Provided. (12-31-91)

- a. Services must be provided specifically in conjunction with a medically ordered plan of care when delivered by licensed, qualified professionals employed full or part-time within a clinic. (11-10-81)
- b. All treatment must be based on an individualized assessment of the patient's needs, and provided under the direction of a licensed physician. (1-1-98)T
- c. All medical care plans must: (11-10-81)
 - i. Be dated and fully signed with title identification by both the prime therapist(s) and licensed physician; and (11-10-81)
 - ii. Contain the diagnosis, problem list, type, frequency, and duration of treatment; and (11-10-81)
 - iii. Be reviewed and authorized and signed within thirty (30) days of implementation; and (11-10-81)
 - iv. Be reviewed within one hundred twenty (120) days and every one hundred twenty (120) days thereafter; and (11-10-81)
 - v. Be completely rewritten and authorized annually. (11-10-81)
- d. Licensed, qualified professionals providing clinic services to eligible MA recipients must have, at a minimum, one (1) or more of the following qualifications: (1-1-98)T
 - i. Psychiatrist, M.D.; or (11-10-81)
 - ii. Physician, M.D.; or (11-10-81)
 - iii. Licensed Psychologist; or (1-1-98)T
 - iv. Psychologist extender, registered with the Bureau of Occupational Licenses; or (1-1-98)T
 - v. Licensed Certified Social Workers, or Licensed Certified Social Workers, Private/Independent Practice; or (1-1-98)T
 - vi. Licensed Professional Counselor - Private Practice Licensure (LPC-P); or (1-1-98)T
 - vii. Certified Psychiatric Nurse, R.N., as described in Subsection 112.04.b.; or (1-1-98)T
 - viii. Licensed Social Workers who were employed by the clinic prior to February 27, 1998; or ~~(1-1-98)T~~(1-1-99)T
 - ix. Licensed Registered Nurse, R.N. who was employed by the clinic prior to February 27, 1998; or ~~(1-1-98)T~~(1-1-99)T
 - x. Registered Occupational Therapist, O.T.R. (1-1-98)T
- 02. Care and Services Not Covered.** (11-10-81)
 - a. The MA Program will not pay for clinic services rendered to MA recipients residing in in-patient medical facilities including, but not limited to, nursing homes or hospitals; or (11-10-81)
 - b. Any service or supplies not included as part of the allowable scope of the MA Program; or (11-10-81)
 - c. Services provided within the clinic framework by persons other than those qualified to render services as specified in Section 115. (12-31-91)

- 03. Evaluation and Diagnostic Services.** (11-10-81)
- a. Medical psychosocial intake histories must be contained in all case files. (11-10-81)
 - b. Information gathered will be used for establishing a recipient data base used in part to formulate the diagnosis and treatment plan. (11-10-81)
 - c. The medical psychosocial intake and plan development is reimbursable if conducted by a primary therapist who, at a minimum, has one (1) or more of the following qualifications: (1-1-98)T
 - i. Licensed Psychologist; or (1-1-98)T
 - ii. Psychologist extender, registered with the Bureau of Occupational Licenses; or (1-1-98)T
 - iii. Licensed Certified Social Worker, or Licensed Certified Social Worker, Private/Independent Practice; Licensed Social Worker; or (1-1-98)T
 - iv. Certified Psychiatric Nurse, R.N.; or (1-1-98)T
 - v. Licensed Professional Counselor - Private Practice Licensure (LPC-P); or (1-1-98)T
 - vi. Licensed Physician, M.D., or Psychiatrist, M.D.; or (1-1-98)T
 - vii. Licensed Social Worker (not to include plan development); or (1-1-98)T
 - viii. Registered Nurse (not to include plan development). (1-1-98)T
 - d. If an individual who is not eligible for MA receives intake services from any staff not having the required degree(s) as provided in Subsection 115.03.c., and later becomes eligible for MA, a new intake assessment and treatment plan will be required which must be developed by a qualified staff person and authorized prior to any reimbursement. (12-31-91)
 - e. Any provider of evaluation, diagnostic service, or treatment designed by any person other than a person designated as qualified by these rules, is not eligible for reimbursement under the MA Program. (11-10-81)
 - f. Psychiatric or psychological testing may be provided in conjunction with the medical psychosocial intake history as a reimbursable service. (11-10-81)
 - g. Evaluations performed by qualified registered occupational therapists, O.T.R., performed in conjunction with the development of a medical care treatment plan are reimbursable. (11-10-81)
 - h. All intake histories, psychiatric evaluations, psychological testing, or specialty evaluations must be in written form, dated, and fully signed to certify when completed and by whom, and retained in the recipient's file for documentation purposes. (11-10-81)
 - i. All data gathered must be directed towards formulation of a written diagnosis, problem list, and treatment plan which specifies the type, frequency, and anticipated duration of treatment. (11-10-81)
 - j. A total of twelve (12) hours is the maximum time allowed for a combination of any evaluative or diagnostic services and care plan development provided to an eligible recipient in a calendar year. (1-1-98)T
- 04. Treatment Services.** (11-10-81)
- a. Individual and group psychotherapy must be provided in accordance with the goals specified in the written medical treatment plan. (11-10-81)

- b. Family-centered psychosocial services must include at least two (2) family members and must be delivered in accordance with the goals of treatment as specified in the medical treatment plan. (11-10-81)
- c. Individual emergency psychotherapy services can be provided by qualified clinic staff at any time. (11-10-81)
- i. Emergency services provided to an eligible recipient prior to intake and evaluation is a reimbursable service but must be fully documented in the recipient's record; and (11-10-81)
- ii. Each emergency service will be counted as a unit of service and part of the allowable limit per recipient unless the contact results in hospitalization. (11-10-81)
- d. Collateral contact may be provided if included on care plan. (1-1-98)T
- e. Psychotherapy services may be provided to recipients residing in a nursing facility if the following criteria are met: (11-29-91)
- i. The recipient has been identified through the PASARR Level II screening process as requiring psychotherapy as a specialized service; and (11-29-91)
- ii. The service is provided outside the nursing facility at a clinic location or other location where clinic staff is available; and (11-29-91)
- iii. Services provided are: (11-29-91)
- (1) Supported by the independent evaluations completed and approved by the Mental Health Authority; (11-29-91)
- and
- (2) Incorporated into the recipient's medical care plan; and (11-29-91)
- (3) Directed toward the achievement of specific measurable objectives which include target dates for completion. (11-29-91)
- f. Licensed, qualified professionals providing psychotherapy services as set forth in Subsections 115.04.a. through 115.04.d. must have, at a minimum, one (1) or more of the following degrees: (11-29-91)
- i. Psychiatrist, M.D.; or (11-29-91)
- ii. Physician, M.D.; or (11-10-81)
- iii. Licensed Psychologist; or (1-1-98)T
- iv. Psychologist extender, registered with the Bureau of Occupational Licenses; or (1-1-98)T
- v. Licensed Certified Social Worker or Licensed Certified Social Worker - Private Practice; or (1-1-98)T
- vi. Licensed Professional Counselor - Private Practice Licensure; or (1-1-98)T
- vii. A licensed social worker who was employed by the clinic prior to February 27, 1998; or (1-1-98)T
- viii. Certified Psychiatric Nurse, R.N.; or (1-1-98)T
- ix. A Registered Nurse, R.N., who was employed by the clinic prior to February 27, 1998. (1-1-98)T
- g. Psychotherapy services as set forth in Subsections 115.04.a. through 115.04.c. are limited to forty-five (45) hours per calendar year. (12-31-91)

h. Chemotherapy consultations must be provided by a physician or licensed nurse practitioner in direct contact with the recipient. (11-10-81)

i. Consultation must be for the purpose of prescribing, monitoring, and/or administering medication as part of the treatment plan; and (11-10-81)

ii. Chemotherapy treatment can be part of the medical care plan and frequency and duration of the treatment must be specified. (11-10-81)

i. Nursing services, when physician ordered and supervised, can be part of the recipient's medical care plan. (11-10-81)

i. Licensed and qualified nursing personnel can supervise, monitor, and/or administer medication within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code; and (11-10-81)

ii. Such treatment can be part of the recipient's medical care plan and frequency and duration of the treatment must be specified. (11-10-81)

j. Partial care services will be directed toward the maintenance of socio-emotional levels, reduction of psychosocial dysfunctioning, and the promotion of psychosocial levels of functioning. (11-10-81)

i. To qualify as a partial care service, the service must be offered a minimum of three (3) continuous hours daily, four (4) days per week; and (11-10-81)

ii. Treatment will be limited to fifty-six (56) hours per week per eligible recipient; and (7-8-90)

iii. Partial care services offered on an extension basis less than this standard are allowable when such services are directly affiliated with a partial care service that meets this standard; and (11-10-81)

iv. Partial care services will be part of the recipient's medical care plan which must specify the amount, frequency, and expected duration of treatment; and (11-10-81)

v. Licensed, qualified professionals providing partial care services must have, at a minimum, one (1) or more of the qualifications listed in Subsection 115.01.d. (1-1-98)T

05. Record Keeping Requirements. (11-10-81)

a. Each clinic will be required to maintain records on all services provided to MA recipients. (11-10-81)

b. The records must contain a current treatment plan ordered by a physician and must meet the requirements as set forth in Subsection 115.01.c. (12-31-91)

c. The records must: (11-10-81)

i. Specify the exact type of treatment provided; and (11-10-81)

ii. Who the treatment was provided by; and (11-10-81)

iii. Specify the duration of the treatment; and (11-10-81)

iv. Contain detailed records which outline exactly what occurred during the therapy session or recipient contact; and (11-10-81)

v. Contain the legible, dated signature, with degree credentials listed, of the staff member performing the service. (11-10-81)

d. Any service not adequately documented in the recipient's record by the signature of the therapist providing the therapy or recipient contact, the length of the therapy session, and the date of the contact, will not be reimbursed by the Department. (11-10-81)

e. Any treatment or contact provided as a result of a treatment plan performed by any staff other than as set forth herein will not be eligible for reimbursement by the Department. (11-10-81)

f. If a record is determined not to meet minimum requirements as set forth herein any payments made on behalf of the recipient are subject to recoupment. (11-10-81)

06. Payment Procedures. (11-10-81)

a. Payment for clinic services will be made directly to the clinic and will be in accordance with rates established by the Department for the specific services. (11-10-81)

b. Each provider of clinic services must accept the Department's payment for such services as payment in full and must not bill the MA recipient for any portion of any charges incurred for the cost of his care. (11-10-81)

c. All available third party payment resources, such as Medicare and private insurance, must be exhausted before the Department is billed for services provided to an eligible recipient. Proof of billing other third party payors will be required by the Department. (11-10-81)

d. Payment for the administration of injections must be in accordance with rates established by the Department. (11-10-81)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING MEDICAL ASSISTANCE
DOCKET NO. 16-0309-9905

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective March 1, 1999.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 56-202(b) and 56-203(g), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 July 21, 1999.

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: These rules establish an income category for individuals receiving Home and Community-Based services under Medicaid. Client contribution for waiver services is described. The income limit is increased to match that of an individual residing in a nursing home.

TEMPORARY RULE JUSTIFICATION: Temporary rules have been adopted in accordance with Section 67-5226, Idaho Code and are necessary in order to confer a benefit.

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

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 1999.

DATED this 7th day of July, 1999.

Sherri Kovach
Administrative Procedures Coordinator
DHW - Division of Legal Services
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 TEXT OF DOCKET NO. 16-0309-9905

149. CLIENT PARTICIPATION IN THE COST OF WAIVER SERVICES.

A recipient will not be required to participate in the cost of waiver services unless the recipient's entitlement to MA is based on approval for, and receipt of, a waiver service and income limitations contained in IDAPA 16.03.05.634787. Income excluded under the provisions of IDAPA 16.03.05.643723 and 16.03.05.645725 is excluded in determining client participation. (7-1-97)(3-1-99)T

01. Base Participation. Base participation is income available for client participation after subtracting all allowable deductions, except for the incurred medical expense deduction in Subsection 149.04. Base participation is calculated by the recipient's ~~Eligibility Examiner~~ Self Reliance Specialist. The incurred medical expense deduction is calculated by the RMU or ACCESS unit. (7-1-97)(3-1-99)T

02. Community Spouse. Except for the ~~recipient's elderly or physically disabled participant's~~ personal needs allowance, base participation for a recipient with a community spouse is calculated under IDAPA 16.03.05.615725. ~~The HCBS personal needs allowance for a recipient living independently, in room and board, or in an adult foster care home at the recipient's level of care, is equal to the AABD allowances for the recipient's living arrangement.~~ These allowances are specified in IDAPA 16.03.05, Eligibility for Aid to the Aged, Blind, and Disabled (AABD). A community spouse is the spouse of an HCBS recipient who is not an HCBS recipient and is not institutionalized. (7-1-99)(3-1-99)T

a. The HCBS personal needs allowance for a participant living independently equals the AABD allowances for his living arrangement. (3-1-99)T

b. The HCBS personal needs allowance for a participant living in room and board with a person who is not his parent, sibling, or child equals the SSI benefit for an individual living independently. (3-1-99)T

c. The HCBS personal needs allowance for a participant living in adult residential care equals the federal Supplemental Security Income (SSI) benefit amount for an individual living independently. (3-1-99)T

03. No Community Spouse. Base participation for an ~~recipient elderly or physically disabled participants~~ with no community spouse is calculated under IDAPA 16.03.05.61723, using the appropriate HCBS personal needs allowance. ~~The HCBS personal needs allowance is equal to the AABD allowances for a recipient living alone in his own home. The HCBS personal needs allowance for a recipient living independently, in room and board, or in an adult foster care home at the recipient's level of care, is equal to the AABD allowances for the recipient's living arrangement. These allowances are specified in IDAPA 16.03.05. The HCBS personal needs allowance for the clients receiving Waiver Services for Adult Developmentally Disabled Recipients is three (3) times the federal SSI benefit amount to an individual in his own home.~~ (7-1-99)(3-1-99)T

a. The HCBS personal needs allowance for a participant living independently equals the AABD allowances for his living arrangement. (3-1-99)T

b. The HCBS personal needs allowance for a participant living in room and board with a person who is not his parent, sibling, or child equals the federal SSI benefit for an individual living independently. (3-1-99)T

c. The HCBS personal needs allowance for a participant living in adult residential care equals the federal Supplemental Security Income (SSI) benefit amount for an individual living independently. (3-1-99)T

04. Developmentally Disabled Participants. These allowances are specified in IDAPA 16.03.05. The HCBS personal needs allowance for participants receiving Waiver Services for Adult Developmentally Disabled Recipients is three (3) times the federal SSI benefit amount to an individual in his own home. (3-1-99)T

045. Incurred Medical Expenses. Amounts for certain limited medical or remedial services not covered by the Idaho Medicaid Plan and not paid by a third party may be deducted from the base participation amount. The Department must determine whether an individual's incurred expenses for such limited services meet the criteria for deduction. The recipient must report such expenses and provide verification in order for an expense to be considered for deduction. Costs for over-the-counter medications are included in the personal needs allowance and will not be considered a medical expense. Deductions for necessary medical or remedial expenses approved by the Department will be deducted at application, and changed, as necessary, based on changes reported to the Department by the ~~recipient~~ participant. (7-1-97)(3-1-99)T

056. Remainder After Calculation. Any remainder after the calculation in Subsection 149.04 is the maximum participation to be deducted from the ~~recipient's~~ participant's provider payments to offset the cost of personal care services. The participation will be collected from the ~~recipient~~ participant by the provider agency or independent provider. The provider and the ~~recipient~~ participant will be notified by the Department of the amount to

be collected.

~~(7-1-97)~~(3-1-99)T

067. Recalculation Of Client Participation. The client participation amount must be recalculated annually at redetermination or whenever a change in income or deductions becomes known to the Department.
(7-1-97)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.23 - RULES GOVERNING UNIFORM ASSESSMENTS FOR STATE-FUNDED CLIENTS
DOCKET NO. 16-0323-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective October 1, 1999.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 39-3508, 39-3308 and 56-202(b), Idaho Code.

PUBLIC HEARING SCHEDULE: Pursuant to Section 67-5222(2), Idaho Code, 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 July 21, 1999.

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: This rule contains requirements for person who must have a uniform assessment before receiving state-funded supportive living services.

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

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary or proposed rule, contact Kathleen Allyn at (208) 364-1804.

Anyone can submit written comments regarding this proposed rule. All written comments and data concerning the rule must be directed to the undersigned and must be postmarked on or before July 28, 1999.

DATED this 7th day of July, 1999.

Sherri Kovach, Administrative Procedures Coordinator
DHW - Division of Legal Services
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 TEXT OF DOCKET NO. 16-0323-9901

IDAPA 16
TITLE 03
Chapter 23

RULES GOVERNING UNIFORM ASSESSMENTS FOR STATE-FUNDED CLIENTS

000. LEGAL AUTHORITY.

Sections 39-3308, 39-3508 and 56-202(b), Idaho Code, mandate the Department to develop uniform assessment criteria to assess the functional and cognitive ability of persons who seek state-funded supported living services.

(10-1-99)T

001. TITLE AND SCOPE.

01. Title. These rules are to be cited as the Rules of the Idaho Department of Health and Welfare, IDAPA 16, Title 03, Chapter 23, "Rules Governing Uniform Assessments for State-Funded Clients". (10-1-99)T

02. Scope. These rules contain the minimum requirements and applied standards for uniform assessment of the functional and cognitive ability of persons who seek state-funded supported living services. (10-1-99)T

002. WRITTEN INTERPRETATIONS.

These rules are adopted to further the accuracy and consistency of placement and funding decisions affecting persons in supported living settings. The uniform assessment instrument shall be used to develop plans of care and, when required, negotiated service agreements, determine staffing ratios, to determine the capacity and expertise of the care provider to meet the needs of each client. (10-1-99)T

003. ADMINISTRATIVE APPEALS.

Hearings will be conducted in conformance with the Department's rules governing Contested Cases and Declaratory Rulings, IDAPA 16.05.03, Sections 100 through 102. (10-1-99)T

004. DEFINITIONS.

01. Activities Of Daily Living. Bathing, dressing, toileting, transferring, eating, and walking. (10-1-99)T

02. Client. A person for whom the State of Idaho, or a program administered by the State of Idaho, pays all or any part of the cost of the person's care. (10-1-99)T

03. Department. The Idaho Department of Health and Welfare. (10-1-99)T

04. Instrumental Activities Of Daily Living. Meal preparation, money management, transportation, shopping, using the telephone, medication management, heavy housework, and light housework. (10-1-99)T

05. Service Plan. A plan that describes the type and quantity of services that will be provided to a client, whether called a plan of care, plan for care, negotiated services agreement, individual support plan, or by some other name. (10-1-99)T

06. Significant Change In Client's Condition. A major change in the client's status that affects more than one area of the client's functional or health status, and requires review or revision of the care plan or negotiated service agreement. (10-1-99)T

07. Supported Living Services. Assistance with activities of daily living, instrumental activities of daily living, and supervision to enable a client to reside safely in the setting of the client's choice. (10-1-99)T

08. Supported Living Services Provider. A facility or person that provides supported living services. Such facilities and persons include nursing facilities, licensed residential and assisted living facilities, certified family homes, specialized family homes, personal care service providers, semi-independent facilities, intermediate care facilities for persons with mental retardation, and home and community-based services waiver providers. (10-1-99)T

09. Uniform Assessment Or Uniform Assessment Instrument (UAI). A set of standardized criteria adopted by the Department of Health and Welfare to assess functional and cognitive abilities. (10-1-99)T

005. -- 010. (RESERVED).

011. COMPLETION OF THE UNIFORM ASSESSMENT INSTRUMENT.

01. Department's Responsibility For The Uniform Assessment Of Clients. The Department shall assess or direct the uniform assessment of clients age eighteen (18) or older who seek supported living services.

(10-1-99)T

02. Qualifications Of Persons Making Uniform Assessments. The uniform assessment shall be conducted by persons who are trained by the Department in the use of the uniform assessment instrument.(10-1-99)T

03. Payment Conditioned On Completion Of Assessment. A uniform assessment must be completed as a condition of state payment for supported living services. The Department will not authorize payment for services to a client if the services were rendered prior to the completion of a uniform assessment instrument for that client, unless the Department determines it was beyond the control of the supported living services provider and it is justified by the individual circumstances. In addition, other Department payment requirements must be met.

(10-1-99)T

04. Time Period For Completing The Assessment. The Department will prioritize pending assessments, and expedite assessments that, in its discretion, it considers emergencies, including reassessments of clients whose needs have changed.

(10-1-99)T

05. Reassessments. A client shall be reassessed if there is a significant change in the client's condition, or annually, whichever occurs first. For nursing facility residents, after an initial UAI is completed, the federal minimum data set may be substituted for the uniform assessment instrument.

(10-1-99)T

012. USE OF THE UNIFORM ASSESSMENT INSTRUMENT IN DEVELOPING THE CLIENT'S SERVICE PLAN.

The client's unmet needs as identified by the uniform assessment instrument shall be used to develop a service plan.

(10-1-99)T

013. USE OF THE UNIFORM ASSESSMENT INSTRUMENT IN DETERMINING FACILITY STAFFING RATIOS.

A supported living services provider shall have sufficient numbers and types of staff to carry out each client's service plan based on the uniform assessment instrument and to comply with all other rules governing the provider.

(10-1-99)T

014. USE OF THE UNIFORM ASSESSMENT INSTRUMENT FOR DETERMINING THE ABILITY OF THE SUPPORTED LIVING SERVICES PROVIDER TO MEET CLIENTS' NEEDS.

The information from the uniform assessment instrument shall be used to determine the ability of a supported living services provider to meet the identified needs of the client. The information from the uniform assessment instrument shall also be used to determine the need for special training or licenses that may be required in caring for certain clients.

(10-1-99)T

015. IMPLEMENTATION SCHEDULE.

The schedule for a completed uniform assessment as a condition of payment for supported living services will be implemented using the schedule in Table 015.

TABLE 015 - IMPLEMENTATION SCHEDULE	
Counties	Effective Date
01. Bannock, Bear Lake, Bingham, Caribou, Franklin, Power, Oneida, Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls, Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison and Teton	October 1, 1999
02. Benewah, Bonner, Boundary, Kootenai, Shoshone, Clearwater, Idaho, Latah, Lewis and Nez Perce	December 1, 1999
03. Adams, Canyon, Gem, Owyhee, Payette, Washington, Ada, Boise, Elmore and Valley	February 1, 2000

(10-1-99)T

016. -- 999. (RESERVED).

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.54 - MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS
DOCKET NO. 18-0154-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective January 1, 1999.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. These rules are proposed pursuant to the authority vested in the Director of the Department of Insurance under Title 41, Chapter 2, 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 July 21, 1999.

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 address below.

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

The rule is being repealed in its entirety and will be replaced with a new rule adopting the rules relating to Medicare Supplement Insurance Minimum Standards to add additional insurance choices and portability protections for Medicare beneficiaries.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs; and conferring a benefit.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these temporary and proposed rules, contact Joan Krosch, Health Insurance Coordinator, at (208) 334-4300.

Anyone may submit written comments regarding these proposed rules. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before July 28, 1999.

Dated this 26th day of May, 1999.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

THIS DOCKET IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.54 - RULE TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENT
INSURANCE MINIMUM STANDARDS MODEL ACT

DOCKET NO. 18-0154-9902

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective January 1, 1999.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. These rules are proposed pursuant to the authority vested in the Director of the Department of Insurance under Title 41, Chapter 2, 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 July 21, 1999.

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 address below.

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

Rules relating to Medicare Supplement Insurance Minimum Standards are being amended to add additional insurance choices and portability protections for Medicare beneficiaries.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Compliance with deadlines in amendments to governing law or federal programs; and Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Not Applicable.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking and the nature of the rulemaking, namely, to conform to certain provisions of the Federal Balanced Budget Act of 1997.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning these temporary and proposed rules, contact Joan Krosch, Health Insurance Coordinator, at (208) 334-4300.

Anyone may submit written comments regarding these proposed rules. All written comments and data concerning the rule must be directed to the undersigned and must be received on or before July 28, 1999.

Dated this 26th day of May, 1999.

Mary L. Hartung, Director
Idaho Department of Insurance
700 West State Street - 3rd Floor
P.O. Box 83720
Boise, ID 83720-0043
Telephone No. (208) 334-4250

THE FOLLOWING IS TEXT OF DOCKET NO. 18-0154-9902

IDAPA 18
TITLE 01
Chapter 54

**18.01.54 - RULE TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENT
INSURANCE MINIMUM STANDARDS MODEL ACT**

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority vested in the Director under Chapters 2 and 44, Title 41, Idaho Code. (1-1-99)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited in full as Idaho Department of Insurance Rules, IDAPA 18, Title 01, Chapter 54, "Rule To Implement The Naic Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

02. Scope. (1-1-99)T

a. Except as otherwise specifically provided in Sections 009, 014, 015, 018, and 023, this rule shall apply to: (1-1-99)T

i. All Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this rule; and (1-1-99)T

ii. All certificates issued under group Medicare supplement policies, which certificates have been delivered or issued for delivery in this state. (1-1-99)T

b. This rule shall not apply to a policy or contract of one (1) or more employers or labor organizations, or of the trustees of a fund established by one (1) or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organization. (1-1-99)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements which pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost in the main office and at each regional or district office of this agency. (1-1-99)T

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of Chapter 2, Title 41, Idaho Code and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". (1-1-99)T

004. DEFINITIONS.

For the purposes of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act," the following terms will be used as defined below: (1-1-99)T

01. Applicant. (1-1-99)T

a. In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits; and (1-1-99)T

- b. In the case of a group Medicare supplement policy, the proposed certificate holder. (1-1-99)T
- 02. Bankruptcy.** A Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state. (1-1-99)T
- 03. Certificate.** Any certificate delivered or issued for delivery in this state under a group Medicare supplement policy. (1-1-99)T
- 04. Certificate Form.** The form on which the certificate is delivered or issued for delivery by the issuer. (1-1-99)T
- 05. Continuous Period Of Creditable Coverage.** The period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than sixty-three (63) days. (1-1-99)T
- 06. Creditable Coverage.** (1-1-99)T
- a. With respect to an individual, coverage of the individual provided under any of the following: (1-1-99)T
- i. A group health plan; (1-1-99)T
- ii. Health insurance coverage; (1-1-99)T
- iii. Part A or Part B of Title XVIII of the Social Security Act (Medicare); (1-1-99)T
- iv. Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928; (1-1-99)T
- v. Chapter 55 of Title 10 United States Code (CHAMPUS); (1-1-99)T
- vi. A medical care program of the Indian Health Service or of a tribal organization; (1-1-99)T
- vii. A state health benefits risk pool; (1-1-99)T
- viii. A health plan offered under chapter 89 of Title 5 United States Code (Federal Employees Health Benefits Program); (1-1-99)T
- ix. A public health plan as defined in federal regulation; and (1-1-99)T
- x. A health benefit plan under Section 5(e) of the Peace Corps Act (22 United States Code 2504(e)). (1-1-99)T
- b. Creditable coverage shall not include one (1) or more, or any combination of, the following: (1-1-99)T
- i. Coverage only for accident or disability income insurance, or any combination thereof; (1-1-99)T
- ii. Coverage issued as a supplement to liability insurance; (1-1-99)T
- iii. Liability insurance, including general liability insurance and automobile liability insurance; (1-1-99)T
- iv. Workers' compensation or similar insurance; (1-1-99)T
- v. Automobile medical payment insurance; (1-1-99)T

- vi. Credit-only insurance; (1-1-99)T
 - vii. Coverage for on-site medical clinics; and (1-1-99)T
 - viii. Other similar insurance coverage, specified in federal regulations under which benefits for medical care are secondary or incidental to other benefits. (1-1-99)T
 - c. Creditable coverage shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan: (1-1-99)T
 - i. Limited scope dental or vision benefits; (1-1-99)T
 - ii. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and (1-1-99)T
 - iii. Such other similar, limited benefits as are specified in federal regulations; (1-1-99)T
 - d. Creditable coverage shall not include the following benefits if offered as independent, non-coordinated benefits: (1-1-99)T
 - i. Coverage only for a specified disease or illness; and (1-1-99)T
 - ii. Hospital indemnity or other fixed indemnity insurance. (1-1-99)T
 - e. Creditable coverage shall not include the following if it is offered as a separate policy, certificate, or contract of insurance: (1-1-99)T
 - i. Medicare supplemental health insurance as defined under section 1882(g)(1) of the Social Security Act; (1-1-99)T
 - ii. Coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; and (1-1-99)T
 - iii. Similar supplemental coverage provided to coverage under a group health plan. (1-1-99)T
- 07. Employee Welfare Benefit Plan.** A plan, fund, or program of employee benefits as defined in 29 U.S.C. Section 1002 (Employee Retirement Income Security Act). (1-1-99)T
- 08. Insolvency.** When an issuer, licensed to transact the business of insurance in this state, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile. (1-1-99)T
- 09. Issuer.** Includes insurance companies, fraternal benefit societies, managed care organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates. (1-1-99)T
- 10. Medicare.** The "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended. (1-1-99)T
- 11. Medicare+Choice Plan.** A plan of coverage for health benefits under Medicare Part C as defined in Section 1859, Title IV, Subtitle A, Chapter 1 of P.L. 105-33 and includes: (1-1-99)T
 - a. Coordinated care plans which provide health care services, including but not limited to managed care organization (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans; (1-1-99)T
 - b. Medical savings account plans coupled with a contribution into a Medicare+Choice medical

savings account; and (1-1-99T)

c. Medicare+Choice private fee-for-service plans. (1-1-99T)

12. Medicare Supplement Policy. A group or individual policy of accident and sickness insurance or an enrollee contract under a managed care organization, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1), which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare. (1-1-99T)

13. Policy Form. The form on which the policy is delivered or issued for delivery by the issuer. (1-1-99T)

14. Secretary. The Secretary of the United States Department of Health and Human Services. (1-1-99T)

005. POLICY DEFINITIONS AND TERMS.

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless the policy or certificate contains definitions or terms which conform to the requirements of this section. (1-1-99T)

01. Accident, Accidental Injury, Or Accidental Means. To employ "result" language and shall not include words which establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization. (1-1-99T)

a. The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force." (1-1-99T)

b. The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law. (1-1-99T)

02. Benefit Period Or Medicare Benefit Period. Shall not be defined more restrictively than as defined in the Medicare program. (1-1-99T)

03. Convalescent Nursing Home, Extended Care Facility, Or Skilled Nursing Facility. Shall not be defined more restrictively than as defined in the Medicare program. (1-1-99T)

04. Health Care Expenses. Expenses of managed care organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers. Expenses shall not include: (1-1-99T)

a. Home office and overhead costs; (1-1-99T)

b. Advertising costs; (1-1-99T)

c. Commissions and other acquisition costs; (1-1-99T)

d. Taxes; (1-1-99T)

e. Capital costs; (1-1-99T)

f. Administrative costs; and (1-1-99T)

g. Claims processing costs. (1-1-99)T

05. Hospital. May be defined in relation to its status, facilities, and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program. (1-1-99)T

06. Medicare. Shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965" as then constituted or later amended, or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import. (1-1-99)T

07. Medicare Eligible Expenses. Expenses of the kinds covered by Medicare, to the extent recognized as reasonable and medically necessary by Medicare. (1-1-99)T

08. Physician. Shall not be defined more restrictively than as defined in the Medicare program. (1-1-99)T

09. Sickness. Shall not be defined to be more restrictive than the following: "Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability, or similar law. (1-1-99)T

006. -- 007. (RESERVED).

008. POLICY PROVISIONS.

01. Medicare Supplement Policy. Except for permitted preexisting condition clauses as described in Subsections 009.01.a. and 010.01.a., no policy or certificate may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare. (1-1-99)T

02. Waivers. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions. (1-1-99)T

03. Duplicate Benefits. No Medicare supplement policy or certificate in force in the state shall contain benefits which duplicate benefits provided by Medicare. (1-1-99)T

009. MINIMUM BENEFIT STANDARDS FOR POLICIES OR CERTIFICATES ISSUED FOR DELIVERY PRIOR TO JULY 1, 1992.

No policy or certificate may be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards. (1-1-99)T

01. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage. (1-1-99)T

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents. (1-1-99)T

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and co-payment percentage factors. Premiums may be modified to correspond with such changes. (1-1-99)T

d. A "non-cancelable," "guaranteed renewable," or "non-cancelable and guaranteed renewable" Medicare supplement policy shall not: (1-1-99)T

i. Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or (1-1-99)T

ii. Be canceled or non-renewed by the issuer solely on the grounds of deterioration of health. (1-1-99)T

e. Except as authorized by the director of this state, an issuer shall neither cancel nor non-renew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation. (1-1-99)T

f. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in Subsection 009.01.h., the issuer shall offer certificate holders an individual Medicare supplement policy. The issuer shall offer the certificate holder at least the following choices: (1-1-99)T

i. An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and/or (1-1-99)T

ii. An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Subsection 010.02. (1-1-99)T

g. If membership in a group is terminated, the issuer shall: (1-1-99)T

i. Offer the certificate holder the conversion opportunities described in Subsection 009.01.f.; or (1-1-99)T

ii. At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy. (1-1-99)T

h. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced. (1-1-99)T

i. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. (1-1-99)T

02. Minimum Benefit Standards. (1-1-99)T

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty first day through the ninetieth day in any Medicare benefit period; (1-1-99)T

b. Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount; (1-1-99)T

c. Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days; (1-1-99)T

d. Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional three hundred sixty-five (365) days; (1-1-99)T

e. Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B; (1-1-99)T

f. Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible one hundred dollars (\$100); (1-1-99)T

g. Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount. (1-1-99)T

010. BENEFIT STANDARDS FOR POLICIES OR CERTIFICATES ISSUED OR DELIVERED ON OR AFTER JULY 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after July 1, 1992. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards. (1-1-99)T

01. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

a. A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage. (1-1-99)T

b. A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents. (1-1-99)T

c. A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and co-payment percentage factors. Premiums may be modified to correspond with such changes. (1-1-99)T

d. No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium. (1-1-99)T

e. Each Medicare supplement policy shall be guaranteed renewable. (1-1-99)T

i. The issuer shall not cancel or non-renew the policy solely on the ground of health status of the individual. (1-1-99)T

ii. The issuer shall not cancel or non-renew the policy for any reason other than nonpayment of premium or material misrepresentation. (1-1-99)T

iii. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Subsection 010.01.e.v., the issuer shall offer certificate holders an individual Medicare supplement

policy which (at the option of the certificate holder): (1-1-99)T

(1) Provides for continuation of the benefits contained in the group policy, or (1-1-99)T

(2) Provides for benefits that otherwise meet the requirements of this subsection. (1-1-99)T

iv. If an individual is a certificate holder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall offer the certificate holder the conversion opportunity described in Subsection 010.01.e.iii.; or, at the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy. (1-1-99)T

v. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced. (1-1-99)T

f. Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. (1-1-99)T

i. A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificate holder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificate holder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificate holder notifies the issuer of the policy or certificate within ninety (90) days after the date the individual becomes entitled to assistance. (1-1-99)T

ii. If suspension occurs and if the policyholder or certificate holder loses entitlement to medical assistance, the policy or certificate shall be automatically re-instituted (effective as of the date of termination of entitlement) as of the termination of entitlement if the policyholder or certificate holder provides notice of loss of entitlement within ninety (90) days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement. (1-1-99)T

g. Reinstitution of coverages: (1-1-99)T

i. Shall not provide for any waiting period with respect to treatment of preexisting conditions; (1-1-99)T

ii. Shall provide for coverage which is substantially equivalent to the coverage in effect before the date of suspension; and (1-1-99)T

iii. Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage not been suspended. (1-1-99)T

02. Standards For Basic (Core) Benefits Common To All Benefit Plans. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each perspective insured. An issuer may make available to prospective insureds any of the other Medicare supplement insurance benefit plans in addition to the basic core package, but not in lieu of it. (1-1-99)T

a. Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the sixty first day through the ninetieth day in any Medicare benefit period; (1-1-99)T

b. Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used; (1-1-99)T

c. Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the diagnostic related group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional three hundred sixty five (365) days; (1-1-99)T

d. Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations; (1-1-99)T

e. Coverage for the coinsurance amount (or in the case of hospital outpatient department services under a prospective payment system, the co-payment amount) of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible. (1-1-99)T

03. Standards For Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 011 of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

a. Medicare Part A deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period. (1-1-99)T

b. Skilled nursing facility care: Coverage for the actual billed charges up to the coinsurance amount from the twenty first day through the one hundredth day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A. (1-1-99)T

c. Medicare Part B deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement. (1-1-99)T

d. Eighty percent (80%) of the Medicare Part B excess charges: Coverage for eighty percent (80%) of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge. (1-1-99)T

e. One hundred percent (100%) of the Medicare Part B excess charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge. (1-1-99)T

f. Basic outpatient prescription drug benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollars (\$250) calendar year deductible, to a maximum of one thousand two hundred fifty dollars (\$1,250) in benefits received by the insured per calendar year, to the extent not covered by Medicare. (1-1-99)T

g. Extended outpatient prescription drug benefit. Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollars (\$250) calendar year deductible, to a maximum of three thousand dollars (\$3,000) in benefits received by the insured per calendar year, to the extent not covered by Medicare. (1-1-99)T

h. Medically necessary emergency care in a foreign country: Coverage to the extent not covered by Medicare for eighty-percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician, and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of two hundred fifty dollars (\$250), and a lifetime maximum benefit of fifty thousand dollars (\$50,000). For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset. (1-1-99)T

04. Preventive Medical Care Benefit. Coverage for the following preventive health services: (1-1-99)T

a. An annual clinical preventive medical history and physical examination that may include tests and

services from Subsection 010.04.b., and patient education to address preventive health care measures. (1-1-99)T

b. Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate: (1-1-99)T

i. Fecal occult blood test or digital rectal examination, or both; (1-1-99)T

ii. Mammogram; (1-1-99)T

iii. Dipstick urinalysis for hematuria, bacteriuria, and proteinuria; (1-1-99)T

iv. Pure tone (air only) hearing screening test, administered or ordered by a physician; (1-1-99)T

v. Serum cholesterol screening (every five (5) years); (1-1-99)T

vi. Thyroid function test; (1-1-99)T

vii. Diabetes screening. (1-1-99)T

c. Influenza vaccine administered at any appropriate time during the year and tetanus and diphtheria booster (every ten (10) years). (1-1-99)T

d. Any other tests or preventive measures determined appropriate by the attending physician. Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare. (1-1-99)T

05. At-Home Recovery Benefit. Coverage for services to provide short-term, at-home assistance with activities of daily living for those recovering from an illness, injury, or surgery. For purposes of this benefit, the following definitions shall apply: (1-1-99)T

a. Activities of daily living include, but are not limited to, bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings. (1-1-99)T

b. Care provider. A duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses' registry. (1-1-99)T

c. Home. Any place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence. (1-1-99)T

d. At-home recovery visit. The period of a visit required to provide at-home recovery care, without limit on the duration of the visit, except each consecutive four (4) hours in a twenty-four (24) hour period of services provided by a care provider is one (1) visit. (1-1-99)T

06. Coverage Requirements And Limitations. (1-1-99)T

a. At-home recovery services provided must be primarily services which assist in activities of daily living. (1-1-99)T

b. The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare. (1-1-99)T

- c. Coverage is limited to: (1-1-99)T
 - i. No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment; (1-1-99)T
 - ii. The actual charges for each visit up to a maximum reimbursement of forty dollars (\$40) per visit; (1-1-99)T
 - iii. One thousand six hundred dollars (\$1,600) per calendar year; (1-1-99)T
 - iv. Seven (7) visits in any one week; (1-1-99)T
 - v. Care furnished on a visiting basis in the insured's home; (1-1-99)T
 - vi. Services provided by a care provider as defined in this section; (1-1-99)T
 - vii. At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded; (1-1-99)T
 - viii. At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit. (1-1-99)T
- d. Coverage is excluded for: (1-1-99)T
 - i. Home care visits paid for by Medicare or other government programs; and (1-1-99)T
 - ii. Care provided by family members, unpaid volunteers or providers who are not care providers. (1-1-99)T

07. New Or Innovative Benefits. An issuer may, with the prior approval of the director, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. (1-1-99)T

011. STANDARD MEDICARE SUPPLEMENT BENEFIT PLANS.

01. Policy Form Or Certificate Form. An issuer shall make available to each prospective policyholder and certificate holder a policy form or certificate form containing only the basic core benefits, as defined in Subsection 010.02. (1-1-99)T

02. Medicare Supplement Benefits. No groups, packages, or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in Subsection 010.07 and in Section 012. (1-1-99)T

03. Benefit Plans. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" through "J" listed in this subsection and conform to the definitions in Section 004. Each benefit shall be structured in accordance with the format provided in Subsections 010.02 and 010.03 and list the benefits in the order shown in this Section 011. For purposes of Section 011, "structure, language, and format" means style, arrangement and overall content of a benefit. (1-1-99)T

04. Other Designations. An issuer may use, in addition to the benefit plan designations required in Subsection 011.03, other designations to the extent permitted by law. (1-1-99)T

05. Make-Up Of Benefit Plans: (1-1-99)T

a. Standardized Medicare supplement benefit plan "A" shall be limited to the basic (core) benefits common to all benefit plans, as defined in Subsection 010.02. (1-1-99)T

b. Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible as defined in Subsection 010.03.a. (1-1-99)T

c. Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in Subsections 010.03.a. through 010.03.c., and 010.03.h., respectively. (1-1-99)T

d. Standardized Medicare supplement benefit plan "D" shall include only the following: The core benefit (as defined in Subsection 010.02), plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in Subsections 010.03.a., 010.03.b., 010.03.h., and 010.05, respectively. (1-1-99)T

e. Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country, and preventive medical care as defined in Subsections 010.03.a., 010.03.b., 010.03.h., and 010.04, respectively. (1-1-99)T

f. Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent (100%) of the Medicare part B excess charges, and medically necessary emergency care in a foreign country as defined in Subsections 010.03.a. through 010.03.c., 010.03.e., and 010.03.h., respectively. (1-1-99)T

g. Standardized Medicare supplement benefit high deductible plan "F" shall include only the following: one hundred percent 100% of covered expenses following the payment of the annual high deductible plan "F" deductible. The covered expenses include the core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Subsections 010.03.a. through 010.03.c., 010.03.e., and 010.03.h., respectively. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan "F" deductible shall be one thousand five hundred dollars (\$1,500) for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve (12) month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars (\$10). (1-1-99)T

h. Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, eighty percent (80%) of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in Subsections 010.03.a., 010.03.b., 010.03.d., 010.03.h., and 010.05, respectively. (1-1-99)T

i. Standardized Medicare supplement benefit plan "H" shall consist of only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit, and medically necessary emergency care in a foreign country as defined in Subsections 010.03.a., 010.03.b., 010.03.f., and 010.03.h., respectively. (1-1-99)T

j. Standardized Medicare supplement benefit plan "I" shall consist of only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country, and at-home recovery benefit as defined in Subsections 010.03.a., 010.03.b.,

010.03.e., 010.03.f., 010.03.h., and 010.05, respectively. (1-1-99)T

k. Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care, and at-home recovery benefit as defined in Subsections 010.03.a. through 010.03.c., 010.03.e., 010.03.g., 010.03.h., 010.04 and 010.05, respectively. (1-1-99)T

l. Standardized Medicare supplement benefit high deductible plan "J" shall consist of only the following: one hundred percent (100%) of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in Subsection 010.02, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in Subsections 010.03.a. through 010.03.c., 010.03.e., 010.03.g., 010.03.h., 010.04, and 010.05, respectively. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be one thousand five hundred dollars (\$1,500) for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve (12) month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars (\$10). (1-1-99)T

012. MEDICARE SELECT POLICIES AND CERTIFICATES.

This section shall apply to Medicare Select policies and certificates, as defined in this section. No policy may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section. (1-1-99)T

01. Definitions. For the purposes of Section 012: (1-1-99)T

a. Complaint. Any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers. (1-1-99)T

b. Grievance. Dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers. (1-1-99)T

c. Medicare Select issuer. An issuer offering, or seeking to offer, a Medicare Select policy or certificate. (1-1-99)T

d. Medicare Select policy or Medicare Select certificate. Respectively a Medicare supplement policy or certificate that contains restricted network provisions. (1-1-99)T

e. Network provider. A provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy. (1-1-99)T

f. Restricted network provision. Any provision which conditions the payment of benefits, in whole or in part, on the use of network providers. (1-1-99)T

g. Service area. The geographic area approved by the director within which an issuer is authorized to offer a Medicare Select policy. (1-1-99)T

02. Authorization To Issue Medicare Select Policy Or Certificate. The director may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to Section 012 of these rules and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the director finds that the issuer has satisfied all of the requirements of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

03. Filing Requirements. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this state until its plan of operation has been approved by the director. (1-1-99)T

04. Proposed Plan Of Operation. A Medicare Select issuer shall file a proposed plan of operation with the director in a format prescribed by the director. The plan of operation shall contain at least the following information: (1-1-99)T

a. Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that: (1-1-99)T

i. Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation, and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community. (1-1-99)T

ii. The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either to deliver adequately all services that are subject to a restricted network provision or to make appropriate referrals. (1-1-99)T

iii. There are written agreements with network providers describing specific responsibilities. (1-1-99)T

iv. Emergency care is available twenty-four (24) hours per day and seven (7) days per week. (1-1-99)T

v. In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate. (1-1-99)T

b. A statement or map providing a clear description of the service area. (1-1-99)T

c. A description of the grievance procedure to be utilized. (1-1-99)T

d. A description of the quality assurance program, including: (1-1-99)T

i. The formal organizational structure; (1-1-99)T

ii. The written criteria for selection, retention, and removal of network providers; and (1-1-99)T

iii. The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted. (1-1-99)T

e. A list and description, by specialty, of the network providers. (1-1-99)T

f. Copies of the written information proposed to be used by the issuer to comply with Subsection 012.08. (1-1-99)T

g. Any other information requested by the director. (1-1-99)T

05. Proposed Changes To The Plan Of Operation. A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the director prior to implementing the changes. Changes shall be considered approved by the director after thirty (30) days unless specifically disapproved. An updated list of network providers shall be filed with the director at least quarterly. (1-1-99)T

06. Restrictions. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if: (1-1-99)T

a. The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and (1-1-99)T

b. It is not reasonable to obtain services through a network provider. (1-1-99)T

07. Payment For Full Coverage. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers. (1-1-99)T

08. Full And Fair Disclosure. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following: (1-1-99)T

a. An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with: (1-1-99)T

i. Other Medicare supplement policies or certificates offered by the issuer; and (1-1-99)T

ii. Other Medicare Select policies or certificates. (1-1-99)T

b. A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers. (1-1-99)T

c. A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. (1-1-99)T

d. A description of coverage for emergency and urgently needed care and other out-of-service area coverage. (1-1-99)T

e. A description of limitations on referrals to restricted network providers and to other providers. (1-1-99)T

f. A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer. (1-1-99)T

g. A description of the Medicare Select issuer's quality assurance program and grievance procedure. (1-1-99)T

09. Medicare Select Policy Or Certificate. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection 012.08 of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate. (1-1-99)T

10. Complaints And Grievances. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures. (1-1-99)T

a. The grievance procedure shall be described in the policy and certificates and in the outline of coverage. (1-1-99)T

b. At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer. (1-1-99)T

c. Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action. (1-1-99)T

d. If a grievance is found to be valid, corrective action shall be taken promptly. (1-1-99)T

e. All concerned parties shall be notified about the results of a grievance. (1-1-99)T

f. The issuer shall report no later than each March 31 to the director regarding its grievance procedure. The report shall be in a format prescribed by the director and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances. (1-1-99)T

11. Initial Purchase. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer. (1-1-99)T

12. Comparable Or Lesser Benefits. (1-1-99)T

a. At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six (6) months. (1-1-99)T

b. For the purposes of Section 012, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one (1) or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of Subsection 012.12.b., a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges. (1-1-99)T

13. Continuation Of Coverage. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select program to be re-authorized under law or its substantial amendment. (1-1-99)T

a. Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the insurer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability. (1-1-99)T

b. For the purposes of Section 012, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one (1) or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of Subsection 012.13.b., a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges. (1-1-99)T

14. Requests For Data. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program. (1-1-99)T

013. OPEN ENROLLMENT.

01. Offer Of Coverage. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, or discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted to or during the six (6) month period beginning with the first day of the first month in which an individual is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an issuer shall be made available on a guaranteed issue basis to all applicants who qualify under this section without regard to age. For the period that a person to whom this section applies is sixty five (65) years of age or less, the premium charged the person by the issuer shall not be greater than the premium charged by the issuer for persons who are sixty five (65) years of age. The same rating structure must be used as stated in Subsection 017.04. (1-1-99)T

a. If an applicant qualifies under Subsection 013.01 and submits an application during the time period referenced in Subsection 013.01 and, as of the date of application, has had a continuous period of creditable coverage of at least six (6) months, the issuer shall not exclude benefits based on a preexisting condition. (1-1-99)T

b. If the applicant qualifies under Subsection 013.01 and submits an application during the time period referenced in Subsection 013.01 and, as of the date of application, has had a continuous period of creditable coverage that is less than six (6) months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this subsection. (1-1-99)T

c. Except as provided Subsection 013.01 shall not be construed as preventing the exclusion of benefits under a policy, during the first six (6) months, based on a preexisting condition for which the policyholder or certificate holder received treatment or was otherwise diagnosed during the six (6) months before the coverage became effective. (1-1-99)T

014. GUARANTEED ISSUE FOR ELIGIBLE PERSONS.

01. Guaranteed Issue. (1-1-99)T

a. Eligible persons are those individuals described in Subsection 014.02 who apply to enroll under the policy not later than sixty-three (63) days after the date of the termination of enrollment described in Subsection 014.02, and who submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy. (1-1-99)T

b. With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Subsection 014.03 that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy. (1-1-99)T

02. Eligible Persons. An eligible person is an individual described in any of the following paragraphs: (1-1-99)T

a. The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual; or the individual is enrolled under an employee welfare benefits plan that is primary to Medicare and the plan terminates or the plan ceases to provide all health benefits to the individual because the individual leaves the plan; (1-1-99)T

b. The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply: (1-1-99)T

i. The organization's or plan's certification has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides; (1-1-99)T

ii. The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or the plan is terminated for all individuals within a residence area; (1-1-99)T

iii. The individual demonstrates, in accordance with guidelines established by the Secretary, that the organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or the organization, or agent, or other entity acting on the organization's behalf, materially

misrepresented the plan's provisions in marketing the plan to the individual; or the individual meets such other exceptional conditions as the Secretary may provide. (1-1-99)T

- c. The individual is enrolled with: (1-1-99)T
 - i. An eligible organization under a contract under Section 1876 (Medicare risk or cost); (1-1-99)T
 - ii. A similar organization operating under demonstration project authority, effective for periods before April 1, 1999; (1-1-99)T
 - iii. An organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan); or (1-1-99)T
 - iv. An organization under a Medicare Select policy; and (1-1-99)T
- d. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under Subsection 014.02.b. (1-1-99)T
- e. The individual is enrolled under a Medicare supplement policy and the enrollment ceases because: (1-1-99)T
 - i. Of the insolvency of the issuer or bankruptcy of the non-issuer organization; or (1-1-99)T
 - ii. Of other involuntary termination of coverage or enrollment under the policy; (1-1-99)T
 - iii. The issuer of the policy substantially violated a material provision of the policy; or (1-1-99)T
 - iv. The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual. (1-1-99)T
- f. The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, any eligible organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority, an organization under an agreement under Section 1833(a)(1)(A) (health care prepayment plan), or a Medicare Select policy; and (1-1-99)T
- g. The subsequent enrollment under Subsection 014.02.f. is terminated by the enrollee during any period within the first twelve (12) months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under Section 1851(e) of the federal Social Security Act); or (1-1-99)T
- h. The individual, upon first becoming enrolled in Medicare Part B for benefits at age 65 or older, enrolls in a Medicare+Choice plan under part C of Medicare, and disenrolls from the plan by not later than twelve (12) months after the effective date of enrollment. (1-1-99)T

03. Products To Which Eligible Person Are Entitled. The Medicare supplement policy to which eligible persons are entitled under: (1-1-99)T

- a. Subsections 014.02.a. through 014.02.d. is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer. (1-1-99)T
- b. Subsection 014.02.f. is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Subsection 014.03.a. (1-1-99)T
- c. Subsection 014.02.h. shall include any Medicare supplement policy offered by any issuer. (1-1-99)T

04. Notification Provisions. (1-1-99)T

a. At the time of an event described in Subsection 014.02 of this section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under Section 014, and of the obligations of issuers of Medicare supplement policies under Subsection 014.01. Such notice shall be communicated contemporaneously with the notification of termination. (1-1-99)T

b. At the time of an event described in Subsection 014.02 of this section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection 014.01. Such notice shall be communicated within ten (10) working days of the issuer receiving notification of disenrollment. (1-1-99)T

015. STANDARDS FOR CLAIMS PAYMENT.

01. Compliance. An issuer shall comply with Section 1882(c)(3) of the Social Security Act (as enacted by Section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) 1987, P.L. 100-203) by: (1-1-99)T

a. Accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice; (1-1-99)T

b. Notifying the participating physician or supplier and the beneficiary of the payment determination; (1-1-99)T

c. Paying the participating physician or supplier directly; (1-1-99)T

d. Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number and a central mailing address to which notices from a Medicare carrier may be sent; (1-1-99)T

e. Paying user fees for claim notices that are transmitted electronically or otherwise; and (1-1-99)T

f. Providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers. (1-1-99)T

02. Certification. Compliance with the requirements set forth in Subsection 015.01 shall be certified on the Medicare supplement insurance experience reporting form. (1-1-99)T

016. LOSS RATIO STANDARDS AND REFUND OR CREDIT OF PREMIUM.

01. Loss Ratio Standards. (1-1-99)T

a. A Medicare supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificate holders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form. (1-1-99)T

i. At least seventy-five percent (75%) of the aggregate amount of premiums earned in the case of group policies; or (1-1-99)T

ii. At least sixty-five percent (65%) of the aggregate amount of premiums earned in the case of individual policies; (1-1-99)T

b. Calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a managed care organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices. (1-1-99)T

c. All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards. (1-1-99)T

d. For purposes of applying Subsections 016.01.a. and 017.03, only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies. (1-1-99)T

e. For policies issued prior to July 1, 1992, expected claims in relation to premiums shall meet: (1-1-99)T

i. The originally filed anticipated loss ratio when combined with the actual experience since inception; (1-1-99)T

ii. The appropriate loss ratio requirement from Subsections 016.01.a.i. and 016.01.a.ii. when combined with actual experience beginning with July 1, 1992 to date; and (1-1-99)T

iii. The appropriate loss ratio requirement from Subsections 016.01.a.i. and 016.01.a.ii. over the entire future period for which the rates are computed to provide coverage. (1-1-99)T

02. Refund Or Credit Calculation. (1-1-99)T

a. An issuer shall collect and file with the director by May 31 of each year the data contained in the applicable reporting form as defined by NAIC Model Regulation (Attachments) and accessible by the Internet (www.doi.state.id.us) for each type in a standard Medicare supplement benefit plan. (1-1-99)T

b. If on the basis of the experience as reported the benchmark ratio since inception (ratio one (1)) exceeds the adjusted experience ratio since inception (ratio three (3)), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded. (1-1-99)T

c. For the purpose of Section 016, policies or certificates issued prior to July 1, 1992, the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after July 1, 1992. The first report shall be due by May 31, 1994. (1-1-99)T

d. A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credit exceeds a de minimis level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for thirteen (13) week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based. (1-1-99)T

03. Annual Filing Of Premium Rates. An issuer of Medicare supplement policies and certificates issued before or after the effective date of July 1, 1992 in this state shall file annually its rates, rating schedule, and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the director in accordance with the filing requirements and procedures prescribed by the director. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3)

years. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the director, in accordance with the applicable filing procedures of this state: (1-1-99)T

a. Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents necessary to justify the adjustment shall accompany the filing. (1-1-99)T

b. An issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date. (1-1-99)T

c. If an issuer fails to make premium adjustments acceptable to the director, the director may order premium adjustments, refunds, or premium credits deemed necessary to achieve the loss ratio required by Section 016. (1-1-99)T

d. Any appropriate riders, endorsements, or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements, or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate. (1-1-99)T

04. Public Hearings. The director may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of July 1, 1992 if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the director. (1-1-99)T

017. FILING AND APPROVAL OF POLICIES AND CERTIFICATES AND PREMIUM RATES.

01. Filing And Premium Rates. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the director in accordance with filing requirements and procedures prescribed the director. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule, and supporting documentation have been filed with and approved by the director in accordance with the filing requirements and procedures prescribed by the director. (1-1-99)T

a. Except as provided in Subsection 017.01.b., an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan. (1-1-99)T

b. An issuer may offer, with the approval of the director, up to four (4) additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one (1) or each of the following cases: (1-1-99)T

i. The inclusion of new or innovative benefits; (1-1-99)T

ii. The addition of either direct response or agent marketing methods; (1-1-99)T

iii. The addition of either guaranteed issue or underwritten coverage; (1-1-99)T

iv. The offering of coverage to individuals for Medicare by reason of disability. (1-1-99)T

c. Type. For the purposes of Subsection 017.01, type means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy. (1-1-99)T

02. Availability Of Policy Form Or Certificate. Except as provided in Subsection 017.02.a., an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act," that has been approved by the director. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve (12) months. (1-1-99)T

a. An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the director in writing its decision at least thirty (30) days prior to discontinuing the availability of the form of the policy or certificate. After receipt of this notice by the director, the issuer shall no longer offer for sale the policy form or certificate form in this state. (1-1-99)T

b. An issuer that discontinues the availability of a policy form or certificate form pursuant to Subsection 017.02.a. shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five (5) years after the issuer provides notice to the director of the discontinuance. The period of discontinuance may be reduced if the director determines that a shorter period is appropriate. (1-1-99)T

c. The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of Subsection 017.02.c. (1-1-99)T

d. A change in the rating structure or methodology shall be considered a discontinuance under Subsection 017.02 unless the issuer complies with the following requirements: (1-1-99)T

i. The issuer provides an actuarial memorandum, in a form and manner prescribed by the director, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates. (1-1-99)T

ii. The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The director may approve a change to the differential which is in the public interest. (1-1-99)T

03. Experience Of Policy Forms. (1-1-99)T

a. Except as provided in Subsection 017.03.b., the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in Section 016. (1-1-99)T

b. Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation. (1-1-99)T

04. Attained Age Rating Prohibited. With respect to Medicare supplement policies that conform to the Ten Standard Benefit Plans developed by the National Association of Insurance Commissioners and adopted by the State of Idaho July 1, 1992, under IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act," sold to residents of this state and all those sold on or after January 1, 1995, it is an unfair practice and an unfair method of competition for any issuer, insurer, or licensee to use the increasing age of an insured, subscriber or participant as the basis for increasing premiums or prepayment charges for policyholders who initially purchase a policy after January 1, 1995. This rule explicitly authorizes both issue age ratings and community ratings consistent with the prohibition of attained age ratings and allows companies to resubmit for approval issue age ratings previously rejected. (1-1-99)T

05. Rating By Area And Gender Prohibited. With respect to Medicare supplement policies that conform to the Ten Standard Benefit Plans developed by the National Association of Insurance Commissioners and adopted by the State of Idaho, July 1, 1992, under IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act," sold to residents of this State and all those sold on or after January 1, 1999, it is an unfair practice and an unfair method of competition for any issuer, insurer, or licensee to use area or gender for rating purpose. (1-1-99)T

018. PERMITTED COMPENSATION ARRANGEMENTS.

01. Commissions. An issuer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first-year commission or other first-year compensation is no more than two hundred percent (200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period. (1-1-99)T

02. Compensation In Subsequent Years. The commission or other compensation provided in subsequent years must be the same as that provided in the second year or period and must be provided for no fewer than five (5) renewal years. (1-1-99)T

03. Renewal Compensation. No issuer or other entity shall provide compensation to its agent or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced. (1-1-99)T

04. Compensation. For purposes of Section 018, compensation includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate, including but not limited to bonuses, gifts, prizes, awards, and finder's fees. (1-1-99)T

019. REQUIRED DISCLOSURE PROVISIONS.

01. General Rules. (1-1-99)T

a. Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age. (1-1-99)T

b. Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing and signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy. (1-1-99)T

c. Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import. (1-1-99)T

d. If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations." (1-1-99)T

e. Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto, stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason. (1-1-99)T

f. Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare shall provide to those applicants a "Guide to Health Insurance for People with Medicare" in the form developed jointly by the National Association of Insurance Commissioners and the Health Care Financing Administration and in a type size no smaller than twelve (12)

point type. Delivery of the guide shall be made whether or not the policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this rule. Except in the case of direct response issuers, delivery of the guide shall be made to the applicant at the time of application and acknowledgment of receipt of the guide shall be obtained by the issuer. Direct response issuers shall deliver the guide to the applicant upon request but not later than at the time the policy is delivered. (1-1-99)T

g. Form. For the purposes of Section 019, form means the language, format, type size, type proportional spacing, bold character, and line spacing. (1-1-99)T

02. Notice Requirements. (1-1-99)T

a. As soon as practicable, but no later than thirty (30) days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificateholders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the director. The notice shall: (1-1-99)T

i. Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and (1-1-99)T

ii. Inform each policyholder or certificateholder as to when any premium adjustment is to be made due to changes in Medicare. (1-1-99)T

b. The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. (1-1-99)T

c. The notices shall not contain or be accompanied by any solicitation. (1-1-99)T

03. Outline Of Coverage Requirements For Medicare Supplement Policies. (1-1-99)T

a. Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgment of receipt of the outline from the applicant; and (1-1-99)T

b. If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued." (1-1-99)T

c. The outline of coverage provided to applicants pursuant to this section consists of four (4) parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than twelve (12) point type. All plans A-J shall be shown on the coverage page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated. (1-1-99)T

04. Notice Regarding Policies Or Certificates Which Are Not Medicare Supplement Policies. (1-1-99)T

a. Any accident and sickness insurance policy or certificate other than Medicare supplement policy and policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. Section 1395 et seq.), disability income policy; or other policy identified in Subsection 001.02.b. of this regulation, issued for delivery in this state to persons eligible for Medicare shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline

of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than twelve (12) point type and shall contain the following language: "THIS [POLICY OR CERTIFICATE] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company." (1-1-99)T

b. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Subsection 019.04.a. shall disclose, using the applicable NAIC Model Regulation referenced as Appendix C located on the Internet (www.doi.state.id.us, - select SHIBA under Consumer Assistance link, see Attachments to NAIC Model Act implementing the Medicare supplement insurance minimum standards), the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate. (1-1-99)T

020. REQUIREMENTS FOR APPLICATION FORMS AND REPLACEMENT COVERAGE.

01. Application Forms. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement or other health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used. (1-1-98)T

02. Statements. (1-1-99)T

a. You do not need more than one Medicare supplement policy. (1-1-99)T

b. If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages. (1-1-99)T

c. You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy. (1-1-99)T

d. The benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for twenty four (24) months. You must request this suspension within ninety (90) days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your policy will be reinstated if requested within ninety (90) days of losing Medicaid eligibility. (1-1-99)T

e. Counseling services are through the Senior Health Insurance Benefit Advisors program (SHIBA), available to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB). (1-1-99)T

03. Questions. To the best of your knowledge: (1-1-99)T

a. Do you have another Medicare supplement policy or certificate in force? (1-1-99)T

i. If so, with which company? (1-1-99)T

ii. If so, do you intend to replace your current Medicare supplement policy with this policy?(1-1-99)T

b. Do you have any other health insurance coverage that provides benefits similar to this Medicare supplement policy? (1-1-99)T

i. If so, with which company? (1-1-99)T

ii. What kind of policy? (1-1-99)T

c. Are you covered for medical assistance through the state Medicaid program: (1-1-99)T

- i. As a Specified Low-Income Medicare Beneficiary (SLMB)? (1-1-99)T
- ii. As a Qualified Medicare Beneficiary (QMB)? (1-1-99)T
- iii. For other Medicaid medical benefits? (1-1-99)T

04. Agents. Agents shall list any other health insurance policies they have sold to the applicant. (1-1-99)T

- a. List policies sold which are still in force. (1-1-99)T
- b. List policies sold in the past five (5) years which are no longer in force. (1-1-99)T

05. Direct Response Issuer. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy. (1-1-99)T

06. Notice Regarding Replacement Of Medicare Supplement Coverage. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One (1) copy of the notice signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage. (1-1-99)T

07. SHIBA And Consumer Assistance Link. The notice required in Subsection 020.06 for an issuer shall be provided in substantially the following form based on the NAIC Model Regulation which includes Appendixes A, B, and C and all other outlines of coverage and specific plan designs. For website, go to Idaho Department of Insurance Home Page, www.doi.state.id.us, select SHIBA under Consumer Assistance link, see Attachments to NAIC Model Act implementing the Medicare supplement insurance minimum standards. To obtain a copy of the required illustrations based on NAIC Model Regulation, contact SHIBA at the Idaho Department of Insurance (208) 334-4250. (1-1-99)T

021. FILING REQUIREMENTS FOR ADVERTISING.

An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio, or television medium to the director for review or approval by the director. (1-1-99)T

022. STANDARDS FOR MARKETING.

01. Issuer. An issuer, directly or through its producers, shall: (1-1-99)T

- a. Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate. (1-1-99)T
- b. Establish marketing procedures to assure excessive insurance is not sold or issued. (1-1-99)T
- c. Display prominently by type, stamp, or other appropriate means, on the first page of the policy the following: "Notice to buyer: This policy may not cover all of your medical expenses." (1-1-99)T
- d. Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance. (1-1-99)T

e. Establish auditable procedures for verifying compliance with this Subsection 022.01. (1-1-99)T

02. Prohibited Acts And Practices. In addition to the practices prohibited in Chapter 13, Title 41,

Idaho Code, the following acts and practices are prohibited: (1-1-99)T

a. Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer. (1-1-99)T

b. High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance. (1-1-99)T

c. Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company. (1-1-99)T

03. Prohibited Terms. The terms "Medicare supplement," "Medigap," "Medicare wrap-around," and words of similar import shall not be used unless the policy is issued in compliance with IDAPA 18.01.54, "Rule To Implement The NAIC Medicare Supplement Insurance Minimum Standards Model Act". (1-1-99)T

023. APPROPRIATENESS OF RECOMMENDED PURCHASE AND EXCESSIVE INSURANCE. In recommending the purchase or replacement of any Medicare supplement policy or certificate, an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement. Any sale of Medicare supplement coverage that will provide an individual more than one Medicare supplement policy or certificate is prohibited. (1-1-99)T

024. REPORTING OF MULTIPLE POLICIES.

01. Reporting. On or before March 1 of each year, an issuer shall report the following information for every individual resident of this state for which the issuer has in force more than one (1) Medicare supplement policy or certificate: (1-1-99)T

a. Policy and certificate number, and (1-1-99)T

b. Date of issuance. (1-1-99)T

02. Grouping By Individual Policyholder. The items set forth above must be grouped by individual policyholder. (1-1-99)T

025. PROHIBITION AGAINST PREEXISTING CONDITIONS, WAITING PERIODS, ELIMINATION PERIODS AND PROBATIONARY PERIODS IN REPLACEMENT POLICIES OR CERTIFICATES.

01. Waiving Of Time Periods. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate for similar benefits to the extent such time was spent under the original policy. (1-1-99)T

02. Replacing Policy. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at last six (6) months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods, and probationary periods for benefits similar to those contained in the original policy or certificate. (1-1-99)T

028. -- 999. (RESERVED).

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD
25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD
DOCKET NO. 25-0101-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: This temporary rule is effective April 1, 1999.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Section 36-2107(b) and (d), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearings concerning this rulemaking were held as follows: 6 p.m. on Friday, December 19, 1997 at the Middle School in Emmett, Idaho, and at 6:30 p.m., Thursday, November 12, 1998, at the Senior Citizens Center in Star, Idaho.

The hearing site was accessible to persons with disabilities. Requests for accommodation must have been made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rule-making:

The changes to the proposed rule protect the health safety and welfare of the outfitted public and provides the benefit of an outfitting opportunity to two (2) licensed outfitters on a section of the Boise River from the west or downstream side of the Garden City municipal limits to the east or upstream side of the Caldwell municipal limits.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5526(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:

The addition of this outfitting opportunity protects the health safety and welfare of the outfitting public and grants the benefit of licensing to professional outfitted float boating on this section of the Boise River.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fee increases imposed or increased.

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted at the public hearing.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rules, contact: Dean Sangrey, Executive Director, (208) 327-7380 - FAX 327-7382

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 19th day of May, 1999.

Dean Sangrey, Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, Idaho 83706
(208) 327-7380
FAX (208) 327-7382

THE FOLLOWING IS TEXT OF DOCKET NO. 25-0101-9901

059. RIVER, LAKE AND RESERVOIR POWER AND FLOAT OUTFITTER LIMITS.

01. Licensable Waters -- Table. The following rivers and streams or sections that lie totally or partially within the state of Idaho shall be open to commercial boating operations by outfitters and guides. All other rivers and streams or sections that lie totally or partially within the state of Idaho shall be closed to commercial boating by outfitters and guides.

River/Section	Maximum No. Power	Maximum No. Float
(BL1) Blackfoot River - Morgan Bridge to Trail Creek Bridge.	none	2
(BO1) Boise River, South Fork - Danskin Bridge to the Neal Bridge EXCEPT on weekends or holidays. (Each outfitter may use only one (1) boat for fishing only with a maximum of two (2) fisherman.) No overnight camping or walk-and-wade fishing allowed.	none	2
(BO2) Boise River - Downstream from the west side of the Garden City municipal limits to the east side of the Caldwell municipal limits. (Each outfitter may use at any time a maximum of four (4) boats for boating activities.) The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan.	none	2
(CF1) Clark Fork River - Montana stateline to Lake Pend Oreille (boating closing date September 30).	4 outfitters for either power or float or combination thereof	
(CL1) Clearwater River - Lowell to Kooskia (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	5
(CL2) Clearwater River - Kooskia to Orofino (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	6	10
(CL3) Clearwater River - Orofino to Lewiston (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitters operating plan).	10	10

River/Section	Maximum No. Power	Maximum No. Float
* (NFCL) North Fork Clearwater River - Kelly Forks Bridge downstream to backwaters of Dworshak Reservoir.	none	4
(CD1) Coeur d'Alene River - Devil's Elbow to South Fork confluence (boating closing date June 30).	none	5
* (JB1) Jarbidge/Bruneau Rivers	none	4
(K01) Kootenai River - Montana stateline to Canada boundary.	5	5
(LCL1) Little North Fork Clearwater River - Mouth of Canyon Creek to first bridge on the Little North Fork Clearwater River. Fishing only. (Each outfitter may use only two (2) boats per day with a maximum of two (2) fishermen per boat.)	none	2
* (LO1) Lochsa River	none	5
(MO1) Moyie River - Canada boundary to Bonners Ferry Municipal Dam (boating closing date July 20).	none	5
* (OW1) Owyhee River - Nevada stateline to Oregon stateline or South Fork to confluence with Owyhee River (and continuing on to a take-out point).	none	6
(PN1) Payette River, North Fork - Payette Lakes Outlet to Hartsell Bridge. Restrictions: NO FISHING ALLOWED. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN1A) Payette River, North Fork - Cascade City Park, 1/4 mile south of Cascade on Highway 55 to Cabarton. Restrictions: Catch and release for TROUT ONLY, other species F & G rules apply. No stopping by commercial groups from 1/4 mile above to 1/4 mile below heron nesting trees. Four (4) boat or ten (10) canoe limit per trip, and only two (2) trips per day per outfitter.	none	2
(PN2) Payette River, North Fork - Cabarton to Smiths Ferry Bridge.	none	5
(PS1) Payette River, South Fork - Grandjean to Deadwood River.	none	5
* (PS2) Payette River, South Fork - Deadwood River to Banks.	none	5

River/Section	Maximum No. Power	Maximum No. Float
(PA1) Payette River - Banks to Black Canyon Dam.	none	5
(PO1) Pend Oreille River	5	5
(PR1) Priest River - Dickensheet Campground to Priest River City.	none	5
* (MF1) Salmon River, Middle Fork - Boundary Creek to Indian Creek.	none	27
* (MF2) Salmon River, Middle Fork - Indian Creek to Cache Bar on the Salmon River.	none	27
(SA1) Salmon River - First bridge across Salmon River above Redfish Lake Creek to Torrey's Bar.	none	6
(SA2) Salmon River - Torrey's Bar to first Highway 93 bridge above Challis (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan).	none	5
(SA3) Salmon River - First Highway 93 bridge above Challis to Iron Creek (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are a part of an outfitter's operating plan).	none	6
(SA4A) Salmon River - Iron Creek to North Fork - License period from May 1 to September 30. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.)	5	11
(SA4B) Salmon River - Iron Creek to North Fork - License period from October 1 to April 30. (Each power boat outfitter may use at any one time a maximum of one (1) boat and each float boat outfitter may use at any one time a maximum of three (3) boats.)	2	10
(SA5) Salmon River - North Fork to Corn Creek.	3	9

River/Section	Maximum No. Power	Maximum No. Float
* (SA6) Salmon River - Corn Creek to Spring Bar.	14	31
* (SA7A) Salmon River - Vinegar Creek to Hammer Creek - License period from April 1 to September 30. (No power boating allowed from the Saturday before Memorial Day through Labor Day from 10:30 a.m./Mountain Time to 5:00 p.m./Mountain Time daily between the Riggins City Boat Dock and Lucile.)	10	26
* (SA7B) Salmon River - Vinegar Creek to Spring Bar.	10	26
* (SA7C) Salmon River - Spring Bar to Hammer Creek - Closed to all commercial boating from October 1 to March 31 (Three (3) designated outfitters may utilize float boats to fish from the Riggins City Boat Dock to Hammer Creek during the period October 1 to March 31).	none	3
* (SA8) Salmon River - Hammer Creek to Heller Bar or Lewiston on the Snake River.	15	35
* (SE1) Selway River - Paradise Campground to Selway Falls.	none	4
(SE2) Selway River - Selway Falls to the mouth of the Selway River at Lowell. (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan.)	none	5
(SH1) Snake River, Henry's Fork - Henry's Lake Outlet to Hatchery Ford (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing (No more than three (3) of these boats may be used at any one time on any of the following river reaches: Henry's Lake Outlet to Island Park Dam, Island Park Dam to Last Chance, Last Chance to Osborn Bridge, and Osborn Bridge to Hatchery Ford), and (b) five (5) boats for other boating activities. The Board may approve adjustments to these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	7
(SH2) Snake River, Henry's Fork - Mesa Falls to St. Anthony (Each outfitter may use at any one time a maximum of (a) eight (8) boats for fishing (No more than three (3) of these boats may be used at any one time on any one of the following river reaches: Mesa Falls to Warm River, Warm River to Ashton Dam, and Ashton Dam to St. Anthony), and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	8

River/Section	Maximum No. Power	Maximum No. Float
(SH3) Snake River, Henry's Fork - St. Anthony to confluence with South Fork of Snake River (Each outfitter may use at any one time a maximum of (a) three (3) boats for fishing, and (b) five (5) boats for other boating activities. The Board may approve adjustments of these boat limitations to accommodate canoeing or kayaking activities that are part of an outfitter's operating plan).	none	4
(SS1) Snake River - South Fork - Palisades Dam to confluence with Henry's Fork. No more than four (4) boats per section/per day may be used by an outfitter at any one time on any of the following river reaches: (a) Palisades Dam to Swan Valley Bridge; (b) Swan Valley Bridge to Black Canyon (Exception: Not more than eight (8) boats will be permitted in Section (b) on the same day, provided that no more than four (4) of said boats are in this Section after 11:00 a.m.); (c) Black Canyon to Poplar (Kelly Canyon); and (d) Poplar to the confluence with Henry's Fork. Restrictions: No outfitter may have more than twelve (12) boats on the SS1 in any one (1) day. Further, the lower boundary of Section (a) (Palisades Dam to Swan Valley Bridge) shall overlay Section (b) (Swan Valley Bridge to Black Canyon), and Section (b) shall overlay Section (c) to the Cottonwood access. Supply boats which do not carry clients are exempt from these restrictions.	5	6
(SN1) Snake River - Henry's Fork confluence downstream to Gem State Power Plant	3	3
(SN2) Snake River - Gem State Power Plant downstream to headwaters of American Falls Reservoir.	3	3
(SN3) Snake River - American Falls Dam to Massacre Rocks State Park.	3	3
(SN4) Snake River - Massacre Rocks State Park to Milner Dam.	3	3
* (SN5) Snake River - Milner Dam to Star Falls.	none	3
* (SN6) Snake River - Star Falls to Twin Falls.	none	5
(SN7) Snake River - Twin Falls to Lower Salmon Falls Dam.	3	3
(SN8) Snake River - Lower Salmon Falls Dam to Bliss Dam.	3	5
(SN9) Snake River - Bliss Dam to headwaters of C.J. Strike Reservoir.	5	5

River/Section	Maximum No. Power	Maximum No. Float
(SN10) Snake River - C.J. Strike Dam to Walter's Ferry.	5 outfitters for either power or float or combination thereof	
(SN11) Snake River - Walter's Ferry to headwaters of Brownlee Reservoir.	5	none
* (SN12) Snake River - Hells Canyon Dam to Pittsburg Landing.	18	15
* (SN13) Snake River - Hells Canyon Dam to Pittsburg Landing (Two (2) one-day float trips only).	none	2
(SN14) Snake River - Pittsburg Landing to Heller Bar or Lewiston.	19	15
(SN15) Snake River - Washington/Oregon stateline to Lewiston	Limitations pending. (This section is set aside for future rules of fishing only outfitters)	
(SJ1) St. Joe River - Spruce Tree Campground to St Joe City Bridge. St. Joe City Bridge to Lake Coeur d'Alene	none 2	2 none
(SM1) St. Maries River	5	5
(TE1) Teton River - Upper put-in to Cache Bridge (motors not to exceed 10 hp).	5 outfitters for either power or float or combination thereof	
(TE2) Teton River - Cache Bridge to Harrop Bridge (motors not to exceed 10 hp).	6 outfitters for either power or float or combination thereof	
(TE3) Teton River - Harrop Bridge to confluence with Snake River (motors not to exceed 10 hp).	none	5

* Classified rivers

~~(5-1-95)~~(4-1-99)T

02. Other -- Table. The following lakes and reservoirs or portions thereof that lie totally or partially

within the state of Idaho shall be open to fishing by outfitters with the following limitations:

Lake or Reservoir	Maximum No. of Operators	Maximum No. Boats per Operator per Lake or Reservoir
Lake Coeur d'Alene	8	1
Dworshak Reservoir	7	2
Hayden Lake	1	2
Henry's Lake	8	2
Island Park Reservoir	7	2
Magic Reservoir	3	2
Palisades Reservoir	10	2
Lake Pend Oreille	11	1
Priest Lake	5	1
American Falls Reservoir	3	2
C.J. Strike Reservoir	4	2
Brownlee Reservoir	5	2
Oxbow Reservoir	3	2
Hells Canyon Reservoir	3	2

(4-1-92)

03. Other Lakes And Reservoirs. All other Idaho lakes and reservoirs shall be limited to two (2) outfitters with a maximum of two (2) boats (float or power) per outfitter. (4-1-92)

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT
39.02.72 - RULES GOVERNING ADMINISTRATIVE LICENSE SUSPENSIONS
DOCKET NO. 39-0272-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: This temporary rule is effective March 19, 1999.

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 regular rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 18-8002A, 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 July 21, 1999.

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 nontechnical explanation of the substance and purpose of the proposed rule-making:

This rule-making authorizes law enforcement agencies to develop and use their own probable cause affidavits or an equivalent document in place of the department's affidavit, so long as it contains the elements required by Section 18-8002A, Idaho Code.

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:

Without this authorization, law enforcement agencies could be found in violation of this administrative rule, and possibly nullifying appropriate legal action. Protection of public health, safety and welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

No fee imposed or increased.

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because temporary rule-making is necessary.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Jane Caviness, 332-7830.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 26th day of May, 1999.

Linda L. Emry, Administrative Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone – 208-334-8810
FAX – 208-334-8195

THE FOLLOWING IS TEXT OF DOCKET NO. 39-0272-9901

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.02.72, Rules Governing Administrative License Suspensions. (3-19-99)T

02. Scope. The purpose of this Rule is to establish driver's license suspension procedures for persons driving under the influence of alcohol or other intoxicating substances as indicated by an evidentiary test of blood, breath, or urine, pursuant to Section 18-8002A, Idaho Code. This rule also includes the procedures for administrative hearings to review the propriety of administrative license suspensions. (4-1-94)(3-19-99)T

(BREAK IN CONTINUITY OF SECTIONS)

800. FORMS.

The Department shall develop appropriate forms to be used throughout the state including, but not limited to, forms for Notice of Suspension, temporary driving permit, and officer's sworn statement. Each law enforcement agency shall use the forms supplied by the Department in carrying out the requirements of Section 18-8002A, Idaho Code, and this Rule. However, the sworn statement may be in the form of a law enforcement agency's affidavit of probable cause or equivalent document, so long as it contains the elements required by Section 18-8002A, Idaho Code. (3-19-99)(3-19-99)T

IDAPA 39 - TRANSPORTATION DEPARTMENT
39.02.77 - RULES GOVERNING SOCIAL SECURITY NUMBERS ON APPLICATIONS
FOR DRIVER'S LICENSES, IDENTIFICATION CARDS

DOCKET NO. 39-0277-9801

NOTICE OF RESCISSION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the rescission of this temporary rulemaking is March 24, 1999.

AUTHORITY: In compliance with Sections 67-5221, 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. The action is authorized pursuant to Section(s) 67-5226, and 49-201(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the vacation:

The effect of this rule-making has been superseded by Idaho Code, so is no longer necessary. The 1999 Legislature enacted Senate Bills 1159 and 1170, amending Sections 49-306 and 49-2443, Idaho Code, with an emergency effective date of March 24, 1999. The intent of this legislation is to allow those who are legally in the United States but who have not been issued a Social Security Number to apply for driver's licenses, instruction permits, and identification cards.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Jane Caviness, 332-7830.

DATED this 26th day of May, 1999.

Linda L. Emry, Administrative Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone – 208-334-8810
FAX – 208-334-8195

IDAPA 39 - TRANSPORTATION DEPARTMENT
39.02.77 - RULES GOVERNING SOCIAL SECURITY NUMBERS ON APPLICATIONS
FOR DRIVER'S LICENSES, IDENTIFICATION CARDS

DOCKET NO. 39-0277-9801

NOTICE OF VACATION OF PROPOSED RULEMAKING

AUTHORITY: In compliance with Sections 67-5221, Idaho Code, notice is hereby given that this agency has vacated the proposed rulemaking previously initiated under this docket number. The action is authorized pursuant to Section(s) 67-5226, and 49-201(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the vacation:

The effect of this rule-making has been superseded by Idaho Code, so is no longer necessary. The 1999 Legislature enacted Senate Bills 1159 and 1170, amending Sections 49-306 and 49-2443, Idaho Code, with an emergency effective date of March 24, 1999. The intent of this legislation is to allow those who are legally in the United States but who have not been issued a Social Security Number to apply for driver's licenses, instruction permits, and identification cards.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Jane Caviness, 332-7830.

DATED this 26th day of May, 1999.

Linda L. Emry, Administrative Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone – 208-334-8810
FAX – 208-334-8195

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.01 - GENERAL ADMINISTRATION

DOCKET NO. 47-0101-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 1999.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-2301, Idaho Code, and the 1998 Amendments of the Rehabilitation Act of 1973.

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 July 21, 1999.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To streamline the existing rules and to implement program changes necessitated by the 1998 Amendment of the Rehabilitation Act of 1973.

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:

Compliance with deadlines in amendments to Governing Law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Non-applicable.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because rules have been implemented through the 1998 Amendments of the Rehabilitation Act of 1973.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Barry J. Thompson, (208)334-3390.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 26th day of May, 1999.

F. Pat Young
Administrator
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83702
Boise, ID 83720-0096
(208)334-3390, Fax: (208)334-5305

THE FOLLOWING IS TEXT OF DOCKET NO. 47-0101-9901

000. --009. ~~(RESERVED)~~ LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.01, "General Administration". (7-1-99)T

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. (7-1-99)T

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (7-1-99)T

004. -- 009. (RESERVED).

010. DEFINITIONS.

01. Applicant. Any individual who certifies to his/her intent to apply for Vocational Rehabilitation services by either signing an application form or by verbally or in other communicative modes, notes his/her intent to immediately apply. Ref: P.L. 102-569 Section 101(9)(D) (7-1-94)

021. CFR. Code of Federal Regulations. (7-1-93)

032. Client. Any individual who has applied for Vocational Rehabilitation services and has been found to meet the eligibility requirements as outlined by P.L. 102-569 Section 102(a)(1)(A) and (B) and Section 7 (8)(A). (6-1-94)(7-1-99)T

043. Designated State Unit. The Idaho Division of Vocational Rehabilitation. (7-1-93)

054. IDVR, ~~Division~~. The Idaho Division of Vocational Rehabilitation. (7-1-93)(7-1-99)T

065. IWRPE. ~~Individual Written Rehabilitation Program.~~ Individualized Plan for Employment. (7-1-93)(7-1-99)T

076. Method Of Written Notification. The written notification of findings and conclusions arising from an Administrative Review, Mediation, Fair Hearing, or as a result of the ~~Administrator's~~ designated person review of the Fair Hearing shall be served to the applicant/client via the U.S. Postal Service by means of certified mail. Durational requirements for appeals shall commence on the day received by the applicant/client as noted by the certified mail records. (7-1-94)(7-1-99)T

087. P.L. Public Law. (7-1-93)

098. RCR. Running Case Record. (7-1-93)

109. RSA. Rehabilitation Services Administration. (7-1-93)

110. State Administrator, ~~State Director, Administrator~~. The Chief Executive Officer of the Idaho Division of Vocational Rehabilitation. (7-1-93)(7-1-99)T

121. Impartial Hearing Officer. ~~Shall:~~ A due process hearing shall be conducted by an impartial hearing officer who shall issue a decision based on the provisions of the approved State Plan, the Rehabilitation Act, and State regulations and policies. The Designated State Unit shall maintain a list of qualified impartial hearing officers who are knowledgeable in laws (including regulations) relating to the provision of vocational rehabilitation services. (7-1-94)(7-1-99)T

- a. ~~Not be an employee of a public agency (other than administrative law judge, hearing examiner, or employee of an institution of higher learning) or a member of the State Vocational Rehabilitation Advisory Council;~~ (7-1-94)
- b. ~~Not have been involved in previous decisions regarding the vocational rehabilitation of the client;~~ (7-1-94)
- e. ~~Have knowledge of the delivery of the Rehabilitation Services, the Title I State Plan and State rules governing the provision of services;~~ (7-1-94)
- d. ~~Have no personal or financial conflicts of interest; and~~ (7-1-94)
- e. ~~Be trained regarding the performance of official duties.~~ (7-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

100. CLIENT APPEALS.

01. Applicant Or Client Of Vocational Rehabilitation - Internal Appeals Procedure To Contest A Disputed Action, Failure To Act, Or Decision Of The Division. ~~An applicant for Vocational Rehabilitation services, or a client of Vocational Rehabilitation services may file a request for an Administrative Review, Mediation or Fair Hearing and a re-determination of any and all actions, or lack thereof, concerning determination of eligibility or the provision (or lack thereof) of services.~~ (7-1-93)(7-1-99)T

02. Administrative Review. Within thirty (30) calendar days of notification of the contested action, lack of action or decision, the ~~applicant/client~~ may request that an Administrative Review ~~or Fair Hearing~~ be held. ~~Failure to comply with the thirty (30) day time limit shall constitute forfeiture of any further rights to internal grievance (appeal) procedures.~~ The request shall be made in writing to the Regional Manager who has direct supervisory authority over the involved Vocational Rehabilitation Counselor handling the ~~applicant/client's~~ case with the Division. The written request should state the reason for the requested review. (7-1-94)(7-1-99)T

a. The Regional Manager shall inform the ~~applicant/client~~ in writing as to the time, place, and date of the Administrative Review. The ~~applicant/client~~ may choose to represent himself/herself or may have a representative(s) speak on his/her behalf. The Regional Manager will insure complete familiarity of the case and will call for testimony from any and all parties to the case that he/she feels is relevant to the review. (7-1-94)(7-1-99)T

b. The Regional Manager will make a decision regarding the specifics of the Administrative Review. This decision will be in written form and it will be sent to the ~~applicant/client~~. It will also be included in the pertinent case file. Since the Administrative Review is an informal problem resolution process, the form of the written decision may be in standard business letter format. (7-1-94)(7-1-99)T

03. Mediation. The client will be informed of the availability of mediation and the process for such to settle disputes. Mediation is voluntary and is not intended to replace a request for a fair hearing. (7-1-99)T

- a. The division will make available a list of qualified mediators from which the client may choose. (7-1-99)T
- b. The division will be responsible for any costs associated with the mediation process. (7-1-99)T

- c. Reference: (7-1-94)(7-1-99)T
- (1)i. 34 CFR 361.48 ~~September 15, 1988~~ Part 361 et al. (7-1-94)(7-1-99)T
- (2)ii. P.L. 1025-569220. (7-1-94)(7-1-99)T
- (3)iii. State Plans for Vocational Rehabilitation, ~~(Section 10.7)~~ (7-1-94)(7-1-99)T
- (4)iv. Section 33-2301, Idaho Code, (7-1-94)(7-1-99)T

034. Fair Hearing. If the applicant/client is dissatisfied with the result of the Administrative Review, he/she may ask for a Fair Hearing. ~~IDVR continues to encourage the use of the informal Administrative Review process since it is more likely to result in a timely resolution of disagreements. However, the Administrative Review process may not be used as a means to delay a more formal hearing before an impartial Hearing Officer unless the parties jointly agree to a delay. The Fair Hearing will deal with the issues involved in the original Administrative Review, if one took place. The request for a Fair Hearing will be made in writing to the Administrator of the Division. It must be made within thirty (30) calendar days subsequent to receipt of official notification of the Regional Manager's decision from the Administrative Review. A fair hearing can be held without an Administrative Review but must occur within thirty (30) calendar days from the disputed action, lack of action, or a decision of the Division. The hearing by an impartial Hearing Officer must be held within forty-five (45) days of a request by the applicant or client unless both parties agree to a specified delay.~~ (7-1-94)(7-1-99)T

a. ~~The Fair Hearing will be conducted by a~~ An impartial Hearing Officer will be selected to hear a particular case, on the following basis: (7-1-94)(7-1-99)T

- i. ~~On a random basis; or~~ (7-1-94)
- ii. By agreement between the administrator and the individual with a disability; ~~or~~ (7-1-94)(7-1-99)T
- iii. In an appropriate case the administrator and ~~a parent, a family member, a guardian, an advocate, or an authorized representative of such individual~~ the individuals representative; (7-1-94)(7-1-99)T
- iv.i. The impartial Hearing Officer shall be selected from a pool of qualified persons identified jointly by the Division and members of the State Vocational Rehabilitation Advisory Council. The impartial Hearing Officer shall inform all relevant parties, in writing, as to the time, date, and place of the fair hearing. The applicant/client may represent himself/herself or may choose to be represented by any person(s) of his/her choice. (7-1-94)(7-1-99)T

b. The hearing is a more formal proceeding than the Administrative Review. Upon its completion, the impartial Hearing Officer shall make a decision ~~based on the provisions under Section 101-103(a) of P.L. 102-569 and the State Plan.~~ This decision shall be rendered into writing and provided to all parties involved in the Fair Hearing. The decision shall be the final internal action, unless the State Administrator of the Division decides to review such decision in whole or in part. Within twenty (20) calendar days of the mailing of the decision to the applicant/client (or in appropriate cases, such individual's parent or guardian), the ~~State Administrator~~ a person identified by the division shall notify such individual of the intent to review the decision. (7-1-94)(7-1-99)T

i. If the ~~State Administrator~~ designated person(s) decides to review the decision, the applicant/client shall be provided an opportunity for the submission of additional evidence and information relevant to a final decision. The ~~State Administrator~~ designated person(s) may not delegate responsibility to make such final decision to any other officer or employee of the designated state unit. (7-1-94)(7-1-99)T

ii. A final decision shall be made in writing by the ~~Administrator~~ designated person(s) and shall include a full report of the findings and the grounds for such decision. (7-1-94)(7-1-99)T

iii. Upon making a final decision, the ~~State Administrator~~ designated person(s) shall provide a copy of such decision to all parties involved in the Fair Hearing. (7-1-94)(7-1-99)T

c. The ~~State Administrator~~ designated person(s) may not overturn or modify a decision of an ~~Impartial Hearing Officer~~ or part of such a decision that supports the position of the individual unless the ~~Administrator~~ designated person(s) concludes, based on clear and convincing evidence, that the decision of the ~~Impartial Hearing Officer~~ is clearly erroneous on the basis of being contrary to federal or state law, including policy.
(7-1-94)(7-1-99)T

Ref: (1) P.L. 102-569 Section 102(e)(d), (2)(A),(B),(C) and (D)
(2) State Plan for Vocational Rehabilitation Section 10.7(b)
(3) CFR 361.48(e)

(7-1-94)

101. -- 199. (RESERVED).

200. EXPEDITED REVIEW.

01. Forms. Each client will be notified at least ten (10) working days prior to the effective date of change to the IWRP through a procedure which is verifiable (for example: Certified Mail with Return Receipt Requested or client's signature on the Amended Plan which documents knowledge of impending change at least ten (10) working days prior to actual changes). In those rare situations where an immediate change to the IWRP would benefit the client and the client concurs, the counselor shall record the inability to meet the ten (10) working days notification requirement in the client's Running Case Record. This procedure (ten (10) day notification) will also be followed in all cases where a case is being closed and a closure plan is required. In all of these instances, the client will be informed of their rights to an "expedited review" (see at Expedited Review) if they wish to appeal the decision.
(7-1-94)

02. Expedited Review. In cases where a disputed service is already underway (excluded from this are services planned or authorized but not commenced), the Division will continue to provide for the continuation of the disputed service(s) set forth in the IWRP for a period not to exceed thirty (30) calendar days from the proposed effective date of change. This relates only to those services which IDVR is a direct provider of - i.e., is providing or paying for. Exceptions to this requirement for an Expedited Review include:
(7-1-93)

a. Services which are being provided which are contraindicated on the basis of medical/psychological information evidenced in the individual's case file and therefore, Federal financial participation is not available; and
(7-1-93)

b. Services which are being provided due to fraudulent or other misrepresentation by the client (for example: maintenance assistance to support the client's involvement in other service areas in which the client is no longer participating).
(7-1-93)

03. Notification Of Expedited Review Rights. Ten (10) working days prior to the planned termination of the subject service(s), the client must be informed (in a verifiable manner) of the planned cessation, and they must be notified of their appeal rights under the Expedited Review process. They must be informed that they have thirty (30) calendar days from the proposed cessation date to discharge those rights. Every effort should be made to expedite this process so that resolution of the dispute is accomplished in as short a time span as possible. In no case shall the process extend for more than thirty (30) days past the proposed date of termination of the disputed service(s).

Ref: (1) 34 CFR 361.48, 361.35(e)(2), 361.40(a)(d)
(2) P.L. 102-569, Section 101
(3) Title 33-2301, Idaho Code
(4) IDAPA 47.01.01.100
(5) RSA-PI-81-02 Dated December 18, 1980

(7-1-94)

201. -- 999. (RESERVED).

IDAPA 47 - IDAHO DIVISION OF VOCATIONAL REHABILITATION

47.01.02 - FIELD SERVICES

DOCKET NO. 47-0102-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 1999.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 33-2301, Idaho Code, and the 1998 Amendments of the Rehabilitation Act of 1973.

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 July 21, 1999.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To streamline the existing rules and to implement program changes necessitated by the 1998 Amendment of the Rehabilitation Act of 1973.

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:

Compliance with deadlines in amendments to Governing Law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

Non-applicable

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because rules have been implemented through the 1998 Amendments of the Rehabilitation Act of 1973.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Barry J. Thompson, (208)334-3390.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 26th day of May, 1999.

F. Pat Young
Administrator
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83702
Boise, ID 83720-0096
(208)334-3390, Fax: (208)334-5305

THE FOLLOWING IS TEXT OF DOCKET NO. 47-0102-9901

000. --009. (RESERVED) LEGAL AUTHORITY.
Section 33-2301, Idaho Code and the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.02, "Field Services". (7-1-99)T

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. (7-1-99)T

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (7-1-99)T

004. -- 009. (RESERVED).

010. DEFINITIONS.

~~**01. Applicant.** Any individual who certifies to their intent to apply for Vocational Rehabilitation services by either signing an application form or verbally or in other communication modes notes their intent to immediately apply. P.L. 102-569 Section 101 (9) (D)~~ (7-1-94)

~~**021. Authorization.** An authorization for services to purchase is a purchase order issued on behalf of the Division (IDVR Form R-37).~~ (7-1-98)(7-1-99)T

~~**03. CARE.** Commission on Accreditation of Rehabilitation Facilities.~~ (7-1-94)

~~**042. Client.** Any individual who has applied for Vocational Rehabilitation services and has been found to meet the eligibility requirement as outlined by P.L. 102-569 Section 7(8)(A), Section 102(a)(1)(A) and (B).~~ (7-1-94)(7-1-99)T

053. Core Vocational Rehabilitation Services. Services that reduce the impact of functional limitations on the ability to achieve an employment outcome (i.e. medical restoration services, training services, assistive technology, job placement, etc.). (2-1-95)

064. Division, State Unit. The Idaho Division of Vocational Rehabilitation (or where it is self-evident, officers, employees, or agents of the same). (2-1-95)

075. Extended Period Of Time. An anticipated six (6) or more months within which time rehabilitation services are being provided on an active and ongoing basis. (2-1-95)

086. HEW. Health, Education and Welfare. (2-1-95)

097. IFNA. Individualized Financial Needs Assessment. (2-1-95)

108. Most Severely Significantly Disabled. An individual who meets the criteria of severely significantly disabled and is further defined as: (2-1-95)(7-1-99)T

a. Having a severe physical, mental, cognitive or sensory impairment which seriously limits two (2) or

more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance or work skills) in terms of an employment outcome; and (2-1-95)

b. Whose vocational rehabilitation can be expected to require multiple core vocational rehabilitation services (as opposed to supportive services) over an extended period of time. (2-1-95)

~~140.~~ **OJT.** On-the-job training. (2-1-95)

120. **PA.** Public Assistance. (2-1-95)

~~13.~~ **Public Safety Officer.** For the purposes of this rule, the definition of public safety officer is found at Public Law 103-73 Sec 7 Sub 12 (A) through (D). (2-1-95)

~~141.~~ **Representative.** The applicant or client's parent, legal guardian, spouse, legal representative, or an individual who has the Power of Attorney to represent the client in legal situations or another person designated by the individual. (2-1-95)(7-1-99)T

152. **RSA-PI.** Rehabilitation Services Administration - Program Instruction. (2-1-95)

163. **RSA-PQ.** Rehabilitation Services Administration - Policy Question. (2-1-95)

~~174.~~ **Severely Significantly Disabled.** For purposes of this rule, the definition of severely significantly disabled is found at Public Law 103-73 Sec. 7 Sub. 15 (6)(21)(A) (i) through (iii). (2-1-95)(7-1-99)T

~~185.~~ **SSDI.** Social Security Disability Insurance. (2-1-95)

~~196.~~ **SSI.** Supplemental Security Income. (2-1-95)

~~2017.~~ **Supportive Services.** Services that compliment the provision of core services and are provided only to insure that the eligible recipient of the core services client can benefit from the same (i.e. maintenance, transportation, services to family members). (2-1-95)(7-1-99)T

~~218.~~ **VRC.** Vocational Rehabilitation Counselor. (2-1-95)

(BREAK IN CONTINUITY OF SECTIONS)

100. RECORD KEEPING.

01. Confidentiality Of Client Records. All personal information (regarding individuals who apply for, are a client of, or who are past clients of the Division) which is given to the Division or its agents in the course of the administration of the Vocational Rehabilitation program is confidential. The use of such information and records will be limited to purposes directly connected with the administration of the Vocational Rehabilitation program and may not be disclosed directly or indirectly unless the informed consent of the individual is obtained through a signed release. Exceptions to this general rule are noted below and relate to the proper and legal administration of the Vocational Rehabilitation program as required by P.L. 1025-569220, the CFR, and relevant Idaho law. These policies and procedures prevail over less stringent state laws. (7-1-94)(7-1-99)T

02. Policies For Storage And Release Of Confidential Client Information. (7-1-93)

a. Confidential client information shall be stored in such a manner so that it is not casually available for public scrutiny during official work hours of the Division. It shall be stored under lock and key when not being directly used or during non-working hours. (7-1-93)

b. All applicants, clients, and their representatives, service providers, cooperating agencies, and

interested persons shall be informed of the confidential nature of said information and of the conditions for accessing and releasing this information. (7-1-93)(7-1-99)T

c. The applicant/client will be informed as to the principle purposes for which the state unit intends to use the information. (7-1-93)(7-1-99)T

d. The applicant/client shall be informed as to the voluntary or mandatory nature of this information gathering request(s) and the effects of not providing requested information to the state unit. (7-1-93)(7-1-99)T

e. In those instances where the applicant/client information will be routinely released without their consent, the state unit will so inform the client. (See at "Exceptions to Release of Information Requirements"). (7-1-93)(7-1-99)T

f. Persons who are unable to communicate in English or who use special modes of communication will be provided explanations about the state unit policies and procedures in a manner which can be adequately understood by them. (7-1-93)

g. Release of Information: To the applicant/client: the request must be made in writing by the individual or his/her representative. The state unit will release all requested information which is in the applicant/client's case file upon receipt of written request (see exceptions). Medical, psychological, or other information which the state unit believes may be harmful to the individual will not be released directly to the individual, but ~~will~~ can be provided through his/her representative, a physician, or a licensed or certified psychologist. In this case, the state unit may release the medical or psychological information only after receiving assurance from the receiving organization, agency, or individual that the material will be used only for the purpose covered by the written request and that it will not be further released to the involved applicant/client. (7-1-94)(7-1-99)T

03. Exceptions To Release Of Information Requirements. Prior written approval will not be required for release of personal data under the following circumstances: (7-1-93)

a. Release for legal audit, evaluation, and research efforts. The data may be released only for purposes directly connected with the administration of the Vocational Rehabilitation program, or for purposes that would significantly improve the quality of life for people with disabilities, and only if the organization, agency, or individual assures that: (7-1-94)

i. The information be used only for the purposes for which it was provided; (7-1-93)

ii. The information will be released only to persons officially connected with the audit, evaluation, or research; (7-1-93)

~~iii. The information will not be released to the applicant/client;~~ (7-1-93)

~~iv.~~ Confidentiality will be safeguarded; and (7-1-93)

iv. The final product will not reveal any personal identifying information without the written consent of the applicant/client or his/her representative. (7-1-94)(7-1-99)T

~~b. Release to cooperating agencies or organizations due to their active participation in diagnostics, evaluation, or planned rehabilitation services for a client/applicant and, only then when the state unit has a formal agreement with said agencies, organizations, or individual and the applicant/client has agreed to take part in the diagnostics, evaluations, and planned rehabilitation services.~~ (7-1-93)

~~e.~~ Release required by Law: (7-1-93)

i. Under court subpoena or judicial order; (7-1-93)

ii. In response to investigations in connection with law enforcement, fraud, or abuse (except where expressly prohibited by Federal or State law); and (7-1-93)

- iii. In order to protect the individual or others when the individual poses a threat to his/~~her~~ safety or the safety of others. ~~(7-1-94)~~(7-1-99)T
- ~~dc.~~ Information that may not be released. (7-1-93)
- i. Information requested by verbal, telephonic, or personal request regardless of the source of the request, i.e., ~~applicant~~ client, law enforcement, and credit agencies. All releases (with exceptions noted previously) must be cleared by receipt of a written authority by the ~~applicant~~ client or his/~~her~~ representative; ~~(7-1-94)~~(7-1-99)T
- ii. Information received from the Social Security Administration or the state's Disability Determinations Service for any purposes other than rehabilitation of the individual; (7-1-93)
- iii. Third-party information. The requesting party will be referred to the primary source; (7-1-93)
- iv. Information received from the Veterans Administration that is marked or otherwise designated as confidential. The requesting party shall be referred to the Veterans Administration; and (7-1-93)
- v. ~~Applicant/~~Client shall never be allowed to act as couriers of confidential information about themselves to other agencies, organizations, or individuals. ~~(7-1-93)~~(7-1-99)T
- ~~ed.~~ Retention and Destruction of Personal Data on Division ~~Applicants/~~Clients. All data not stored in the client case file shall be maintained under lock and key. Discarded notes, carbons, mimeograph or ditto materials which may have personal identifying client data on them shall be destroyed by shredding or burning or otherwise disposed of appropriately to insure confidentiality. Official records will be maintained in a secure fashion for as long as required by State and Federal law after closure. Ultimate destruction shall be by a process guaranteed to protect the confidentiality of the materials being destroyed. The state unit may establish such reasonable fees as necessary to cover the extraordinary cost of duplicating records or making extensive searches. Such fee shall be established under the Administrative Procedures Act. ~~(7-1-94)~~(7-1-99)T
- e. References: (7-1-99)T
- ~~(1)~~i. P.L. 1025-569220, ~~Section 101(a)(9)(D)~~ (7-1-99)T
- ~~(2)~~ii. 34 CFR 361.49 Volume 46, Number 12, January 19, 1994 Part 361 et al. (7-1-99)T
- ~~(3)~~iii. State Plans for Vocational Rehabilitation, ~~(Section 10.6)~~ (7-1-99)T
- ~~(4)~~iv. Title Section 33-2301, Idaho Code, ~~(7-1-94)~~(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

200. ELIGIBILITY ORDER OF SELECTION.

01. Order Of Selection. The following order of selection will be used if the Idaho Division of Vocational Rehabilitation finds that it cannot serve all eligible ~~applicants~~ clients due to a lack of either personnel and/or financial resources. The priority listings progress downward with priority number one (1) being the most restrictive and priority number five (5) being the least restrictive. ~~(2-1-95)~~(7-1-99)T

a. Priority #1: At the time that a decision to move to an order of selection is made, it is determined that only those consumers who already have an existing individualized ~~written rehabilitation~~ plan for employment (IWRPE) will continue to be served. ~~(2-1-95)~~(7-1-99)T

b. Priority #2: At the time that a decision to move to an order of selection is made, it is determined that

only those consumers in Priority Number 1 above and current and future, otherwise eligible, ~~applicants~~ clients rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as most severely significantly disabled. ~~The highest priority for service from among this group shall be public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty.~~ (2-1-95)(7-1-99)T

c. Priority #3: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers 1 and 2 above and current and future, otherwise eligible, ~~applicants~~ clients rated to this or a more restrictive priority can be served. Consumers meeting this priority rating are those individuals who are defined as severely significantly disabled. ~~The highest priority for service from among this group shall be public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty.~~ (2-1-95)(7-1-99)T

d. Priority #4: At the time that a decision to move to an order of selection is made, it is determined that only those consumers in Priorities Numbers one (1) through three (3) above and current and future, otherwise eligible, ~~applicants~~ clients rated to this or a more restrictive priority can be served. This priority is reserved to non severely disabled public safety officers whose disabling condition arose from a physical, mental, cognitive or sensory impairment sustained in the line of duty. (2-1-95)

ed. Priority #5: All eligible ~~applicants~~ clients for Vocational Rehabilitation services (no order of selection in place). (2-1-95)(7-1-99)T

e. Reference: (7-1-99)T

(1)i. P.L. 1025-569220, Section 1040(a)(5)(A) through (D). (7-1-99)T

(2)ii. 34 CFR (Sections 361.36 and 361.2(b)(2)(iv)) Part 361 et al. (7-1-99)T

(3)iii. State Plan for Vocational Rehabilitation, (Sections 9.3(a) (7-1-99)T

(4)iv. RSA-PQ 273. (7-1-99)T

(5)v. RSA-PI-83-3, January 26, 1983. (2-1-95)(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

300. CLIENT SERVICES.

01. Provision Of Purchased Services Contingent Upon Financial Need Of The Recipient. (7-1-93)

a. There is no Federal requirement that the financial need of a person with a disability be considered in the provision of any vocational rehabilitation services. It is allowed at state discretion. ~~With exceptions noted below,~~ The Idaho Division of Vocational Rehabilitation will apply a Financial Needs Assessment in all cases where projected services are expected to be purchased by the Division with some exceptions. Financial need will not be a consideration in the determination of eligibility for Vocational Rehabilitation, but only in allocating the cost of specific services. ~~The Financial Needs Assessment will be applied uniformly as allowed for by the discussion of the process that follows.~~ In all cases the ~~applicant~~/client of Vocational Rehabilitation shall be ~~allowed~~ encouraged to expend their own funds on planned services if they choose to do so - even in those cases where there is no law, or rule, requiring that they do so. (7-1-94)(7-1-99)T

i. ~~Financial Needs Assessment. The primary mission of the Idaho Division of Vocational Rehabilitation is the return of the Idaho disabled to productive activity - i.e., employment. The identification and proper use of resources is a critical step in achieving this goal.~~ (7-1-93)

- ii. Resources generally fall into three (3) major areas: (7-1-93)
 - (1) Client resources; (7-1-93)
 - (2) Comparable benefits; and (7-1-94)
 - (3) Division monies. (7-1-93)
- b. ~~It is the position of IDVR that client involvement and client financial participation significantly increase the likelihood of successful rehabilitation. This fact and the reality that Division resources and similar benefits are insufficient to serve all the eligible citizens in Idaho has led IDVR to develop an Individualized Financial Needs Assessment (IFNA). This Individualized Financial Needs Assessment (Form R-52) is to be used by the VRC and the client in conjunction with the development of any IWRP or program Amendment which includes services paid for by IDVR, following the decision of eligibility. (Exception: See IDAPA 47.01.02.300.01.f.).~~ (7-1-94)
- e. ~~Client resources and similar benefit resources shall be used prior to IDVR expenditures unless their use would create significant, untimely delay in the provision of services, and thus significantly jeopardize the chances of the success of the rehabilitation outcome.~~ (7-1-93)
- d. ~~Client resources are private, and often symbolic of client independence; therefore, it is critical that the VRC be sensitive and wise in the use of these resources. It is not the intention of IDVR to drive the client into abject poverty prior to providing services. In fact, this type of direction could easily be counter productive to achieving the appropriate vocational rehabilitation goal. However, it is not the intention of the Division, the Legislature, or the taxpayer to support the disabled in areas where they are capable of doing so themselves. To do otherwise would be fiscally irresponsible and in the long run, detrimental to the client's own search for independence. The IDVR counselor is charged with the responsibility of sound rehabilitation planning and guidance of the clients to the achievement of sound rehabilitation goals. This will be accomplished only when there is a thorough understanding of the philosophy, intent, and rules of the Division. As already noted, it is the philosophy of the Division that client participation, both personally and financially, is central to a successful rehabilitation outcome. It is the Division's intent that the VRC become skilled at counseling and guiding the client in the proper use of resources and successful rehabilitation outcomes. However, there are some activities of the Division that, by the rules, preclude the Division from demanding client financial participation.~~ (7-1-93)
- f. ~~A financial needs test will not be applied as a condition for providing the following services (clients may volunteer their finances however):~~ (7-1-93)
 - i. ~~Diagnostics and evaluation of rehabilitation potential;~~ (7-1-93)
 - ii. ~~Counseling, guidance, referral; and~~ (7-1-93)
 - iii. ~~Placement.~~ (7-1-93)
- g. ~~Additionally, the Division has determined that the training cost of OJT placement shall not be applied against the individual client's surplus resources (if any exist) since this is actually a pre-placement activity. None of the above should be construed as to preclude client financial involvement if they should voluntarily choose to participate. Remember: Client involvement significantly increases the chance of success.~~ (7-1-93)
- h. ~~Once eligibility has been established, the Individualized Financial Needs Assessment (IDVR Form R-52) shall be taken in conjunction with the development of the IWRP or program Amendment, or at any other time the VRC believes that the client's financial status has changed materially.~~ (7-1-94)
- 02. Allowed Exceptions.** (7-1-93)
 - a. ~~While all clients can benefit from the completion of the Financial Needs Assessment, common sense interpretation of this requirement suggests that a client who has already demonstrated financial indigence should not be required to report that experience. Therefore, it is not required that an Individualized Financial Needs Assessment be completed on a client receiving Supplemental Security Income (SSI) and Public Assistance. Should a~~

VRC determine not to complete the IFNA in either of these cases, documentation of their beneficiary status is required. Examples of acceptable documentation are SSI and public assistance letter of eligibility; copy of SSA Form 831 or 833 showing receipt of benefits; statement from SSA district office; Disability Determinations Service or Public Assistance office; counselor visual inspection of the SSI or PA benefit check with RCR recording the date of issuance, name as shown on the check and Social Security number on check; SSI verification document; and copy of Health and Welfare financial need document for PA recipients. (7-1-94)

b. A second circumstance for which the VRC may choose not to take an IFNA is in the case of the development of a no cost plan. The VRC may judge that the IFNA will not have significant value when there are no financial requirements for either the client or the Division. (7-1-94)

i. It should be noted that the VRC may choose to complete an IFNA on these clients if the VRC feels that to do so would enhance the likelihood of a successful rehabilitation outcome. (7-1-93)

ii. The use of client resources is called for from a "common sense" perspective, allowed by Federal regulation, and required by state legislative intent; but what does one do when resources available to the client may not be legally controlled by the client? (7-1-94)

iii. Utilization of the Parents' or Guardians' Financial Resources in the Development of the Plan or Program Amendment. These are resources that are potentially available to the client but not legally controlled by him/her e.g., a parents' or guardians' resources or financial holdings. Can IDVR demand that a client commit his/her parent's or guardian's income toward the Plan before the Division becomes financially involved? The answer is No! (7-1-98)

iv. In cases where the VRC determines that the client has not been emancipated from the parents or guardians, and through a financial assessment determines that the client's only potential excess resources are legally the parents or guardians, then the VRC will explain our IFNA requirements to the parent/guardian and complete a thorough IFNA on them (assuming they agree to complete one). (7-1-94)

v. Any excess resources isolated from the parent/guardian IFNA will be considered as potentially available to pay for planned services. However, since the client does not legally control these resources, the VRC cannot deny a service based solely upon a parent's or guardian's unwillingness to pay. Therefore, the VRC should negotiate to the best interest of the Division in determining the level of participation by the parent or guardian. Remember, when a client is a minor, the parents or guardians have certain legal obligations, and the VRC will not assist them in avoiding these obligations by offering Division financial assistance when the IFNA does not indicate the need for this assistance. The parent/guardian IFNA, negotiations on the utilization of excess resources, and the parent's or guardian's refusal to contribute shall be duly noted in the case file of the client (RCR). In short, when a client has not become emancipated from his/her parents or guardians, the parents' or guardians' financial status will be investigated through the completion of an IFNA unless they refuse. Any refusal shall be noted in the RCR. (7-1-94)

vi. Excess resources of the client's parents or guardians shall be considered as a similar benefit to the client at whatever level the source of these similar benefits makes them available (0-100%). The VRC shall negotiate to the best interest of the Division. (7-1-93)

e. The VRC will not shoulder the responsibility of paying for things that are the legal responsibility of the parents/guardians regarding their minor child (the client). (7-1-93)

d. Failure of the parents/guardians to contribute shall not be used as reason to preclude services to the client since the client cannot legally control the disbursement of these "similar benefits". (7-1-93)

e. All negotiations and their resultant outcomes will be recorded in the RCR. (7-1-93)

f. The VRC shall, in all cases, present the IFNA philosophy to the parents or guardians in a positive light so that they do not assume that the VRC is urging them to not participate. (7-1-93)

g. Resources legally controlled by the client will be used prior to IDVR financial involvement. Resources legally controlled by the parents or guardians - i.e., beyond the control of the client - will be used to the

~~degree that they are made available by the parents or guardians.~~ (7-1-93)

~~h. Additionally, in those cases where clients have established independence from their parents/guardians, but the parents/guardians are willing to contribute, the VRC should encourage their contribution on a "first dollar" basis. Remember, the goal of the VRC is to foster independence, allow the client to practice independence to the fullest extent possible, and assist the client where they do not have the capacity to do for themselves, through the use of similar benefits and Division resources.~~ (7-1-93)

032. Authorization For Services To Purchase. The Division requires that when purchasing services from a vendor, an authorization must be issued prior to, or in concert with, the beginning date of service. If services are provided without a Division approved authorization to purchase, the Division reserves the right to not honor the vendor's invoice. ~~Exception: A verbal authorization may be issued only by an assistant regional manager, regional manager, chief of field services or the administrator. A verbal authorization must be followed, as soon as possible, with a written authorization.~~ (7-1-98)(7-1-99)T

a. Reference: (7-1-99)T

(1)i. 34 CFR Part 361 et al.47(a) Volume 46, Number 12, January 19, 1981 (7-1-99)T

(2)ii. P.L. 1025-569220, Section 12(e), (7-1-99)T

(3)iii. State Plans for Vocational Rehabilitation, Section 6.3(a)(b)(c) Section 6.6(a)(b) (7-1-99)T

(4)iv. Title Section 33-2301, Idaho Code, (7-1-94)(7-1-99)T

(BREAK IN CONTINUITY OF SECTIONS)

500. SERVICES FOR WHICH IDAHO DIVISION OF VOCATIONAL REHABILITATION FINANCIAL PARTICIPATION WILL NOT BE AVAILABLE.

01. General Provisions. The applicant/client will not be eligible for financial participation through the Division of Vocational Rehabilitation for any diagnostic, evaluation, or remedial service that does not clearly, directly or indirectly, contribute to the determination of eligibility or to employment. (7-1-94)(7-1-99)T

02. Private Pilot's License. The Division of Vocational Rehabilitation will not financially participate in the securing of a private pilot's license for an otherwise eligible recipient. The Division may, subject to constraints imposed by sound career counseling and its Financial Needs Assessment financially assist an otherwise eligible recipient in securing a Commercial Pilot's License. (7-1-93)

03. Graduate Or Advanced Degree. It is the policy of the state unit that financial assistance to secure an Advanced or Graduate Degree for an otherwise eligible recipient will not be available. The sole exception to this rule is when it can be conclusively demonstrated that the only possible way to re-enter employment is through the securing of this Advanced or Graduate Degree, and that barriers to achieving the Advanced Degree rest solely upon barriers created by the recipient's disability(ies). (7-1-94)

04. Vehicular Purchase. State unit financial assistance will not be available for the purchase of a vehicle for the private use of an otherwise eligible recipient. For the purpose of this rule, "vehicle" is defined as any conveyance that must be licensed by the state of Idaho in order to be operated on state highways, roads, streets, and waterways. (Included within this definition are: cars, trucks, vans, motorcycles, and boats of various sizes and description). Nothing in this rule should be construed as ruling out the possible use of Division funds to enable the otherwise eligible recipient to render an already owned vehicle accessible for their use (i.e., hand controls, van conversions, and installation of lifts.). However, such add-on equipment which does not become an integral part of the vehicle shall remain under the ownership of the state unit until such time as the state unit determines that it is prudent to release its interest. (7-1-93)

05. Medical Restoration. Financial participation will not be available for a ~~surgery and other medical restoration services~~ if it is, in and of itself, the sole service needed for an otherwise eligible recipient ~~a client~~ to return to employment. ~~Medical services may be provided if:~~ (7-1-94)(7-1-99)T

a. ~~Its provision is a material part of a larger, more comprehensive Vocational Rehabilitation Plan of services designed to assist the individual in their return to employment; and if~~ (7-1-94)

b. ~~Its provision will materially affect the success or failure of the more centrally planned Vocational Rehabilitation services; and if~~ (7-1-94)

e. ~~The medical services are needed to offset the effects of a medical problem arising after eligibility for Vocational Rehabilitation has been established, and failure to provide for the needed services will materially reduce the chances of successful pursuit of the more comprehensive Plan.~~ (7-1-94)

06. Organ Transplantation. With the exception of Renal Transplantation as authorized by ~~Titles Sections 33-2307 and 33-2308, Idaho Code, all other forms of transplantation shall be reviewed with an eye towards as it relates to Subsection 500.05, of this rule; and~~ (7-1-93)(7-1-99)T

a. ~~The procedure must be defined clearly as a usual and customary procedure. The state unit will rely on the medical judgment of its medical consultant in these cases; and~~ (7-1-93)

b. ~~The benefit to the client in terms of working life and earning capacity will be expected to off-set the cost of the transplantation and related medical services.~~ (7-1-93)

07. Services To Non-Residents Of The State. Financial participation will not be available to non-residents of Idaho. However, with the exception of the Renal Disease Program, no durational requirements will be placed upon individuals who move into the state. Citizenship is not a requisite for financial assistance; however, the individual must have legal resident status (i.e., illegal aliens will not be eligible for the Vocational Rehabilitation programs or for the Renal Disease Program). To be eligible for and receive financial assistance under the state's End Stage Renal Disease Program, applying individuals must live within the state for twelve (12) consecutive months, or be on record as having been a permanent resident of the state and their reason for current external residency is a function of military obligation or temporary business assignments, or they, their spouse, parent or guardian must show proof of employment or an offer thereof in the state prior to moving to the state. (7-1-94)

- Ref: (1) P.L. 102-569
(2) 34 CFR Part XIX, State Vocational Rehabilitation Programs, Volume 49, Number 12, January 19, 1981
(3) Regional Rehabilitation Services Memorandum Number 80-25 and Attachments (HEW 1513.00 PQ-212, dated March 28, 1980)
(4) Titles 33-2301 and 33-2308, Idaho Code
(5) RSA Manual 1505.07f
(6) RSA P.Q. 246, October 10, 1980
(7) RSA PI 73-5, August 9, 1972

(BREAK IN CONTINUITY OF SECTIONS)

600. POLICY ON PROVISION OF SERVICES.

Purchase of Work Evaluation, Work Adjustment, Community Based Job Placement and Job Coaching, and Placement and Follow-Along Services. (7-1-93)

01. General Provisions. The Idaho Division of Vocational Rehabilitation will purchase subject services only from duly certified, licensed, or accredited firms, businesses, ~~facilities~~ community rehabilitation programs, or individuals. The definition of subject services will be those established by the ~~Commission on Accreditation of Rehabilitation Facilities (CARF) or RSAS, Facilities~~ Community rehabilitation programs.

businesses or firms wishing to sell the ~~subject~~ services to the Division must show appropriate certification, accreditation, or licensure. Those ~~facilities~~ community rehabilitation programs, businesses or ~~entities~~ holding CARF or RSAS, (or comparable) accreditation will receive priority recognition. (7-1-94)(7-1-99)T

Ref: (1) 34 CFR 361.42(b), 361.45, 361.52 and 361.53
(2) P.L. 102-569
(3) State Plan for Vocational Rehabilitation Section 6.2(d)
(4) Title 33-2301, Idaho Code

(BREAK IN CONTINUITY OF SECTIONS)

700. USE OF CHIROPRACTIC SERVICES.

It is the policy of the Division of Vocational Rehabilitation that eligibility for the Vocational Rehabilitation Program must be contingent upon (among other things) the medical documentation of the existence of a disability(ies) and a comprehensive study of the basic general health of the applicant for services. (7-1-94)

01. Medical Documentation. Chiropractic examinations will not suffice in meeting the medical documentation required for eligibility purposes. (7-1-93)(7-1-99)T

02. Chiropractic Exams. Chiropractic exams may be purchased as part of a larger medical assessment of eligibility if there is a clear and present reason for doing so. Additionally, chiropractic exams may be purchased in the process of investigating the possible rehabilitation benefits that may accrue from the manual manipulation to correct barriers to employment or independent living which may arise from the subluxation condition of the spine. Chiropractic treatment may provide useful therapy for acute or chronic musculoskeletal disorders and with proper medical recommendation, may be included as a part of the vocational plan of the client. (7-1-94)

Ref: (1) 42 CFR - Medicaid
(2) 34 CFR 361.31 Through and Including 361.33
(3) State Plan for Vocational Rehabilitation (Section 6.3(a))

IDAPA 47 - IDAHO DIVISION OF VOCATIONAL REHABILITATION

47.01.03 - MANAGEMENT SERVICES

DOCKET NO. 47-0103-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 1999.

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 regular rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) Title 33-2301, Idaho Code, and the 1998 Amendments of the Rehabilitation Act of 1973.

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 July 21, 1999.

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 non-technical explanation of the substance and purpose of the proposed rulemaking:

To streamline the existing rules and to implement program changes necessitated by the 1998 Amendment of the Rehabilitation Act of 1973.

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:

Compliance with deadlines in amendments to Governing Law or federal programs.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The psychological testing fee has been increased to one hundred fifty dollars (\$150) maximum. The use of a private vehicle for diagnostic, evaluation, or rehabilitation services will not exceed ninety dollars (\$90) per month.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because rules have been implemented through the 1998 Amendments of the Rehabilitation Act of 1973.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Barry J. Thompson, (208)334-3390.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 26th day of May, 1999.

F. Pat Young
Administrator
Idaho Division of Vocational Rehabilitation
650 W. State Street, Room 150
P.O. Box 83702
Boise, ID 83720-0096
(208)334-3390, Fax: (208)334-5305

THE FOLLOWING IS TEXT OF DOCKET NO. 47-0103-9901

000. --009. (RESERVED) LEGAL AUTHORITY.

Section 33-2301, Idaho Code and the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 47.01.03, "Management Services". (7-1-99)T

02. Scope. The chapter has the following scope: To streamline the existing rules and to implement program changes necessitated by the 1998 Amendments of the Rehabilitation Act of 1973. (7-1-99)T

002. WRITTEN INTERPRETATIONS.

Written interpretations to these rules in the form of the explanatory comments accompanying the notice of proposed rulemaking that originally proposed the rules are available from the Idaho Division of Vocational Rehabilitation, 650 W. State Street, Boise, Idaho 83720. (7-1-99)T

003. ADMINISTRATIVE APPEALS.

This chapter does not provide for appeal of the administrative requirements for agencies. (7-1-99)T

010. DEFINITIONS.

01. AABD. Aid to Aged Blind Disabled. (7-1-93)

02. ADC. Aid to Dependent Children. (7-1-93)

03. M.D. Medical Doctor. (7-1-93)

0104. -- 099. (RESERVED).

100. RATES OF PAYMENT.

01. Authorization To Purchase. Authorization to purchase services IDAPA 47.01.02, "Field Services," Section 300, Client Services. (7-1-99)T

012. Policy. It is the policy of the Division to pay the prevailing "usual and customary" charges for services provided to itself or to its applicants/clients by providers of goods or services. The only exception to the "prevailing usual and customary" considerations is listed herein in the fee chapter of the Divisions Manual of Operations or addressed as a result of state purchasing rules or superseding Idaho Statute. Division financial involvement will be considered in light of the issues addressed by IDAPA 47.01.02, Subsection 300.01. Exceptions may be required for geographical considerations. (7-1-94)(7-1-99)T

023. Private In-State Colleges, Vocational Technical Schools And Universities, And Other Education And Training Institutions. Maximum educational expenses (fees and tuition charges) will be based upon the current maximum cost set for resident students by the Idaho State Board of Education for the colleges and universities under their jurisdiction. The exception is if the course of study is not available at the public institution. A book and supply allowance may be provided. (See IDAPA 47.01.03, Subsection 100.04, Table - Book and Supply Allowance). (7-1-94)(7-1-99)T

034. Out-Of-State Colleges And Universities, Vocational Technical Schools And Other Education And Training Institutions. Maximum educational expenses (fees and tuition charges) will be based upon the maximum current cost set for resident students by the Idaho State Board of Education for the colleges and universities under their jurisdiction. A book and supply allowance may be provided. (See Book and Supply Allowance). An exception to this maximum will exist when the student must attend an out-of-state college or university or other education and training institute because if the course of study he/she is involved in is not offered within the college and university system of the State of Idaho, or it can be demonstrated that it is more cost beneficial to attend such a

college or university rather than a State of Idaho supported institution. The amount authorized by the Division will be negotiated with the client. (7-1-94)(7-1-99)T

04. Book And Supply Allowance.

\$210 Per Semester	(2 Per Year = \$420 Maximum)
\$140 Per Quarter	(3 Per Year = \$420 Maximum)
\$100 Per Session	

Note: Actual cost if less than above should be considered. Actual cost in excess of allowances may be approved if specific documentation can be provided. (2-1-95)

05. Medical Exams And Written Report. (7-1-93)4

a. Specialist Exams (those addressing a specialty area and provided by an M.D. or licensed psychologist) - one hundred fifty dollars (\$150) maximum plus actual cost of related procedures (e.g., x-rays). (7-1-93)

b. Psychological. Usual and customary up to ~~one hundred forty~~ one hundred forty five dollars (\$145) based upon maximum plus the actual cost of tests needed conducted. (7-1-93)(7-1-99)T

c. Ophthalmologist/Optomtrist - Table. The following fees will be the maximums for general visual exam and accompanying test for ophthalmologist/optometrist. The fee also includes frames and glasses. Tinted glasses require a prescription for IDVR payment. The specialist fee for ophthalmologist will be authorized when diseases of the eye are prevalent and cannot be dealt with by an optometrist.

PROPOSED FEE SCHEDULE		
Procedure	Code	Fee
Visual Exam	92004	\$70
Tonometry	92120	\$25
Visual Fields	92082	\$48
Fundus Photos	92250	\$40
Spectacle Frames	92020	\$60
Single Vision Lenses (per pair)	92100	\$60
Bifocals (per pair)	92200	\$85

(7-1-98)(7-1-99)T

d. Audiologist. Seventy-five dollars (\$75) maximum. (7-1-98)

e. General Basic Medical. Fifty-five dollars (\$55) maximum. (7-1-93)

06. Provisions. Provision of purchased services contingent upon financial need of the recipient; computation of budget limits by family size for allowable monthly cost for utilities, clothing/food, transportation, and entertainment. ~~On an annual basis the Division will secure from the Idaho Department of Health and Welfare the information they utilize to calculate allowable cost for the four family budget categories listed above in qualifying for~~

either ADC or AABD.

(7-1-98)(7-1-99)T

07. Medicaid Allowable. The Division will only pay the Medicaid rate for those vendors who accept Medicaid. If the vendor only accepts a limited number of Medicaid claims and is beyond that number, then the Division will consider that as not accepting Medicaid for that particular claim only kidney related services.

(7-1-98)(7-1-99)T

08. Transportation. Transportation is not a primary service. It will be considered only to support and insure the success of diagnostic, evaluation, or rehabilitation services and not as a stand-alone service.

(7-1-93)(7-1-99)T

a. Public Conveyance - Actual Cost (7-1-93)

b. Private Vehicle - not to exceed ninety (\$90) per month. (7-1-93)(7-1-99)T

i. One (1) time use at allowable reimbursement rate established in travel rules by the State Board of Examiners. (7-1-93)

ii. Multiple use (e.g., to attend school) at ninety dollars (\$90) per month maximum. (7-1-93)

iii. Extraordinary travel related to medical services may be reimbursed at the rate established by the Board of Examiners. (7-1-93)

09. Maintenance. The maximum allowable monthly maintenance payment will not exceed the monthly maximums allowed for individual SSI payments as established by the Social Security Administration. Maintenance is not a primary service. Maintenance is a supportive service. The cost of maintenance may not exceed the amount of increased expenses that the rehabilitation program causes for the individual or his/her family. It is not intended to pay for those living costs that exist irrespective of the individual's status as a vocational rehabilitation client. Maintenance must be tied to the achievement of specific vocational rehabilitation intermediate outcomes which must be stated and documented in the case record and IWRP to justify payments. Maintenance may be provided during diagnosis and evaluation when cost of food and shelter represent out-of-ordinary or extra cost imposed by reason of the diagnostic or evaluative services.

(7-1-94)(7-1-99)T

10. Copy Fees. The Division will pay a maximum of fifteen dollars (\$15) per incident to agencies, organizations, or individuals providing copies of records to be used for Division purposes. (7-1-93)

11. ~~Rehabilitation Facility~~ Community Rehabilitation Program Fees. Negotiated on an annual basis. (7-1-93)(7-1-99)T

12. Sandimmune. Effective January 1, 1993, the Idaho Division of Vocational Rehabilitation will no longer not cover the cost of Sandimmune (anti-rejection) drug for post-transplant clients in the State Kidney program as established in Idaho Code 33-2307 and 2308. The Idaho Division of Vocational Rehabilitation in its General State Federal Program (P.L. 102-569) will continue the pursuit of comparable benefits in the acquisition of Sandimmune and will only purchase this service subject to the laws and policies governing the State and Federal Rehabilitation program. (7-1-94)(7-1-99)T

Ref: (1) P.L. 102-569
(2) 34 CFR 361.46
(3) State Plan for Vocational Rehabilitation (Section 6.3.e.)
(4) IDAPA 47.01.02.300.500.

IDAPA 48 - DEPARTMENT OF COMMERCE
48.01.03 - RULES GOVERNING IDAHO REGIONAL TRAVEL
AND CONVENTION GRANT PROGRAM

DOCKET NO. 48-0103-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: These temporary rules are effective July 1, 1999.

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 rulemaking procedures have been initiated. The action is authorized pursuant to Chapter 216, Laws of 1981, the Idaho Travel and Convention Industry Bill, 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 July 21, 1999.

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 the required finding and concise statement of the supporting reasons for proposed rulemaking:

Regional Travel and Convention Program grantees may shift, with written notification, up to two thousand five hundred (\$2,500) of the total ITC dollars between line items during the entire grant cycle. The grantee must complete the appropriate amendment form, and all ITC members will vote on each amendment, for dollar amounts in excess of two thousand five hundred dollars (\$2,500).

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:

Conferring a benefit.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because input was received from the industry participants and Idaho Travel Council.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Idaho Department of Commerce, Carl Wilgus (208) 334-2470.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 28, 1999.

DATED this 24th day of May 1999.

Carl Wilgus
Administrator, Tourism Development
Department of Commerce
700 W. State St.
PO Box 83720
Boise ID 83720-0093
Phone: (208) 334-2470
Fax: (208) 334-2631

THE FOLLOWING IS TEXT OF DOCKET NO. 48-0103-9901

222. PLAN SELECTION.

The Idaho Travel Council is responsible for the selection of plans to be awarded. Selection of Regional Travel and Convention Grants is as follows: (2-22-93)

01. Committee Presentation. At a regularly scheduled ITC meeting, applications for the Regional Travel and Convention Grant Program are presented, discussed and voted upon by the Idaho Travel Council. Grant applicants may be present to comment and answer questions. (2-22-93)

02. Contract Preparation. Once the Idaho Travel Council has selected plans to be funded, the Department of Commerce will notify all applicants, by letter, of their funding status. (2-22-93)

a. All contracts will be signed for a period of no more than fourteen (14) months unless otherwise stipulated in the contract. (2-22-93)

b. If applicable, special conditions of funding will be outlined. (2-22-93)

c. The grant will take effect upon the date of award. Grant monies cannot be obligated or expended until that date. No expenditures can be reimbursed until the contract is signed by the Director of the Department of Commerce. (2-22-93)

d. Extensions and amendments shall be discouraged. However, in the event of an extension or amendment, the grantee ~~must complete the appropriate amendment form and all ITC members will vote on each amendment. The grantee may shift a maximum of ten percent (10%) of the total ITC dollars between line items during the entire grant cycle may shift,~~ with written notification, up to two thousand five hundred (\$2,500) of the total ITC dollars between line items during the entire grant cycle. The grantee must complete the appropriate amendment form, and all ITC members will vote on each amendment, for dollar amounts in excess of two thousand five hundred (\$2,500). From the Department of Commerce, extensions of up to ninety (90) days can be granted. (2-22-93)(7-1-99)T

e. In the event a plan can be completed for less than the grant amount, the difference between actual plan costs and the grant amount shall revert to the respective regional grant funds. (2-22-93)

IDAPA 55 - DIVISION OF VOCATIONAL EDUCATION

55.01.01 - GENERAL ADMINISTRATION RULES

DOCKET NO. 55-0101-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The sites are:

- * Boise State University Larry G. Selland College of Technology
Engineering Technology Room 108
1910 University Drive, Boise, Idaho
- * College of Southern Idaho
Evergreen Building Room C95
315 Falls Avenue
Twin Falls, Idaho
- * University Place
Center for Higher Education Room 311
1776 Science Center Drive, Idaho Falls, Idaho
- * Idaho State University School of Applied Technology in Pocatello
Vocational Arts Building Room 118
777 Memorial Drive
Pocatello, Idaho
- * Lewis Clark State College
Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, IDAPA 55.01.01, "General Administration Rules," is being repealed in its entirety and will be rewritten into new temporary and proposed rule, IDAPA 55.01.01 through 55.01.03.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 55 - THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.01 - RULES GOVERNING ADMINISTRATION

DOCKET NO. 55-0101-9902

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The sites are:

- * Boise State University Larry G. Selland College of Technology
Engineering Technology Room 108
1910 University Drive, Boise, Idaho
- * College of Southern Idaho
Evergreen Building Room C95
315 Falls Avenue
Twin Falls, Idaho
- * University Place
Center for Higher Education Room 311
1776 Science Center Drive, Idaho Falls, Idaho
- * Idaho State University School of Applied Technology in Pocatello
Vocational Arts Building Room 118
777 Memorial Drive
Pocatello, Idaho
- * Lewis Clark State College
Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Administrative Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. Therefore, they will be repealed in their entirety. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, new temporary and proposed rules have been written. IDAPA 55.01.01, "Rules Governing Administration," defines the duties of the State Division of Professional-Technical Education.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THE FOLLOWING IS TEXT OF DOCKET NO. 55-0101-9902

IDAPA 55
TITLE 01
CHAPTER 01

IDAPA 55 - THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

55.01.01 - RULES GOVERNING ADMINISTRATION

000. LEGAL AUTHORITY.

The State Board of Education is designated as the State Board for Professional-Technical Education and is responsible to execute the laws of the state of Idaho relative to professional-technical education, administer state and federal funds, and through the administrator of the State Division of Professional-Technical Education, coordinate all efforts in professional-technical education (Sections 33-2202 through 33-2212, Idaho Code). (7-1-99)T

001. TITLE AND SCOPE.

- 01. Title.** These rules shall be known as the IDAPA 55.01.01, "Rules Governing Administration". (7-1-99)T
- 02. Scope.** These rules serve the administration of Professional-Technical Education in Idaho and define the duties of the State Division of Professional-Technical Education. (7-1-99)T
- 002. WRITTEN INTERPRETATIONS.**
Written interpretations of these rules, if any, are on file at the office of the State Division of Professional-Technical Education. (7-1-99)T
- 003. ADMINISTRATIVE APPEALS.**
All appeals under these rules shall be conducted pursuant to the procedures set forth by the State Board of Professional-Technical Education. (7-1-99)T
- 004. DEFINITIONS.**
Professional-technical education is generally defined as secondary, postsecondary and adult courses, programs, training and services for occupations or careers that require other than a baccalaureate, master's or doctoral degree. The courses, programs, training and services include vocational, technical and applied technology education. They are delivered through the professional-technical delivery system of public secondary and postsecondary schools and colleges. (7-1-99)T
- 005. -- 099. (RESERVED).**
- 100. STATEMENT OF PURPOSE.**
The mission of Professional-Technical Education is to provide Idaho's youth and adults with the technical skills, knowledge and attitudes necessary for successful performance in a globally competitive work place. The Division of Professional-Technical Education serves as an administrative arm of the State Board for Professional-Technical Education. The State Board appoints a person to serve as the state administrator. Staff are provided to assist the state administrator in conducting the functions of the Division. (7-1-99)T
- 101. POLICIES, PROCEDURES AND GUIDELINES.**
The State Board for Professional-Technical Education designates the State Division of Professional-Technical Education to develop, establish and disseminate policies, procedures, and guidelines for the purpose of administering professional-technical education in the state. (7-1-99)T
- 102. BASIC FUNCTION.**
The State Division of Professional-Technical Education will: (7-1-99)T
- 01. Provide Statewide Leadership And Coordination For Professional-Technical Education.** (7-1-99)T
 - 02. Assist Local Educational Agencies In Program Planning, Development, And Evaluation.** (7-1-99)T
 - 03. Promote The Availability And Accessibility Of Professional-Technical Education.** (7-1-99)T
 - 04. Prepare Annual And Long-Range State Plans.** (7-1-99)T
 - 05. Prepare An Annual Budget To Present To The State Board And The Legislature.** (7-1-99)T
 - 06. Provide A State Finance And Accountability System For Professional-Technical Education.** (7-1-99)T
 - 07. Administer And Deliver Emergency Services Training.** (7-1-99)T
 - 08. Evaluate Professional-Technical Education Programs.** (7-1-99)T

- 09. **Initiate Research, Curriculum Development And Personnel Development Activities.** (7-1-99)T
- 10. **Collect, Analyze, Evaluate, And Disseminate Data And Program Information.** (7-1-99)T
- 11. **Administer Programs In Accordance With State And Federal Legislation.** (7-1-99)T
- 12. **Provide Support And Leadership For Professional-Technical Student Organizations.** (7-1-99)T
- 13. **Provide Liaison With Related Agencies, Officials, And Organizations.** (7-1-99)T

103. PROFESSIONAL-TECHNICAL FACULTY.

IDAPA 55.01.01, "Rules Governing Administration," and IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction or Termination," shall apply to professional-technical faculty at all institutions. In the case of conflict between IDAPA 08.01.02, "Personnel Rules of the State Board of Education," and IDAPA 55.01.01, "Rules Governing Administration," or IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction or Termination," IDAPA 55.01.01, "Rules Governing Administration," and IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction or Termination," shall control and be given priority. (7-1-99)T

104. TENURE.

Regarding tenure of professional-technical faculty, see the State Board of Professional-Technical Education Policies and Procedures, Section VII, Subsection B.1, Non-Tenure Track Policy. (7-1-99)T

105. -- 999. (RESERVED).

IDAPA 55 - DIVISION OF VOCATIONAL EDUCATION
55.01.02 - POSTSECONDARY VOCATIONAL TECHNICAL EDUCATION RULES
DOCKET NO. 55-0102-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

- * Boise State University Larry G. Selland College of Technology
Engineering Technology Room 108
1910 University Drive, Boise, Idaho
- * College of Southern Idaho
Evergreen Building Room C95
315 Falls Avenue
Twin Falls, Idaho
- * University Place
Center for Higher Education Room 311
1776 Science Center Drive, Idaho Falls, Idaho
- * Idaho State University School of Applied Technology in Pocatello
Vocational Arts Building Room 118
777 Memorial Drive
Pocatello, Idaho
- * Lewis Clark State College
Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, IDAPA 55.01.02, "Postsecondary Vocational Technical Education Rules," is being repealed in its entirety and will be rewritten into new temporary and proposed rules IDAPA 55.01.01 through 55.01.03.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 55 - THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

**55.01.02 - RULES GOVERNING POSTSECONDARY PROGRAM
REDUCTION OR TERMINATION**

DOCKET NO. 55-0102-9902

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

- * Boise State University Larry G. Selland College of Technology
Engineering Technology Room 108
1910 University Drive, Boise, Idaho
- * College of Southern Idaho
Evergreen Building Room C95
315 Falls Avenue
Twin Falls, Idaho
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Vocational Arts Building Room 118
777 Memorial Drive
Pocatello, Idaho
- * Lewis Clark State College
Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Administrative Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. Therefore, they will be repealed in their entirety. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, new temporary and proposed rules have been written. IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction or Termination," sets forth the conditions and procedures for reduction or termination of postsecondary professional-technical programs.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THE FOLLOWING IS TEXT OF DOCKET NO. 55-0102-9902

IDAPA 55
TITLE 01
CHAPTER 02

55.01.02 - RULES GOVERNING POSTSECONDARY PROGRAM REDUCTION OR TERMINATION

000. LEGAL AUTHORITY.

The State Board of Education is designated as the State Board for Professional-Technical Education and is responsible to execute the laws of the state of Idaho relative to professional-technical education, administer state and federal funds, and through the administrator of the State Division of Professional-Technical Education, coordinate all efforts in professional-technical education (Sections 33-2202 through 33-2212, Idaho Code). (7-1-99)T

001. TITLE AND SCOPE.

01. Title. These rules shall be known as the IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction Or Termination". (7-1-99)T

02. Scope. These rules serve the administration of Professional-Technical Education in Idaho and define the duties of the State Division of Professional-Technical Education. (7-1-99)T

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules, if any, are on file at the office of the State Division of Professional-Technical Education. (7-1-99)T

003. ADMINISTRATIVE APPEALS.

All appeals under these rules shall be conducted pursuant to the procedures set forth by the State Board of Professional-Technical Education. (7-1-99)T

004. DEFINITIONS.

- 01. ICPS.** Means Idaho Classified Personnel System. (7-1-99)T
- 02. SDPTE.** Means State Division of Professional-Technical Education. (7-1-99)T
- 03. SBPTE.** Means State Board for Professional-Technical Education. (7-1-99)T
- 04. Institution.** Means one (1) of the six (6) postsecondary technical colleges. (7-1-99)T

005. -- 099. (RESERVED).

100. STATEMENT OF PURPOSE.

IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction Or Termination," specifically applies to reductions or terminations in postsecondary professional-technical education programs, and to the extent there is a conflict between IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction Or Termination," and the Administrative Rules of the Board of Education IDAPA 08.01.02. "Personnel Rules of the State Board of Education," IDAPA 55.01.02, "Rules Governing Postsecondary Program Reduction Or Termination," supersedes and shall be given priority over said Administrative Rules of the State Board of Education. (7-1-99)T

101. CONDITIONS FOR REDUCTION OR TERMINATION.

The Idaho State Board of Professional-Technical Education sets forth the following conditions and procedures for the reduction or termination of postsecondary professional-technical programs. Any postsecondary professional-technical education program is subject to reduction or termination when the SBPTE finds that one (1) or more of the following conditions exist. (7-1-99)T

01. Inadequate Job Opportunities. Adequate job opportunities no longer exist in the occupation of which the training is provided (as exhibited by local, regional and statewide employment data) to justify continued operation of a program at its current level. (7-1-99)T

02. Inadequate Student Enrollment. Student enrollment is below an acceptable standard for two consecutive years. (Standard to be predetermined at the local level based on facilities requirements, equipment needs, and an acceptable student/teacher ratio.) Seventy-five percent (75%) of capacity is considered a generally acceptable standard. (7-1-99)T

03. Inadequate Job Placement. Job placement in the occupation for which training is provided is below seventy-five percent (75%) of completers available for employment for two (2) consecutive years. Job placement will be assessed through statewide follow-up system. (7-1-99)T

04. Inadequate Completion Rate. For two (2) consecutive years, Associate of Applied Science degree programs/options and certificate programs/options have less than a fifty percent (50%) completion rate. (7-1-99)T

05. Inadequate Need Based On Assessment. Current statewide Needs Assessment/Strategic Plan places reduced emphasis on training in the occupation for which the program prepares students. (7-1-99)T

06. Inadequate Finances. A condition of financial exigency as determined by the SBPTE prevents the continuation of a quality program at its current level of operation. (7-1-99)T

102. PROCEDURES.

The following procedures will govern the reduction or termination of postsecondary professional-technical programs. (7-1-99)T

01. Notice Of Initiation. (7-1-99)T

a. Formal notice of initiation of program review proceedings will be provided to the institution's president/designee by the SDPTE; or (7-1-99)T

b. When the proceedings are initiated by the institution, the institution's president/designee will notify the SDPTE. (7-1-99)T

02. Official Documentation. Official documentation that one (1) or more of the conditions stated in Section 101 exists. This documentation will be compiled through the joint efforts of the institution and the SDPTE. (7-1-99)T

03. Official Recommendation. Official recommendation for program reduction or termination will be presented by the SDPTE to the SBPTE for final action. (7-1-99)T

04. Notification Of Employees. The postsecondary institution will notify the employees affected by the program reduction or termination of the SBPTE's action. (7-1-99)T

05. Vacated Positions. The vacated position(s) will remain with the postsecondary institution if appropriate reallocation is justified to the SBPTE. Positions left vacated more than twelve (12) months are subject to reallocation within the professional-technical college system or elimination. (7-1-99)T

06. Transfer Of Programs. Upon written request by the postsecondary institution, assessment will be made by the SDPTE to determine the feasibility of transferring the program, position(s), equipment and such, affected by the reduction or termination to another postsecondary institution. (7-1-99)T

103. EFFECTIVE DATE.

The actual program reduction or termination will take place upon completion of the school year in which the reduction or termination was approved, or upon completion of the program by students enrolled in the program, whichever is later, unless provision can be made for transfer of such students to a mutually acceptable program. (7-1-99)T

104. -- 199. (RESERVED).

200. REDUCTIONS IN FORCE.

The institution, after consultation with professional-technical faculty, professional staff, and classified personnel, must prepare and recommend to the SDPTE a plan consisting of various alternatives to implement program reduction or termination and staff reduction procedures. When developing this plan, consideration must be given to the necessity and manner of reducing the employment force and the criteria for identifying the employees who are to be laid off. The SDPTE must consider and approve a program to implement its decision prior to the effective date of any layoffs. Reductions in force will be done equitably, in good faith, and in a systematic manner. The institution may establish a committee to advise the president/designee on the need for program reduction or termination and the possible remedies therefore. (7-1-99)T

202. CRITERIA.

In making any staff reduction recommendation, the institution must utilize as the first criterion the preservation of the quality and effectiveness of its programs. (7-1-99)T

01. Retained Employees. Those employees who, in the sole and absolute discretion of the institution president, are determined to be of key importance to the specific program will be retained in preference to other employees, regardless of their status. (7-1-99)T

02. Programs. Programs, for the purposes of Section 202, include professional-technical, academic, non-instructional, maintenance, administrative, and other support areas. (7-1-99)T

03. Other Criteria. Other criteria that must be considered include: (7-1-99)T

a. Tenure. (7-1-99)T

b. Rank. (7-1-99)T

c. Time in rank. (7-1-99)T

d. Length of service. (7-1-99)T

e. Field of specialization. (7-1-99)T

f. Maintenance of necessary programs or services. (7-1-99)T

g. Maintenance of affirmative action programs. (7-1-99)T

h. Quality of service and work. (7-1-99)T

203. -- 299. (RESERVED).

300. NOTICE TO EMPLOYEES.

Any layoff may be of severe economic and personal loss to the employee. Therefore, within five (5) working days of SBPTE program reduction approval, the institution must give notice in writing to employees who are affected by a program reduction or termination. (7-1-99)T

301. FORM OF NOTICE.

The notice must include: (7-1-99)T

01. Date. The effective date of layoff; (7-1-99)T

02. Reasons. A statement of the reasons for the action to eliminate or reduce the size of the program; (7-1-99)T

03. Criteria. The basis, the procedures, and the criteria used to layoff an employee; (7-1-99)T

04. Appeal. Any opportunity for appeal of the initial recommendation and access to appropriate documentation; and (7-1-99)T

05. Reinstatement. The reinstatement rights of the employee. (7-1-99)T

302. TIME OF NOTICE.

The institution will make every effort to give as much notice as practical to each affected employee in advance of the effective date of the layoff. The SBPTE requires the following minimum written notice of layoff. (7-1-99)T

01. Classified Employees. To employees subject to the Idaho Classified Personnel System (ICPS) who shall be subject to the requirements of the ICPS, but in no case not less than sixty (60) calendar days before the effective date of layoff. (7-1-99)T

02. Exempt Employees. To exempt employees serving under a contract of employment for a fixed term, not less than sixty (60) calendar days before the effective date of layoff. (7-1-99)T

03. Faculty Members. To faculty members occupying faculty positions, a notice of the effective date of the layoff being not less than sixty (60) calendar days prior to the end of the semester in which the reduction or termination is declared. (7-1-99)T

04. Timelines. If notice is not given within the timelines of Section 300 or Section 302, then such effective date shall be no sooner than sixty (60) after the actual notice is given. (7-1-99)T

303. RELOCATION.

At the time it is preparing and implementing a program reduction or termination the institution shall, to the extent practicable, make a good faith effort to relocate any employee to be laid off in a suitable vacant position within the institution for which that employee is fully qualified. Except when required by the rules of the Division of Human Resources applicable to employees subject to the ICPS, an employee to be laid off has no right to bump another employee from a position to maintain employment. This good faith effort to relocate an employee need not extend beyond the effective date of the layoff, but the employee does have the layoff roster rights provided herein. (7-1-99)T

304. -- 399. (RESERVED).

400. APPEAL RIGHTS OF CLASSIFIED EMPLOYEES.

The decision of the institution's president is final and not appealable to the SBPTE. (7-1-99)T

401. APPEAL RIGHTS OF NON-CLASSIFIED EMPLOYEES.

A reduction in force of employees serving under a contract of employment for a fixed term will be accomplished by non-renewal of the contract of employment rather than by layoff during the term of employment. Non-renewal is not appealable within the institution nor is it appealable to the SBPTE. If an institution determines that the reduction in force requires that an employee serving under a contract of employment for a fixed term be laid off during the term of employment, that employee is entitled to use the institution's appeal procedures. (7-1-99)T

01. Notification. The employee must notify the president/designee of the institution in writing, within fifteen (15) days of the receipt of the notice of layoff, of his/her intent to use the institution's appeal procedure. (7-1-99)T

02. Decision. The decision of the president following the appeal procedure is final and not appealable to the SBPTE. (7-1-99)T

03. Effective Date. Use of the internal appeal procedure does not delay the effective date of layoff. (7-1-99)T

402. STANDARD OF REVIEW.

The sole basis on which to contest a layoff of employees subject to the ICPS is compliance with the rules of the Division of Human Resources, where applicable, and compliance with the rules and the program for reduction in force approved by the SBPTE. The sole basis to contest a layoff of faculty members and non-faculty/non-classified employees serving under a contract of employment for a fixed term is compliance with the SBPTE rules and the program for reduction in force approved by the SBPTE. (7-1-99)T

403. LAYOFF ROSTER FOR CLASSIFIED EMPLOYEES.

When laying off employees subject to the ICPS, the institution must prepare and distribute a listing of retention point scores of employees and classes to be affected by the layoff as required by the rules of the Division of Human Resources. A classified employee reinstated from a layoff roster will be paid at a pay grade and step consistent with the rules of the IPC in effect at the time of reinstatement. (7-1-99)T

404. BENEFITS.

An employee who is laid off may continue to contribute toward and receive the benefits of any state health insurance program if, and to the extent, that the laws, rules, regulations, policies, and procedures governing the administration of such insurance program so permit. (7-1-99)T

405. ACCRUED LEAVE.

An employee who has been laid off and who accepts reemployment must be credited with any sick leave which the employee had accrued as of the date of layoff, and with any annual leave which the employee had accrued as of the date of layoff and for which the employee has not received payment. (7-1-99)T

406. REINSTATEMENT RIGHTS FOR TENURED FACULTY.

In cases of layoff of tenured faculty members occupying faculty positions, the position concerned may not be filled by replacement within a period of three (3) years from the effective date of the layoff unless the tenured faculty member has been offered a return to employment in that position and has not accepted the offer within thirty (30) calendar days after the offer was extended. (7-1-99)T

01. Obligation. If an offer of reinstatement is not accepted, the tenured faculty member's name may be deleted from the reinstatement list, and, if so deleted, the institution and the SBPTE have no further obligation to the faculty member. (7-1-99)T

02. Benefits. A tenured faculty member who is laid off may continue to contribute toward and receive benefits of any state health insurance program if, and to the extent that, the laws, rules, regulations, policies, and procedures governing the administration of such insurance program so permit. (7-1-99)T

03. Reemployment. A tenured member of the faculty who has been laid off and who accepts reemployment at the institution will resume tenure and the rank held at the time of layoff, be credited with any sick leave accrued as of the date of layoff, be paid a salary commensurate with the rank and length of previous service, and be credited with any annual leave which the employee has accrued as of the date of layoff and for which the employee has not received payment. (7-1-99)T

407. REINSTATEMENT RIGHTS FOR NON-TENURED FACULTY AND NON-CLASSIFIED EMPLOYEES.

In cases of layoff of non-tenured faculty members occupying faculty positions, and non-classified employees, the position concerned may not be filled by replacement within a period of one (1) year from the effective date of the layoff unless the employee has been offered a return to employment in that position and the employee has not accepted the offer within thirty (30) calendar days after the offer was extended. (7-1-99)T

01. Obligation. If an offer of reinstatement is not accepted, the employee's name may be deleted from the reinstatement list and, if so deleted, the institution and the SBPTE have no further obligation to the employee. (7-1-99)T

02. Benefits. A non-tenured faculty member, or a non-classified employee who is laid off may continue to contribute toward and receive the benefits of any state health insurance program if, and to the extent that, the laws, rules, regulations, policies, and procedures governing the administration of such insurance program so permit. (7-1-99)T

03. Non-Tenured Faculty. A non-tenured member of the faculty who has been laid off and who accepts reemployment at the institution will resume the rank (if applicable) held at the time of layoff, be credited with any sick leave accrued as of the date of layoff, be paid a salary commensurate with the rank and length of previous service, and will be credited with any annual leave which the employee had accrued as of the date of layoff and for which the employee has not received payment. (7-1-99)T

04. Non-Classified Employee. A non-classified employee who has been laid off and who accepts reemployment at the institution will be credited with any sick leave the employee had accrued as of the date of layoff, paid a salary commensurate with the length of previous service, and credited with any annual leave which the employee had accrued as of the date of layoff and for which the employee has not received payment. (7-1-99)T

408. -- 999. (RESERVED).

IDAPA 55 - DIVISION OF VOCATIONAL EDUCATION

55.01.03 - PROGRAMMATIC RULES

DOCKET NO. 55-0103-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

- * Boise State University Larry G. Selland College of Technology
Engineering Technology Room 108
1910 University Drive, Boise, Idaho
- * College of Southern Idaho
Evergreen Building Room C95
315 Falls Avenue
Twin Falls, Idaho
- * University Place
Center for Higher Education Room 311
1776 Science Center Drive, Idaho Falls, Idaho
- * Idaho State University School of Applied Technology in Pocatello
Vocational Arts Building Room 118
777 Memorial Drive
Pocatello, Idaho
- * Lewis Clark State College
Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, IDAPA 55.01.03, "Programmatic Rules," is being repealed in its entirety and will be rewritten into new temporary and proposed rules IDAPA 55.01.01 through 55.01.03.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 55 - THE DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION
55.01.03 - RULES GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER
DOCKET NO. 55-0103-9902

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

- * Boise State University Larry G. Selland College of Technology
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Sam Glenn Room 50
500 8th Avenue
Lewiston, Idaho
- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Administrative Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. Therefore, they will be repealed in their entirety. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, new temporary and proposed rules have been written. IDAPA 55.01.03, "Rules Governing Perkins Title III Secondary Funding Formula Waiver," defines the terms of distribution of federal funds.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THE FOLLOWING IS TEXT OF DOCKET NO. 55-0103-9902

IDAPA 55
TITLE 01
CHAPTER 03

55.01.03 - RULES GOVERNING PERKINS TITLE III SECONDARY FUNDING FORMULA WAIVER

000. LEGAL AUTHORITY.

The State Board of Education is designated as the State Board for Professional-Technical Education and is responsible to execute the laws of the state of Idaho relative to professional-technical education, administer state and federal funds, and through the administrator of the State Division of Professional-Technical Education, coordinate all efforts in professional-technical education (Sections 33-2202 through 33-2212, Idaho Code). (7-1-99)T

001. TITLE AND SCOPE.

01. Title. These rules shall be known as the IDAPA 55.01.03, "Rules Governing Perkins Title III Secondary Funding Formula Waiver". (7-1-99)T

02. Scope. These rules serve the administration of Professional-Technical Education in Idaho and define the duties of the State Division of Professional-Technical Education. (7-1-99)T

002. WRITTEN INTERPRETATIONS.

Written interpretations of these rules, if any, are on file at the office of the State Division of Professional-Technical Education. (7-1-99)T

003. ADMINISTRATIVE APPEALS.

All appeals under these rules shall be conducted pursuant to the procedures set forth by the State Board of Professional-Technical Education. (7-1-99)T

004. DEFINITIONS.

Perkins III means Carl Perkins Act Federal Legislation of 1998. (7-1-99)T

005. -- 099. (RESERVED).

100. STATEMENT OF PURPOSE.

The secondary funding formula will distribute seventy percent (70%) of the Perkins Title III funds based on the amount of funds received by the school district under Section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S. C. 2701, et seq.) as compared to the total amount of such funds in the state; and thirty percent (30%) of the funds based on the school district population aged fifteen (15) to nineteen (19), inclusive, compared to the total state population aged fifteen (15) to nineteen (19), inclusive. (7-1-99)T

101. -- 999. (RESERVED).

IDAPA 55 - DIVISION OF VOCATIONAL EDUCATION
55.01.04 - SECONDARY VOCATIONAL EDUCATION RULES
DOCKET NO. 55-0104-9901
NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

- * Boise State University Larry G. Selland College of Technology
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- * Workforce Training Center
Room 108
525 West Clearwater Loop
Post Falls, Idaho

For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, IDAPA 55.01.04, "Secondary Vocational Education Rules," is being repealed in its entirety and will be rewritten into new temporary and proposed rules IDAPA 55.01.01 through 55.01.03.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the temporary and proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 55 - DIVISION OF VOCATIONAL EDUCATION
55.01.05 - REDUCTION OF POSTSECONDARY VOCATIONAL AND
APPLIED TECHNOLOGY EDUCATION PROGRAMS

DOCKET NO. 55-0105-9901

NOTICE OF TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rules is July 1, 1999.

AUTHORITY: In compliance with Section 67-5220(1), Idaho Code notice is hereby given that this agency has proposed rule making. The action is authorized pursuant to Section 33-2211, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rule making will be scheduled for 3:00 - 5:00 p.m. on the 16th day of August, 1999 via the distance learning network located at each of Idaho's six postsecondary institutions. The listed below.

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For additional details about the room arrangements contact Dr. DeVere Burton at 208-334-3216.

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 concise nontechnical statement of the substance and purpose of the proposed rule making:

The current Rules of the Division of Vocational Education are obsolete and reflect out-dated federal and state legislation requirements. In addition, Senate Bill 1246 AA, which was signed into law by Governor Kempthorne in 1999, mandates the name change of the Division of Vocational Education to the Division of Professional-Technical Education and the State Board for Vocational Education to the State Board for Professional-Technical Education. Therefore, IDAPA 55.01.05, "Reduction Of Postsecondary Vocational And Applied Technology Education Programs," is being repealed in its entirety and will be rewritten into new temporary and proposed rules IDAPA 55.01.01 through 55.01.03.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate for the following reasons:

These rules are promulgated as temporary to conform to the charges of Idaho Code effective July 1, 1999 and to protect the public welfare.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

There are no fees associated with this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:: For assistance on technical questions concerning this temporary and proposed rule, contact Mike Rush at (208) 334-3216.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 16, 1999.

DATED this 26th day of May, 1999.

Mike Rush, State Administrator
Idaho Division of Professional-Technical Education
650 West State St.
P.O. Box 83720
Boise, Idaho 83720-0095
(208)334-3216
Fax (208)334-2365

THIS RULE IS BEING REPEALED IN ITS ENTIRETY.

Subjects Affected Index

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

Docket No. **07-0106-9901**

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Bulletin Summary of Proposed Rulemaking

PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

IDAPA 07 – DIVISION OF BUILDING SAFETY **277 N. 6th St., Boise, ID 83702**

Docket No. **07-0106-9901**, Rules Governing the Use of the National Electrical Code. Adopts 1999 edition of the National Electrical Code. Comment By: 7/28/99.

IDAPA 08 – BOARD OF EDUCATION/DEPARTMENT OF EDUCATION **P.O. Box 83720, Boise, Idaho 83720-0037**

Docket No. **08-0203-9901**, Rules Governing Thoroughness. Establishes state exiting standards as a minimum requirement for graduation from public schools. Comment By: 9/23/99.

IDAPA 09 – DEPARTMENT OF LABOR **317 W. Main St., Boise, ID 83735**

Docket No. **09-0106-9901**, Rules of the Appeals Bureau. Implements changes to Idaho's Claims for Wages Act that was amended during the last session of the Idaho Legislature to allow wage claim appeals to be heard by the Department's Appeals Bureau. Comment By: 7/28/99.

Docket No. **09-0130-9901**, Rules of the Benefits Bureau. Allows educational institutions to show "reasonable assurance" of continuing employment by providing either an oral or written statement to the Department; allows employers to provide separation information to a Department representative by telephone or e-mail, in addition to current means. Comment By 7/28/99.

IDAPA 11 – DEPARTMENT OF LAW ENFORCEMENT **P.O. Box 700, Meridian, Idaho 83680-0700**

Docket No. **11-0501-9901**, Alcohol Beverage Control Rules. Defines terms "Restaurant" and "Stock Transfers" in the Rules. Comment By: 7/28/99.

IDAPA 12 – DEPARTMENT OF FINANCE **P. O. Box 83720, Boise, ID 83720-0031**

Docket No. **12-0108-9901**, Rules Governing the Idaho Securities Act. Provides another means for small business to seek capital from sophisticated investors. Comment By: 7/28/99.

IDAPA 13 – IDAHO FISH AND GAME COMMISSION **PO Box 25, Boise, ID 82707**

Docket No. **13-0104-9901**, Rules Governing Licensing. Landowner appreciation permit rule changes comply with statute amendments by House Bill 167 and sets the permit levels for the 1999 seasons; sets 1999 outfitter allocations. Comment By: 7/28/99.

Docket No. **13-0108-9901**, The Taking of Big Game Animals. Deletes the season material for moose, sheep, goat,

deer, elk, antelope, bear, and mountain lion. These 1999 seasons have been set by Commission Proclamation; changes to Rule 421 are consistent with HCR No. 18; amends and corrects other rules. Comment By: 7/28/99.

Docket No. **13-0109-9901**, The Taking of Game Birds. Deletes season material for turkey, sandhill crane, and early goose, and deletes redundant unit boundary descriptions. The 1999 turkey, sandhill crane, and early goose seasons were set by Commission Proclamation; and allows a second turkey tag in some areas. Comment By: 7/28/99.

Docket No. **13-0115-9901**, Rules Governing the Use of Dogs. Defines certain terms; amends license and permit requirements; and other changes. Comment By: 7/28/99.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

P. O. Box 83720, Boise, ID 83720-0036

Docket No. **16-0309-9904**, Medical Assistance Rules. Makes description of provider more definitive for provider qualifications for mental health clinics. Comment By: 7/28/99.

Docket No. **16-0309-9905**, Medical Assistance Rules. Establishes income category for individuals receiving Home and Community-Based services under Medicaid; describes client contribution for waiver services; income limit is increased to match that of an individual residing in a nursing home. Comment By: 7/28/99.

Docket No. **16-0323-9901**, Uniform Assessments for State-Funded Clients Rules. Sets requirements for person who must have a uniform assessment before receiving state-funded supportive living services. Comment By: 7/28/99.

IDAPA 18 – DEPARTMENT OF INSURANCE

P. O. Box 83720, Boise, ID 83720-0043

Docket No. **18-0154-9901**, Medicare Supplement Insurance Minimum Standards. Repeal of chapter. Comment By: 7/28/99.

Docket No. **18-0154-9902**, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. Rewrite of chapter adds additional insurance choices and portability protections for Medicare beneficiaries. Comment By: 7/28/99.

IDAPA 25 – OUTFITTERS AND GUIDES LICENSING BOARD

1365 North Orchard, Suite 172, Boise, Idaho 83706

Docket No. **25-0101-9901**, Rules of the Outfitters and Guides Licensing Board. Provides an outfitting opportunity to two (2) licensed outfitters on a section of the Boise River from the west or downstream side of the Garden City municipal limits to the east or upstream side of the Caldwell municipal limits. Comment By: 7/28/99.

IDAPA 39 – DEPARTMENT OF TRANSPORTATION

P.O. Box 7129, Boise ID 83707-1129

Docket No. **39-0272-9901**, Administrative License Suspension Rules. Authorizes law enforcement agencies to develop and use their own probable cause affidavits or an equivalent document in place of the department's if in compliance with Section 18-8002A, Idaho Code. Comment By: 7/28/99.

IDAPA 47 – IDAHO DIVISION OF VOCATIONAL REHABILITATION

P. O. Box 83720, Boise, ID 83720-0096

Docket No. **47-0101-9901**, Rules Governing General Administration. Implements program changes necessitated by the 1998 Amendment of the Rehabilitation Act of 1973. Comment By: 7/28/99.

Docket No. **47-0102-9901**, Field Services. Implements program changes necessitated by the 1998 Amendment of the Rehabilitation Act of 1973. Comment By: 7/28/99.

Docket No. **47-0103-9901**, Management Services. Implements program changes necessitated by the 1998

Amendment of the Rehabilitation Act of 1973. Comment By: 7/28/99.

IDAPA 48 – DEPARTMENT OF COMMERCE

P. O. Box 83720, Boise, ID 83720-0093

Docket No. **48-0103-9901**, Idaho Regional Travel and Convention Grant Program Rules. Allows grantees, with written notification, to shift up to \$2,500 between line items during the entire grant cycle. The grantee must complete the appropriate amendment form, and all ITC members will vote on each amendment, for dollar amounts in excess of \$2,500. Comment By: 7/28/99.

IDAPA 55 – DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION

P. O. Box 83720, Boise, ID 83720-0095

Docket No. **55-0101-9901**, General Administration Rules. Repeal of chapter. Comment By: 8/16/99.

Docket No. **55-0101-9902**, Rules Governing Administration. Rewrite of chapter defines the duties of the State Division of Professional-Technical Education. Comment By: 8/16/99.

Docket No. **55-0102-9901**, Postsecondary Vocational Technical Education Rules. Repeal of chapter. Comment By: 8/16/99.

Docket No. **55-0102-9902**, Rules Governing Postsecondary Program Reduction or Termination. Rewrite of chapter sets forth the conditions and procedures for reduction or termination of postsecondary professional-technical programs. Comment By 8/16/99.

Docket No. **55-0103-9901**, Programmatic Rules. Repeal of chapter. Comment By: 8/16/99.

Docket No. **55-0103-9902**, Rules Governing Perkins Title III Secondary Funding Formula Waiver. Rewrite of chapter defines the terms of distribution of federal funds. Comment By: 8/16/99.

Docket No. **55-0104-9901**, Secondary Vocational Education Rules. Repeal of chapter. Comment By: 8/16/99.

Docket No. **55-0105-9901**, Reduction of Postsecondary and Applied Technology Education Programs. Repeal of chapter. Comment By: 8/16/99.

PUBLIC HEARINGS - Public Hearings have been scheduled for the following dockets:

Idaho State Board of Education

Docket No. **08-0203-9901**, Rules Governing Thoroughness.

Division of Professional-Technical Education

Docket No. **55-0101-9901**, General Administration Rules.

Docket No. **55-0101-9902**, Rules Governing Administration.

Docket No. **55-0102-9901**, Postsecondary Vocational Technical Education Rules.

Docket No. **55-0102-9902**, Rules Governing Postsecondary Program Reduction or Termination.

Docket No. **55-0103-9901**, Programmatic Rules.

Docket No. **55-0103-9902**, Rules Governing Perkins Title III Secondary Funding Formula Waiver.

Docket No. **55-0104-9901**, Secondary Vocational Education Rules.

Docket No. **55-0105-9901**, Reduction of Postsecondary and Applied Technology Education Programs.

Please refer to the Idaho Administrative Bulletin, **July 7, 1999, Volume 99-7** for notices and text of all rulemakings, public hearing schedules, governor's executives orders, and agency contact names.

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