

IDAHO ADMINISTRATIVE BULLETIN

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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 monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.

State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of 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 Rulemaking Notice published in the Bulletin. 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 rule-making activities.

CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN

The Bulletin is cited by year and issue number. For example, Bulletin 02-1 refers to the first Bulletin issued in calendar year 2002; Bulletin 03-1 refers to the first Bulletin issued in calendar year 2003. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 02-1 refers to January 2002; Volume No. 03-2 refers to February 2003; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume 03-1. The December 2002 Bulletin is cited as Volume 02-12.

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 RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is

feasible to do so. Publication of a “Notice of Intent to Promulgate” a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

A proposed rulemaking is an action by an agency wherein 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. This notice must include:

- a) the specific statutory authority (from Idaho Code) 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 as provided in Section 67-5222, Idaho Code; 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. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.

TEMPORARY RULEMAKING

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

- a) 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. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

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

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

An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it become 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 Rulemaking". This includes:

- a) a statement giving 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;*
- 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 change 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 Rulemaking" is published.

FINAL RULEMAKING

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

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 an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the 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 that 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, Twin Falls, Lewiston and East Bonner County 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 83720-0004, telephone (208) 334-3577.

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

*The **Idaho 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 Rule Making 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://www2.state.id.us/adm/adminrules/>

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 38.07.01.060.02.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 Administrations'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 "-", (38-0501-0401). 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. 38-0501-0401"

"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**).

"0401" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.

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 of a rule 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."

The citation may also include the IDAPA, Title, or Chapter number, 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 rule.

"01" denotes the Chapter number of the rule.

: "201" references the main Section number of the rule that the citation refers to.

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
38.04.041, "Rule Governing Capitol Mall Parking."

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2004

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
04-1	January, 2004	*November 19, 2003	January 7, 2004	January 28, 2004
04-2	February, 2004	January 7, 2004	February 4, 2004	February 25, 2004
04-3	March, 2004	February 4, 2004	March 3, 2004	March 24, 2004
04-4	April, 2004	March 3, 2004	April 7, 2004	April 25, 2004
04-5	May, 2004	March 31, 2004	May 5, 2004	May 26, 2004
04-6	June, 2004	May 5, 2004	June 2, 2004	June 22, 2004
04-7	July, 2004	June 2, 2004	July 7, 2004	July 28, 2004
04-8	August, 2004	June 30, 2004	August 4, 2004	August 25, 2004
04-9	September, 2004	July 28, 2004	September 1, 2004	September 22, 2004
04-10	October, 2004	**August 25, 2004	October 6, 2004	October 27, 2004
04-11	November, 2004	October 6, 2004	November 3, 2004	November 24, 2004
04-12	December, 2004	November 3, 2004	December 1, 2004	December 22, 2004

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005

Volume No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
05-1	January, 2005	*November 17, 2004	January 5, 2005	January 26, 2005
05-2	February, 2005	December 31, 2004	February 2, 2005	February 23, 2005
05-3	March, 2005	February 4, 2005	March 2, 2005	March 23, 2005
05-4	April, 2005	March 4, 2005	April 6, 2005	April 27, 2005
05-5	May, 2005	April 1, 2005	May 4, 2005	May 25, 2005
05-6	June, 2005	April 29, 2005	June 1, 2005	June 22, 2005
05-7	July, 2005	June 3, 2005	July 6, 2005	July 27, 2005
05-8	August, 2005	July 1, 2005	August 3, 2005	August 24, 2005
05-9	September, 2005	July 29, 2005	September 7, 2005	September 28, 2005
05-10	October, 2005	**August 24, 2005	October 5, 2005	October 26, 2005
05-11	November, 2005	September 30, 2005	November 2, 2005	November 23, 2005
05-12	December, 2005	October 28, 2005	December 7, 2005	December 28, 2004

****Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rule to be reviewed by the legislature.***

***** Last day to submit proposed rule in order to complete rulemaking for review by legislature.***

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**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**ADMINISTRATIVE RULES REVIEWED BY THE FIFTY-SEVENTH
LEGISLATURE OF THE STATE OF IDAHO
SECOND REGULAR SESSION - 2004**

**OMNIBUS RULEMAKING NOTICE OF LEGISLATIVE ACTION ON
PENDING RULES AND TEMPORARY RULES**

AUTHORITY: In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-seventh Legislature in the Second Regular Session - 2004, has reviewed all pending rules and approved them as final and has extended temporary rules. The docket numbers of the affected rulemakings and their effective dates are listed below.

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

The following lists of final and temporary rules include those rules that were reviewed as pending and temporary rules during the 2004 Second Regular Session of the Fifty-seventh Legislature of the State of Idaho. The pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and adopted and are now final rules. Pursuant to Section 67-5226, Idaho Code, all temporary rules were extended or rejected in whole or in part by Senate Concurrent Resolution 131. Pursuant to Section 67-5224, Idaho Code, all pending fee rules were approved or rejected in whole or in part by Senate Concurrent Resolution 130 and are now final rules.

The following tables list the docket number of the rulemaking, the volume number of the Idaho Administrative Bulletin in which the proposed, pending, and temporary rule text was published, the effective date of the rule, and the number of the Concurrent Resolution, if applicable, affecting the rulemaking.

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
01-0101-0301	03-11	03-7	(3-20-04)	---	---
01-0101-0302	03-11	03-7	(3-16-04)	---	Fee Approved by SCR 130
02-0104-0301	04-1	03-6	(3-16-04)	---	Fee Approved by SCR 130
02-0212-0301	04-1	03-9	(3-16-04)	---	Fee Approved by SCR 130
02-0213-0301	04-1	03-9	(3-16-04)	---	Fee Approved by SCR 130
02-0214-0301	03-12	03-9	(2-13-04)	---	Fee Approved by SCR 119
02-0215-0301	04-1	03-9	(3-16-04)	---	Fee Approved by SCR 130
02-0403-0301	03-12	03-9	(3-20-04)	---	Approved
02-0421-0301	03-9	03-6	(3-20-04)	---	---
02-0421-0302	03-12	03-9	(3-20-04)	---	---
02-0424-0301	03-12	03-9	(3-20-04)	022.02	Partial Rejection by SCR 128
02-0425-0301	03-12	03-9	(3-20-04)	Entire Docket	Rejected by SCR 128
02-0426-0301	03-12	03-9	(3-20-04)	Entire Docket	Rejected by SCR 127
02-0427-0301	03-12	03-9	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
02-0604-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
02-0606-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
02-0616-0301	03-12	03-7	(3-16-04)	---	Fee Approved by SCR 130
02-0625-0301	04-1	03-10	(3-20-04)	---	---
02-0626-0301	03-12	03-7	(3-20-04)	---	---
02-0640-0301	03-12	03-7	(3-20-04)	---	---
02-0801-0301	03-7	03-1	(3-20-04)	---	---
04-2001-0301	03-11	03-8	(3-20-04)	---	---
07-0201-0301	03-12	03-8	(3-20-04)	---	---
07-0207-0301	03-12	03-8	(3-20-04)	---	---
07-0303-0301	03-12	03-10	(3-20-04)	---	---
07-0308-0301	03-12	03-10	(3-20-04)	---	---
07-0312-0301	03-12	03-10	(3-20-04)	---	---
07-0501-0301	03-12	03-10	(3-20-04)	---	---
07-0701-0301	04-1	03-10	(3-16-04)	024, 061, 062	Fee Sections Rejected by SCR 130
08-0202-0301	03-11	03-8	(7-1-04)	---	---
08-0202-0302	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
08-0202-0303	04-1	03-10	(3-20-04)	---	---
08-0202-0304	04-1	03-10	(3-20-04)	---	---
08-0203-0301	04-1	03-10	(3-20-04)	---	---
09-0130-0301	03-9	03-7	(3-20-04)	---	---
09-0135-0301	03-12	03-9	(3-20-04)	---	---
10-0101-0301	03-11	03-8	(3-20-04)	---	---
10-0102-0301	03-11	03-8	(3-3-04)	Entire Docket	Rejected by HCR 43
11-0401-0301	03-12	03-10	(3-20-04)	---	---
11-0402-0301	03-12	03-10	(3-20-04)	---	---
11-0501-0301	03-12	03-10	(3-20-04)	---	---
11-1001-0301	03-12	03-10	(3-20-04)	---	---
11-1101-0301	03-11	03-9	(3-20-04)	---	---
11-1301-0201	03-2	02-11	(3-20-04)	---	---
11-1301-0301	03-11	03-9	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
13-0102-0301	04-1	03-10	(3-20-04)	---	---
13-0104-0301	04-1	03-10	(3-20-04)	---	---
13-0108-0301	04-1	03-10	(3-20-04)	---	---
13-0112-0301	04-1	03-10	(3-18-04)	Entire Docket	Rejected by SCR 129
15-0120-0301	03-12	03-10	(3-20-04)	---	---
15-0230-0301	03-9	03-6	(3-20-04)	---	---
15-0230-0302	03-12	03-10	(3-20-04)	---	---
15-0401-0301	04-1	03-10	(3-16-04)	025	Partial Rejection by HCR 46
15-1001-0301	03-12	03-10	(3-20-04)	---	---
16-0214-0301	04-1	03-9	(3-16-04)	---	Fee Approved by SCR 130
16-0219-0301	04-1	03-8	(3-8-04)	Entire Docket	Rejected by HCR 51
16-0219-0302	04-1	03-8	(3-8-04)	Entire Docket	Rejected by HCR 51
16-0301-0201	03-2	02-11	(3-20-04)	---	---
16-0301-0301	03-12	03-8	(3-20-04)	---	---
16-0301-0302	04-1	03-10	(3-8-04)	346, 347, 348, 349	Partial Rejection by SCR 120
16-0303-0301	03-12	03-9	(3-20-04)	---	---
16-0304-0202	03-2	02-11	(3-20-04)	---	---
16-0304-0301	04-1	03-10	(3-20-04)	---	---
16-0305-0203	03-5	02-12	(3-20-04)	---	---
16-0305-0301	03-12	03-8	(3-20-04)	---	---
16-0305-0302	04-1	03-10	(3-20-04)	---	---
16-0308-0301	03-12	03-8	(3-20-04)	---	---
16-0308-0302	04-1	03-10	(3-20-04)	---	---
16-0309-0212	03-5	02-12	(3-20-04)	---	---
16-0309-0213	03-5	02-12	(3-20-04)	---	---
16-0309-0214	03-6	02-12	(3-20-04)	---	---
16-0309-0215	03-5	02-12	(3-20-04)	---	---
16-0309-0217	03-5	02-12	(3-20-04)	---	---
16-0309-0218	03-5	02-12	(3-20-04)	---	---
16-0309-0301	03-6	03-1	(3-20-04)	---	---
16-0309-0303	03-12	03-8	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
16-0309-0304	03-12	03-8	(3-20-04)	---	---
16-0309-0305	03-12	03-8	(3-20-04)	---	---
16-0309-0306	03-12	03-9	(3-20-04)	---	---
16-0309-0307	04-1	03-9	(3-20-04)	---	---
16-0309-0308	03-12	03-10	(3-9-04)	204, 210	Partial Rejection by SCR 122
16-0309-0309	03-12	03-10	(3-20-04)	---	---
16-0309-0310	04-1	03-10	(3-20-04)	---	---
16-0310-0203	03-6	02-12	(3-20-04)	---	---
16-0310-0204	03-5	02-12	(3-20-04)	---	---
16-0310-0301	03-6	03-1	(3-20-04)	---	---
16-0310-0302	03-12	03-8	(3-20-04)	---	---
16-0310-0303	04-1	03-10	(3-20-04)	---	---
16-0313-0301	04-1	03-9	(3-20-04)	---	---
16-0317-0301	04-1	03-10	(3-20-04)	---	---
16-0320-0301	03-11	03-8	(3-20-04)	---	---
16-0322-0301	04-1	03-10	(3-17-04)	428.01, 428.02	Partial Rejection by HCR 55
16-0323-0301	04-1	03-9	(3-20-04)	---	---
16-0411-0301	04-1	03-9	(3-20-04)	---	---
16-0414-0301	03-6	03-1	(3-20-04)	---	---
16-0417-0301	04-1	03-9	(3-20-04)	---	---
16-0501-0301	04-1	03-10	(3-20-04)	---	---
16-0501-0302	04-1	03-10	(3-20-04)	---	---
16-0505-0301	03-12	03-9	(3-20-04)	---	---
16-0601-0301	03-8	03-1	(3-20-04)	---	---
16-0603-0301	03-8	03-1	(3-20-04)	---	---
16-0612-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
16-0613-0301	03-10	03-7	(3-20-04)	---	---
16-0613-0302	03-10	03-7	(3-20-04)	---	---
16-0614-0201	03-5	02-12	(3-20-04)	---	---
18-0115-0301	03-11	03-8	(3-20-04)	---	---
18-0119-0201	03-11	03-9	(3-20-04)	---	---
18-0138-0301	03-12	03-10	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
18-0144-0301	03-11	03-7	(3-16-04)	---	Fee Approved by SCR 130
18-0153-0301	03-11	03-9	(3-20-04)	---	---
18-0159-0301	03-11	03-9	(3-20-04)	---	---
19-0101-0301	04-1	03-10	(3-20-04)	---	---
20-0303-0301	03-11	03-7	(3-16-04)	---	Fee Approved by SCR 130
20-0601-0301	03-11	03-9	(3-20-04)	---	---
20-0602-0301	03-11	03-9	(3-20-04)	---	---
21-0101-0301	03-12	03-10	(3-20-04)	---	---
21-0104-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
22-0103-0301	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
22-0104-0301	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
22-0110-0301	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
22-0111-0301	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
24-0101-0301	03-12	03-10	(3-20-04)	---	---
24-0401-0301	03-12	03-10	(3-20-04)	---	---
24-0601-0301	03-12	03-10	(3-20-04)	---	---
24-0701-0301	03-12	03-10	(3-20-04)	---	---
24-0801-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
24-0802-0301	03-12	03-10	(3-20-04)	---	---
24-1001-0301	03-12	03-10	(3-20-04)	---	---
24-1201-0301	03-12	03-10	(3-20-04)	---	---
24-1401-0301	03-12	03-10	(3-20-04)	---	---
24-1501-0301	03-12	03-10	(3-20-04)	---	---
24-1701-0301	03-12	03-10	(3-20-04)	---	---
24-1801-0301	03-12	03-10	(3-20-04)	---	---
24-1901-0301	03-12	03-10	(3-20-04)	---	---
25-0101-0301	03-12	03-7	(3-20-04)	---	---
25-0101-0302	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
26-0120-0301	04-1	03-10	(3-16-04)	---	Fee Approved by SCR 130
27-0101-0205	03-12	03-10	(3-20-04)	---	---
27-0101-0302	03-8	03-6	(3-16-04)	---	Fee Approved by SCR 130
27-0101-0303	03-12	03-10	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
27-0101-0304	03-12	03-10	(3-20-04)	---	---
30-0101-0301	03-12	03-10	(3-20-04)	---	---
31-0101-0301	03-12	03-10	(3-16-04)	---	Fee Approved by SCR 130
31-1101-0301	03-12	03-10	(3-20-04)	---	---
31-2101-0301	03-12	03-10	(3-20-04)	---	---
31-7103-0301	03-11	03-9	(3-20-04)	---	---
33-0101-0301	04-1	03-1	(3-20-04)	---	---
34-0202-0301	04-1	03-10	(3-20-04)	---	---
35-0101-0301	04-1	03-10	(3-20-04)	---	---
35-0101-0302	04-1	03-10	(3-20-04)	---	---
35-0101-0303	04-1	03-10	(3-20-04)	---	---
35-0102-0301	03-10	03-7	(3-20-04)	---	---
35-0102-0302	03-12	03-9	(3-20-04)	---	---
35-0102-0303	03-12	03-9	(3-16-04)	---	Fee Approved by SCR 130
35-0102-0304	03-12	03-10	(3-20-04)	---	---
35-0103-0301	04-1	03-10	(3-20-04)	---	---
35-0103-0302	04-1	03-10	(3-20-04)	---	---
35-0103-0303	04-1	03-10	(3-20-04)	---	---
35-0105-0301	03-12	03-9	(3-20-04)	---	---
35-0110-0301	03-12	03-10	(3-20-04)	---	---
35-0111-0301	03-12	03-10	(3-20-04)	---	---
35-0201-0301	04-1	03-10	(3-20-04)	---	---
35-0201-0302	04-1	03-10	(3-20-04)	---	---
37-0203-0301	04-1	03-10	(3-20-04)	---	---
39-0247-0301	03-9	03-7	(3-20-04)	---	---
39-0316-0301	03-9	03-7	(3-20-04)	---	---
39-0322-0301	03-11	03-8	(3-20-04)	---	---
39-0341-0201	03-8	02-12	(3-20-04)	---	---
39-0343-0301	03-11	03-9	(3-20-04)	---	---
39-0346-0301	03-11	03-8	(3-20-04)	---	---
39-0363-0201	03-8	02-12	(3-20-04)	---	---
44-0101-0301	03-11	03-7	(3-20-04)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2004 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. No. Pending	Bulletin Vol. No. Proposed	Final Rule Effective Date	Rejected Sections	Action Taken by Concurrent Resolution
44-0101-0302	03-11	03-7	(3-16-04)	---	Fee Approved by SCR 130
47-0101-0301	03-12	03-10	(3-20-04)	---	---
48-0103-0301	03-9	03-1	(3-20-04)	---	---
48-0103-0302	03-11	03-9	(3-20-04)	---	---
50-0101-0302	04-1	03-6	(3-20-04)	---	---
58-0101-0301	03-12	03-8	(3-20-04)	---	---
58-0102-0301	04-1	03-8	(3-20-04)	---	---
58-0105-0301	04-1	03-8	(3-20-04)	---	---
58-0108-0301	04-1	03-8	(3-16-04)	---	Fee Approved by SCR 130
58-0108-0302	04-1	03-7	(3-20-04)	---	---
58-0110-0301	04-1	03-10	(3-20-04)	---	---
58-0123-0301	03-12	03-8	(3-20-04)	---	---
59-0103-0301	03-12	03-6	(3-20-04)	---	---
59-0103-0302	03-12	03-7	(3-20-04)	---	---

TEMPORARY RULES EXTENDED/REJECTED BY SENATE CONCURRENT RESOLUTION 131				
Docket Number	Bulletin Vol. No.	Temporary Effective Date	Action Taken by Concurrent Resolution	Rejected Sections
01-0101-0401	04-1	(1-1-04)T	Extended by SCR 131	---
02-0605-0301	03-4	(2-21-03)T	Extended by SCR 131	---
07-0206-0301	03-12	(9-12-03)T	Extended by SCR 131	---
07-0601-0301	03-12	(9-22-03)T	Extended by SCR 131	---
16-0203-0401	04-1	(4-1-04)T	Extended by SCR 131	---
16-0210-0401	04-1	(12-1-03)T	Extended by SCR 131	---
16-0309-0311	03-11	(12-1-03)T	Extended by SCR 131	---
16-0311-0101	01-1	(7-1-00)T	Extended by SCR 131	---
16-0601-0401	04-1	(7-1-03)T	Extended by SCR 131	---
37-0307-0201	02-12	(9-23-02)T	Extended by SCR 131	---
57-0101-0401	04-1	Expired	Rejected by SCR 131	Entire Docket
58-0102-0303	03-12	(2-5-04)T	Extended by SCR 131	---
58-0102-0401	04-1	(11-14-03)T	Extended by SCR 131	---

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on questions concerning this notice, contact Dennis R. Stevenson at (208) 332-1820.

DATED this 25th day of March, 2004.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P.O. Box 83720
Boise, ID 83720-0306
Phone: (208) 332-1820
Fax: (208) 332-1896

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR
IDAHO DEPARTMENT OF ADMINISTRATION**

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED
FOR FINAL ADOPTION DURING THE 2004 LEGISLATIVE SESSION**

The following table is a sections-affected, history notes index for those chapters of rules that were reviewed by the 2004 Second Regular Session of the Fifty-seventh Legislature of the State of Idaho. The table lists those Sections that were affected by rulemakings that were submitted for review and acted upon by the legislature. The table includes the docket number of affected chapters, the amended section numbers, the Bulletin publication volumes, and the final effective date of the rule.

HISTORY NOTES - LEGISLATIVE SESSION 2004					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
IDAPA 01 - Board of Accountancy					
01.01.01, Idaho Accountancy Rules					
01-0101-0301	301-303, 502, 510	03-7	03-11	04-5*	(3-20-04)
01-0101-0302	010, 100-111, 700	03-7	03-11	04-5*	(3-16-04)
IDAPA 02 - Department of Agriculture					
02.01.04, Rules Governing the Idaho Preferred Promotion Program					
02-0104-0301	New Chapter	03-6	04-1	04-5*	(3-16-04)
02.02.12, Bonded Warehouse Rules					
02-0212-0301	010-012, 100, 131, 480, 483, 501	03-9	04-1	04-5*	(3-16-04)
02.02.13, Commodity Dealers					
02-0213-0301	010, 012, 100, 451, 500-503	03-9	04-1	04-5*	(3-16-04)
02.02.14, Rules for Weights and Measures					
02-0214-0301	000-001, 004-005, 010-018, 050, 100	03-9	03-12	04-5*	(2-13-04)
02.02.15, Rules Governing the Seed Indemnity Fund					
02-0215-0301	014, 037, 080	03-9	04-1	04-5*	(3-16-04)
02.04.03, Rules Governing Animal Industry					
02-0403-0301	001, 003-004, 006, 010-011, 015, 020, 025, 030, 035, 040, 045. 050-052, 150, 155, 160-186, 200-219, 234, 350, 360, 400-403, 420, 430-431, 450, 460, 999	03-9	03-12	04-5*	(3-20-04)
02.04.21, Rules Governing the Importation of Animals					

HISTORY NOTES - LEGISLATIVE SESSION 2004					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
02-0421-0301	220, 240	03-6	03-9	04-5*	(3-20-04)
02-0421-0302	720	03-9	03-12	04-5*	(3-20-04)
02.04.24, Rules Governing Tuberculosis					
02-0424-0301	New Chapter	03-9	03-12	04-5	(3-20-04)
02.04.27, Rules Governing Deleterious Exotic Animals					
02-0427-0301	New Chapter	03-9	03-12	04-5*	(3-20-04)
02.06.04, Phytosanitary and Post-Entry Seed Certification Rules					
02-0604-0301	500	03-10	03-12	04-5*	(3-16-04)
02.06.06, Rules Governing the Planting of Bean (Phaseolus Spp.) in Idaho					
02-0606-0301	550	03-10	03-12	04-5*	(3-16-04)
02.06.16, Crop Residue Disposal Rules					
02-0616-0301	100, 501	03-7	03-12	04-5*	(3-16-04)
02.06.25, Small Legume Seeds					
02-0625-0301	Chapter Repeal	03-10	04-1	04-5*	(3-20-04)
02.06.26, Rules Governing Seed Potato Crop Management Areas					
02-0626-0301	020	03-7	03-12	04-5*	(3-20-04)
02.06.40, Rules Governing Ginseng Export					
02-0640-0301	000-001, 051	03-7	03-12	04-5*	(3-20-04)
02.08.01, Sheep and Goat Rules of the Idaho Board of Sheep Commissioners					
02-0801-0301	001, 004-006, 010-099, 100-107, 200-204, 300-301, 400, 500, 600, 700, 900	03-1	03-7	04-5*	(3-20-04)
IDAPA 04 - Office of the Attorney General					
04.20.01, Rules Implementing the Idaho Tobacco Master Settlement Agreement					
04-2001-0301	New Chapter	03-8	03-11	04-5*	(3-20-04)
IDAPA 07 - Division of Building Safety					
07.02.01, Rules Governing Repeal of Existing Plumbing Permit Rules					
07-0201-0301	Chapter Repeal	03-8	03-12	04-5*	(3-20-04)
07.02.07, Rules Governing Readoption of Rules of Plumbing Division					

HISTORY NOTES - LEGISLATIVE SESSION 2004					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
07-0207-0301	Chapter Repeal	03-8	03-12	04-5*	(3-20-04)
07.03.03, Rules Governing Modular Buildings					
07-0303-0301	017-018	03-10	03-12	04-5*	(3-20-04)
07.03.08 Rules Governing Commercial Coaches					
07-0308-0301	017	03-10	03-12	04-5*	(3-20-04)
07.03.12, Rules Governing Manufactured Mobile Home Installations					
07-0312-0301	004	03-10	03-12	04-5*	(3-20-04)
07.05.01, Rules of the Public Works Contractors License Board					
07-0501-0301	000-004, 010, 100-125, 200-201, 203-204, 300-301, 303-312, 400-402, 500-503, 600-610, 700-704, 800, 900	03-10	03-12	04-5*	(3-20-04)
07.07.01, Rules Governing Installation of Heating, Ventilation, And Air Conditioning					
07-0701-0301	New Chapter	03-10	04-1	04-5	(3-16-04)
IDAPA 08 - Board of Education					
08.02.02, Rules Governing Uniformity					
08-0202-0301	004, 150, 160, 170, 190	03-8	03-11	04-5*	(7-1-04)
08-0202-0302	004, 007, 013-030, 034-036, 060, 066, 100, 130	03-10	04-1	04-5*	(3-16-04)
08-0202-0303	076-077	03-10	04-1	04-5*	(3-20-04)
08-0202-0304	039-049	03-10	04-1	04-5*	(3-20-04)
08.02.03, Rules Governing Thoroughness					
08-0203-0301	105-107, 111-115, 128-129	03-10	04-1	04-5*	(3-20-04)
IDAPA 09 Department of Labor					
09.01.30, Rules of the Benefit Bureau					
09-0130-0301	550	03-7	03-9	04-5*	(3-20-04)
09.01.35, Rules of the Employer Accounts Bureau					
09-0135-0301	011, 134, 221	03-9	03-12	04-5*	(3-20-04)
IDAPA 10 - Board of Professional Engineers and Land Surveyors					
10.01.01, Rules of Procedure					

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10-0101-0301	017, 019	03-8	03-11	04-5*	(3-20-04)
IDAPA 11 - Idaho State Police					
11.04.01, Rules Governing Horse Racing					
11-0401-0301	130	03-10	03-12	04-5*	(3-20-04)
11.04.02, Rules Governing Simulcasting					
11-0402-0301	003-007, 010, 030, 035-036, 042-044, 050-061	03-10	03-12	04-5*	(3-20-04)
11.05.01, Rules Governing Alcohol Beverage Control					
11-0501-0301	010	03-10	03-12	04-5*	(3-20-04)
11.10.01, Rules Governing the ILETs - Idaho Law Enforcement Teletypewriter System					
11-1001-0301	000-001, 003-004, 006, 010, 012-021, 024, 028	03-10	03-12	04-5*	(3-20-04)
11.11.01, Rules of the Idaho Peace Officer Standards and Training Council					
11-1101-0301	057, 071	03-9	03-11	04-5*	(3-20-04)
11.13.01, The Motor Carrier Rules					
11-1301-0201	019	02-11	03-2	04-5*	(3-20-04)
11-1301-0301	019	03-9	03-11	04-5*	(3-20-04)
IDAPA 13 - Department of Fish and Game					
13.01.02, Rules Governing Public Safety					
13-0102-0301	000-005, 010, 100	03-10	04-1	04-5*	(3-20-04)
13.01.04, Rules Governing Licensing					
13-0104-0301	303-304, 500, 506, 600, 602, 700, 800	03-10	04-1	04-5*	(3-20-04)
13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho					
13-0108-0301	260, 410, 421	03-10	04-1	04-5*	(3-20-04)
IDAPA 15 - Office on Aging					
15.01.20, Rules Governing Area Agency of Aging (AAA) Operations					
15-0120-0301	002-003, 010, 020-023, 032-034, 042, 051-058, 066-068	03-10	03-12	04-5*	(3-20-04)

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IDAPA 15 - Commission for the Blind and Visually Impaired					
15.02.30 Business Enterprise Program					
15-0230-0301	120	03-6	03-9	04-5*	(3-20-04)
15-0230-0302	004, 006, 100	03-10	03-12	04-5*	(3-20-04)
IDAPA 15 - Division of Human Resources and Personnel Commission					
15.04.01, Rules of the Division of Human Resources and Personnel Commission					
15-0401-0301	001-004, 007-010, 020, 022, 024, 026, 040, 050, 060, 063, 065-068, 070-077, 085, 086, 093, 101-103, 109, 111, 121, 124-125, 140-149, 152-153, 181-189, 203, 210, 240-241, 243-244, 250, 273	03-10	04-1	04-5	(3-16-04)
IDAPA 15 - Idaho State Liquor Dispensary					
15.10.01, Rules of the Idaho State Liquor Dispensary					
15-1001-0301	010	03-10	03-12	04-5*	(3-20-04)
IDAPA 16 - Health and Welfare					
16.02.14, Rules Governing Construction and Operation of Public Swimming Pools in					
16-0214-0301	000, 032-033	03-9	04-1	04-5*	(3-16-04)
16.03.01, Rules Governing Eligibility for Medicaid for Families and Children					
16-0301-0201	000, 002, 005, 204, 300-301, 303, 361, 370-371, 380, 382, 385-388, 413, 416	02-11	03-2	04-5*	(3-20-04)
16-0301-0301	204-205	03-8	03-12	04-5*	(3-20-04)
16-0301-0302	214	03-10	04-1	04-5	(3-8-04)
16.03.03, Rules Governing Child Support Services					
16-0303-0301	500-502, 600	03-9	03-12	04-5*	(3-20-04)
16.03.04, Rules Governing the Food Stamp Program in Idaho					
16-0304-0202	533, 550	02-11	03-2	04-5*	(3-20-04)
16-0304-0301	159, 203-204, 218, 251, 401, 405, 537, 616, 753, 756, 760-762	03-10	04-1	04-5*	(3-20-04)
16.03.05, Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)					
16-0305-0203	106	02-12	03-5	04-5*	(3-20-04)

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16-0305-0301	106	03-8	03-12	04-5*	(3-20-04)
16-0305-0302	105, 200, 273-277, 436, 721, 787-788, 841, 872	03-10	04-1	04-5*	(3-20-04)
16.03.08, Rules Governing Temporary Assistance for Families in Idaho (TAFI)					
16-0308-0301	131	03-8	03-12	04-5*	(3-20-04)
16-0308-0302	133	03-10	04-1	04-5*	(3-20-04)
16.03.09, Rules Governing the Medical Assistance Program					
16-0309-0212	765, 767, 769-772, 780-781, 783-802	02-12	03-5	04-5*	(3-20-04)
16-0309-0213	095	02-12	03-5	04-5*	(3-20-04)
16-0309-0214	805, 809-810, 812	02-12	03-6	04-5*	(3-20-04)
16-0309-0215	478, 480-481, 483-484	02-12	03-5	04-5*	(3-20-04)
16-0309-0217	003, 070, 080, 085, 201, 215, 222	02-12	03-5	04-5*	(3-20-04)
16-0309-0218	117	02-12	03-5	04-5*	(3-20-04)
16-0309-0301	015	03-1	03-6	04-5*	(3-20-04)
16-0309-0303	814-815	03-8	03-12	04-5*	(3-20-04)
16-0309-0304	900-906, 909-917	03-8	03-12	04-5*	(3-20-04)
16-0309-0305	506	03-8	03-12	04-5*	(3-20-04)
16-0309-0306	483	03-9	03-12	04-5*	(3-20-04)
16-0309-0307	118, 120, 143, 656	03-9	04-1	04-5*	(3-20-04)
16-0309-0308	201-203, 205-206, 208-209, 212-217, 224	03-10	03-12	04-5	(3-9-04)
16-0309-0309	121, 146	03-10	03-12	04-5*	(3-20-04)
16-0309-0310	011, 560-565, 569, 575-577	03-10	04-1	04-5*	(3-20-04)
16.03.10, Rules Governing Medicaid Provider Reimbursement in Idaho					
16-0310-0203	451	02-12	03-6	04-5*	(3-20-04)
16-0310-0204	405	02-12	03-5	04-5*	(3-20-04)
16-0310-0301	000, 005, 250, 307-315	03-1	03-6	04-5*	(3-20-04)
16-0310-0302	453, 455, 467	03-8	03-12	04-5*	(3-20-04)
16-0310-0303	123, 311, 351-352, 454	03-10	04-1	04-5*	(3-20-04)
16.03.13, Prior Authorization for Behavioral Health Services					
16-0313-0301	New Chapter	03-9	04-1	04-5*	(3-20-04)

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16.03.17, Service Coordination					
16-0317-0301	New Chapter	03-10	04-1	04-5*	(3-20-04)
16.03.20, Rules Governing Electronic Payments of Public Assistance, Food Stamps, and					
16-0320-0301	131	03-8	03-11	04-5*	(3-20-04)
16.03.22, Rules for Licensing Residential and Assisted Living Facilities					
16-0322-0301	428	03-10	04-1	04-5	(3-17-04)
16.03.23, Rules Governing Uniform Assessments for State-Funded Clients					
16-0323-0301	004	03-9	04-1	04-5*	(3-20-04)
16.04.11, Rules Governing Developmental Disabilities Agencies (DDA)					
16-0411-0301	000-006, 010-011, 100-101, 200, 300-302, 304-308, 310-311, 600, 750, 760-763, 800-813, 820-821, 900-902, 920-925, 998-999	03-9	04-1	04-5*	(3-20-04)
16.04.14, Rules Governing the Low Income Home Energy Assistance Program					
16-0414-0301	204	03-1	03-6	04-5*	(3-20-04)
16.04.17, Rules Governing Residential Habilitation Agencies					
16-0417-0301	000-006, 010-011, 100-101, 200-203, 300-302, 400-405, 500	03-9	04-1	04-5*	(3-20-04)
16.05.01, Rules Governing the Protection and Disclosure of Department Records					
16-0501-0301	Chapter Repeal	03-10	04-1	04-5*	(3-20-04)
16-0501-0302	000-007, 010-011, 050-051, 075, 100-105, 150, 175, 190-191, 200-202, 210-211, 220-223, 230, 240-241, 250, 260, 270, 280-284	03-10	04-1	04-5*	(3-20-04)
16.05.05, Rules Governing Fees for Health Operating Permits, Licenses, and Inspection					
16-0505-0301	Chapter Repeal	03-9	03-12	04-5*	(3-20-04)
16.06.01, Rules Governing Family and Children's Services					
16-0601-0301	010, 420, 554, 642, 714-715, 719, 721, 760-763, 770, 780, 800, 830, 832-833, 850, 860-863, 870-872, 884, 889-891, 893, 895, 922	03-1	03-8	04-5*	(3-20-04)

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16.06.03, Rules and Minimum Standards Governing Alcohol/Drug Abuse Prevention and					
16-0603-0301	004-006, 010, 020, 032, 050, 074, 100, 110, 146	03-1	03-8	04-5*	(3-20-04)
16.06.12, Rules Governing the Idaho Child Care Program					
16-0612-0301	307	03-10	03-12	04-5*	(3-16-04)
16.06.13, Rules Governing Emergency Assistance for Families and Children					
16-0613-0301	Chapter Repeal	03-7	03-10	04-5*	(3-20-04)
16-0613-0302	000-006, 010, 100, 150, 160, 200, 210, 300, 400, 410	03-7	03-10	04-5*	(3-20-04)
16.06.14, Rules Governing the Prevention of Minor's Access to Tobacco Products					
16-0614-0201	020, 101, Appendix B	02-12	03-5	04-5*	(3-20-04)
IDAPA 18 - Department of Insurance					
18.01.15, Fingerprinting of Agents, Solicitors and Brokers					
18-0115-0301	016	03-8	03-11	04-5*	(3-20-04)
18.01.19, Insurance Rates and Credit Rating					
18-0119-0201	000-006, 010, 100, 200, 300, 400, 500	03-9	03-11	04-5*	(3-20-04)
18.01.38, Insurance Availability for Ridesharing Arrangements					
18-0138-0301	Chapter Repeal	03-10	03-12	04-5*	(3-20-04)
18.01.44, Schedule of Fees, Licenses, and Miscellaneous Charges					
18-0144-0301	030	03-7	03-11	04-5*	(3-16-04)
18.01.53, Rules Governing Continuing Education					
18-0153-0301	001, 012, 016	03-9	03-11	04-5*	(3-20-04)
18.01.59, Rule to Implement the Recognition of the 2001 CSO Mortality Table for Use in					
18-0159-0301	New Chapter	03-9	03-11	04-5*	(3-20-04)
IDAPA 19 - Board of Dentistry					
19.01.01, Rules for the Idaho State Board of Dentistry					
19-0101-0301	004, 040, 045-046	03-10	04-1	04-5*	(3-20-04)
IDAPA 20 - Department of Lands					

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20.03.03, Rules Governing Administration of the Reclamation Fund					
20-0303-0301	New Chapter	03-7	03-11	04-5*	(3-16-04)
20.06.01, Rules of Practice and Procedure for Contested Cases and Rulemaking Before the Idaho Board of Scaling Practices					
20-0601-0301	Chapter Repeal	03-9	03-11	04-5*	(3-20-04)
20.06.02, General Rules, Licensing, and Check Scales of the Idaho Board of Scaling					
20-0602-0301	003, 010, 050, 100, 110, 120, 130, 140, 150, 160, 170, 180, 831-999	03-9	03-11	04-5*	(3-20-04)
IDAPA 21 - Division of Veterans Services					
21.01.01 Rules Governing Admission, Residency, and Maintenance Charges in Idaho					
21-0101-0301	100, 300, 350-351, 950, 980-982	03-10	03-12	04-5*	(3-20-04)
21.01.04, Rules Governing the Idaho State Veterans Cemetery					
21-0104-0301	022, 024	03-10	03-12	04-5*	(3-16-04)
IDAPA 22 - Board of Medicine					
22.01.03, Rules for the Licensure of Physician Assistants					
22-0103-0301	000-002, 006, 010-011, 020-021, 028-031, 036-037, 041-043, 051, 053	03-10	04-1	04-5*	(3-16-04)
22.01.04, Rules of the Board of Medicine for Registration of Supervising Physicians					
22-0104-0301	000-007, 010, 019-022, 030-031, 040	03-10	04-1	04-5*	(3-16-04)
22.01.10, Rules for the Registration of Athletic Trainers to Practice in Idaho					
22-0110-0301	001-007, 010-019, 020, 030, 040, 050-052, 061, Appendix A	03-10	04-1	04-5*	(3-16-04)
22.01.11, Rules for Licensure of Respiratory Therapists in Idaho					
22-0111-0301	000-007, 010-012, 031-035, 046, 100	03-10	04-1	04-5*	(3-16-04)
IDAPA 24 - Bureau of Occupational Licenses					
24.01.01, Rules of the State Board of Architectural Examiners					
24-0101-0301	450	03-10	03-12	04-5*	(3-20-04)
24.04.01, Rules of the Idaho Board of Cosmetology					
24-0401-0301	491, 550, 560, 570	03-10	03-12	04-5*	(3-20-04)

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24.06.01, Rules Governing the Board of Hearing Aid Dealers and Fitters					
24-0601-0301	002-006, 010, 150, 250, 300, 450	03-10	03-12	04-5*	(3-20-04)
24.07.01, Rules of the Idaho State Board of Landscape Architects					
24-0701-0301	002-006, 010, 101-102, 200-201,250, 300-302, 400, 425, 500	03-10	03-12	04-5*	(3-20-04)
24.08.01, Rules of the State Board of Morticians					
24-0801-0301	300-303, 325, 350, 400, 451-455, 500	03-10	03-12	04-5*	(3-16-04)
24.08.02, Rules of the Idaho State Board of Morticians Governing Crematories					
24-0802-0301	Chapter Repeal	03-10	03-12	04-5*	(3-20-04)
24.10.01, Rules of the State Board of Optometry					
24-1001-0301	275, 300	03-10	03-12	04-5*	(3-20-04)
24.12.01, Rules of the State Board of Psychologist Examiners					
24-1201-0301	004-005, 100, 200, 450, 500	03-10	03-12	04-5*	(3-20-04)
24.14.01, Rules of the State Board of Social Work Examiners					
24-1401-0301	010, 201, 350-351, 450	03-10	03-12	04-5*	(3-20-04)
24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage					
24-1501-0301	004, 238-239, 400, 425	03-10	03-12	04-5*	(3-20-04)
24.17.01, Rules of State Board of Acupuncture					
24-1701-0301	005, 302	03-10	03-12	04-5*	(3-20-04)
24.18.01, Rules of the Real Estate Appraiser Board					
24-1801-0301	004, 200, 401	03-10	03-12	04-5*	(3-20-04)
24.19.01, Rules of the Board of Residential Care Facility Administrators					
24-1901-0301	004, 401-403, 650	03-10	03-12	04-5*	(3-20-04)
IDAPA 25 - Outfitters and Guides Licensing Board					
25.01.01, Rules Governing Outfitters and Guides Licensing Board					
25-0101-0301	015, 051, 054-055, 059	03-7	03-12	04-5*	(3-20-04)
25-0101-0302	009, 015	03-10	04-1	04-5*	(3-16-04)
IDAPA 26 - Department of Parks and Recreation					

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26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities					
26-0120-0301	004-006, 010, 200, 225, 250	03-10	04-1	04-5*	(3-16-04)
IDAPA 27 - Board of Pharmacy					
27.01.01 Rules of the Idaho Board of Pharmacy					
27-0101-0205	433, 470	03-10	03-12	04-5*	(3-20-04)
27-0101-0302	158	03-6	03-8	04-5*	(3-16-04)
27-0101-0303	156, 257	03-10	03-12	04-5*	(3-20-04)
27-0101-0304	152	03-10	03-12	04-5*	(3-20-04)
IDAPA 30 - Idaho State Library					
30.01.01, Rules of the Idaho State Library Governing the Use of State Library Materials					
30-0101-0301	004-006, 011-012	03-10	03-12	04-5*	(3-20-04)
IDAPA 31 - Public Utilities Commission					
31.01.01, Rules of Procedure					
31-0101-0301	012, 016, 019, 037, 041, 043, 052, 061-063, 067, 111, 125, 132-133, 135, 161, 165, 215, 228, 286	03-10	03-12	04-5*	(3-16-04)
31.11.01, Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public					
31-1101-0301	202-203	03-10	03-12	04-5*	(3-20-04)
31.21.01, Customer Relations Rules for Gas Electric and Water Public Utilities Regulated					
31-2101-0301	005, 104, 107, 109, 205-206, 301-302, 304, 308, 312, 603	03-10	03-12	04-5*	(3-20-04)
31.71.03, Railroad Safety/Sanitation Rules					
31-7103-0301	103	03-9	03-11	04-5*	(3-20-04)
IDAPA 33 - Real Estate Commission					
33.01.01, Rules of the Idaho Real Estate Commission					
33-0101-0301	400-406	03-1	04-1	04-5*	(3-20-04)
IDAPA 34 - Office of the Secretary of State					
34.02.02, Rules Governing Complaint Process Under the Help America Vote Act					

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34-0202-0301	New Chapter	03-10	04-1	04-5*	(3-20-04)
IDAPA 35 - State Tax Commission					
35.01.01, Income Tax Administrative Rules					
35-0101-0301	045, 075-079, 105, 108, 120, 193, 253-254, 740-741, 746, 790-791, 793, 799	03-10	04-1	04-5*	(3-20-04)
35-0101-0302	719	03-10	04-1	04-5*	(3-20-04)
35-0101-0303	872	03-10	04-1	04-5*	(3-20-04)
35.01.02, Idaho Sales and Use Tax Administrative Rules					
35-0102-0301	068	03-7	03-10	04-5*	(3-20-04)
35-0102-0302	041, 047, 063, 073, 110, 126	03-9	03-12	04-5*	(3-20-04)
35-0102-0303	109	03-9	03-12	04-5*	(3-16-04)
35-0102-0304	031, 037, 039, 043, 058, 105, 107, 112	03-10	03-12	04-5*	(3-20-04)
35.01.03, Property Tax Administrative Rules					
35-0103-0301	313, 316, 509, 609, 802	03-10	04-1	04-5*	(3-20-04)
35-0103-0302	803	03-10	04-1	04-5*	(3-20-04)
35-0103-0303	988	03-10	04-1	04-5*	(3-20-04)
35.01.05, Idaho Motor Fuels Tax Administrative Rules					
35-0105-0301	270	03-9	03-12	04-5*	(3-20-04)
35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules					
35-0110-0301	017	03-10	03-12	04-5*	(3-20-04)
35.01.11, Idaho Unclaimed Property Tax Administrative Rules					
35-0111-0301	015	03-10	03-12	04-5*	(3-20-04)
35.02.01, Tax Commission Administration and Enforcement Rules					
35-0201-0301	310, 400, 704	03-10	04-1	04-5*	(3-20-04)
35-0201-0302	450	03-10	04-1	04-5*	(3-20-04)
IDAPA 37 - Department of Water Resources					
35.02.03, Water Supply Bank Rules					
37-0203-0301	New Chapter	03-10	04-1	04-5*	(3-20-04)

HISTORY NOTES - LEGISLATIVE SESSION 2004					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
IDAPA 39 - Department of Transportation					
39.02.47, Rules Governing Revocation of Vehicle Registration for Failure to Comply with					
39-0247-0301	000-006, 100, 200	03-7	03-9	04-5*	(3-20-04)
39.03.16, Rules Governing Oversize Permits for Non-Reducible Vehicles and/or Loads					
39-0316-0301	002-006, 300, 400	03-7	03-9	04-5*	(3-20-04)
39.03.22, Rules Governing Overlegal Permits for Extra-Length Vehicle Combinations					
39-0322-0301	002-006, 200, 300, 400	03-8	03-11	04-5*	(3-20-04)
39.03.41, Rules Governing Traffic Control Devices					
39-0341-0201	001, 004-006, 100	02-12	03-8	04-5*	(3-20-04)
39.03.43, Rules Governing Utilities on State Highway Right-Of-Way					
39-0343-0301	000-006	03-9	03-11	04-5*	(3-20-04)
39.03.46, Rules Governing Studded Tires					
39-0346-0301	Chapter Repeal	03-8	03-11	04-5*	(3-20-04)
39.03.63, Rules Governing Traffic Accident Memorials					
39-0363-0201	001-006, 100-101, 200, 300, 400, 500-501	02-12	03-8	04-5*	(3-20-04)
IDAPA 44 - Office of the Administrative Rules Coordinator					
44.01.01, Rules of the Administrative Rules Coordinator					
44-0101-0301	051-052	03-7	03-11	04-5*	(3-20-04)
44-0101-0302	052	03-7	03-11	04-5*	(3-16-04)
IDAPA 47 - Division of Vocational Rehabilitation					
47.01.01, Rules of Idaho Division of Vocational Rehabilitation					
47-0101-0301	004, 010, 300	03-10	03-12	04-5*	(3-20-04)
IDAPA 48 - Department of Commerce					
48.01.03, Rules of the Idaho Regional Travel and Convention Grant Program					
48-0103-0301	010, 204, 209, 222	03-1	03-9	04-5*	(3-20-04)
48-0103-0302	204	03-9	03-11	04-5*	(3-20-04)
IDAPA 50 - Commission of Pardons and Parole					

HISTORY NOTES - LEGISLATIVE SESSION 2004					
Note: An "*" by the Final Bulletin Indicates Publication in the Omnibus Notice in that Bulletin					
Chapter and Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Bulletin Vol. Final Rule	Final Date
50.01.01, Rules of the Commission of Pardons and Parole					
50-0101-0302	250	03-6	04-1	04-5*	(3-20-04)
IDAPA 58 - Department of Environmental Quality					
58.01.01, Rules for the Control of Air Pollution in Idaho					
58-0101-0301	008, 107	03-8	03-12	04-5*	(3-20-04)
58.01.02, Water Quality Standards and Wastewater Treatment Requirements					
58-0102-0301	140, 285	03-8	04-1	04-5*	(3-20-04)
58.01.05, Rules and Standards for Hazardous Waste					
58-0105-0301	002, 004-013, 015-016	03-8	04-1	04-5*	(3-20-04)
58.01.08, Idaho Rules for Public Drinking Water Systems					
58-0108-0301	003, 553-563	03-8	04-1	04-5*	(3-16-04)
58-0108-0302	150-151, 301, 400	03-7	04-1	04-5*	(3-20-04)
58.01.10, Rules Regulating the Disposal of Radioactive Materials Not Regulated Under the					
58-0110-0301	019	03-10	04-1	04-5*	(3-20-04)
58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality					
58-0123-0301	008, 047, 050, 101, 211-212, 351-352, 354-355, 710-711, 800	03-8	03-12	04-5*	(3-20-04)
IDAPA 59 - Public Employees Retirement System - PERSI					
59.01.03, Contribution Rules for the Public Employee Retirement System of Idaho					
59-0103-0301	027	03-6	03-12	04-5*	(3-20-04)
59-0103-0302	001-002, 026-028, 100-101, 114, 176	03-7	03-12	04-5*	(3-20-04)

DATED this 25th day of March, 2004.

Dennis R. Stevenson
 Administrative Rules Coordinator
 Office of the Administrative Rules Coordinator
 Department of Administration
 P.O. Box 83720, Boise, ID 83720-0306
 Phone: (208) 332-1820 / Fax: (208) 332-1896

HOUSE CONCURRENT RESOLUTION NO. 43

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 43
BY BUSINESS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE IDAHO BOARD OF REGISTRATION
OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors relating to professional responsibility are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 10.01.02, rules of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors relating to professional responsibility, the entire rulemaking docket, adopted as pending rules under Docket Number 10-0102-0301, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 13977

This concurrent resolution would reject pending rules of the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 3, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

HOUSE CONCURRENT RESOLUTION NO. 46

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 46
BY COMMERCE AND HUMAN RESOURCES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Division of Human Resources and Personnel Commission relating to nepotism is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 15.04.01, Section 025, rules of the Division of Human Resources and Personnel Commission relating to nepotism, adopted as a pending rule under Docket Number 15-0401-0301, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14048

This concurrent resolution would reject a pending rule of the Division of Human Resources and Personnel Commission. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 16, 2004.

Contact:
Carl Bianchi
Director of Legislative Services
334-2475

HOUSE CONCURRENT RESOLUTION NO. 51

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 51
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to food safety and sanitation standards for food establishments are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.02.19, rules of the Department of Health and Welfare governing food safety and sanitation standards for food establishments, adopted as pending rules under Docket Number 16-0219-0301, the entire rulemaking docket, and IDAPA 16.02.19, rules of the Department of Health and Welfare relating to food safety and sanitation standards for food establishments, adopted as pending rules under Docket Number 16-0219-0302, the entire rulemaking docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14184

This concurrent resolution would reject certain pending administrative rules changes of the Department of Health and Welfare relating to food safety and sanitation standards for food establishments. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 8, 2004.

Contact:
Carl Bianchi
Director of Legislative Services
334-2475

HOUSE CONCURRENT RESOLUTION NO. 55

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 55
BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH
AND WELFARE RELATING TO LICENSED RESIDENTIAL
AND ASSISTED LIVING FACILITIES

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to licensed residential and assisted living facilities are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.03.22, rules of the Department of Health and Welfare governing licensed residential and assisted living facilities, Section 428, Subsection 01, concerning Medication Policy, and Subsection 02, concerning Medication Distribution System, adopted as pending rules under Docket Number 16-0322-0301, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14222

This concurrent resolution would reject certain pending administrative rules changes of the Department of Health and Welfare relating to licensed residential and assisted living facilities. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 17, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 119

LEGISLATURE OF THE STATE OF IDAHO
Fifty-Seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 119
BY AGRICULTURAL AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING CERTAIN ADMINISTRATIVE RULES OF THE IDAHO DEPARTMENT OF AGRICULTURE THAT IMPOSE A FEE OR CHARGE, CONCERNING RULES FOR WEIGHTS AND MEASURES, AND PROVIDING THAT THOSE RULES SHALL BECOME EFFECTIVE UPON FINAL ADOPTION OF THIS RESOLUTION

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, certain pending rules of the Idaho Department of Agriculture that impose a fee or charge, concerning rules for weights and measures, need to be approved expeditiously in order to adequately fund the Department of Agriculture's licensing of weighing and measuring instruments, thereby making it advisable to consider the pending rules separately for approval by both houses of the Legislature by concurrent resolution; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that certain administrative rules of the Idaho Department of Agriculture that impose a fee or charge, concerning licensing of weighing and measuring instruments, IDAPA 02.02.14, relating to rules for weights and measures, adopted as pending fee rules under Docket Number 02-0214-0301, pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2004 legislative session, be, and the same are approved, and shall become final and effective upon final adoption of this resolution.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 13603

Under Idaho Code, Section 67-5224, the Legislature must approve administrative rules that propose a fee or charge through a concurrent resolution passed by both houses, before a fee rule can go into effect. Certain rules of the Idaho Department of Agriculture that impose fees for weights and measures, need to go into effect expeditiously, in order allow the Department's licensing of weighing or measuring instruments to be funded. This resolution would separately approve those agency rules and make clear that the fees to be charged by the Department can go into effect by law as soon as this resolution is adopted.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: February 13, 2004.

Contact: Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 120

LEGISLATURE OF THE STATE OF IDAHO
Fifty-Seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 120
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to eligibility for Medicaid for families and children are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.01, Sections 346, 347, 348 and 349, rules of the Department of Health and Welfare relating to eligibility for Medicaid for families and children, adopted as pending rules under Docket Number 16-0301-0302, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 13729

This concurrent resolution would reject certain pending rules of the Department of Health and Welfare relating to determining and calculating income concerning eligibility for Medicaid for families and children. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 8, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 122

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 122
BY HEALTH AND WELFARE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH
AND WELFARE RELATING TO THE MEDICAL ASSISTANCE PROGRAM

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to the Medical Assistance Program concerning investigation and audits and suspension of payments pending investigation, are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, Section 204 pertaining to the surveillance and utilization review committee, and Section 210 pertaining to appeals of immediate actions, rules of the Department of Health and Welfare relating to the Medical Assistance Program, adopted as pending rules under Docket Number 16-0309-0308, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 13985

This concurrent resolution would reject certain pending rules of the Department of Health and Welfare relating to the medical assistance program. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 9, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 127

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 127
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE DEPARTMENT OF AGRICULTURE RELATING TO LIVESTOCK MARKETING

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Agriculture relating to livestock marketing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.26, rules of the Department of Agriculture governing livestock marketing, the entire rulemaking docket, adopted as a pending rule under Docket Number 02-0426-0301, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14121

This concurrent resolution would reject a pending rules of the department of agriculture relating to livestock marketing. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 20, 2004.

Contact:
Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 128

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 128

BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING CERTAIN RULES OF THE DEPARTMENT
OF AGRICULTURE RELATING TO TUBERCULOSIS AND
THE PRIVATE FEEDING OF BIG GAME ANIMALS

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Agriculture relating to tuberculosis and the private feeding of big game animals are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 02.04.24, Section 022, Subsection 02, rules of the Department of Agriculture governing tuberculosis and inspections, adopted as a pending rule under Docket Number 02-0424-0301, and IDAPA 02.04.25, rules of the Department of Agriculture governing the private feeding of big game animals, the entire rulemaking docket, adopted as a pending rule under Docket Number 02-0425-0301, be, and the same are hereby rejected and declared null, void and of no force and effect.

Rejects certain rules of the Department of Agriculture relating to tuberculosis and the private feeding of big game animals.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14122

This concurrent resolution would reject certain pending rules of the department of agriculture relating to tuberculosis and the private feeding of big game animals. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 20, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 129

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 129
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO FISH AND GAME COMMISSION RELATING TO COMMERCIAL FISHING

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Fish and Game Commission relating to commercial fishing are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.12, rules of the Idaho Fish and Game Commission governing commercial fishing in the state of Idaho, the entire rulemaking docket, adopted as a pending rule under Docket Number 13-0112-0301, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 14136

This concurrent resolution would reject certain pending rules of the Idaho Fish and Game Commission relating to commercial fishing. The effect of this resolution, if adopted by both houses of the legislature, would be to prevent the agency rule from going into effect.

FISCAL IMPACT

This concurrent resolution has no fiscal impact.

Signed: March 18, 2004.

Contact

Senator Laird Noh, Chairman
Senate Resource and Environment Committee
Phone: 334-1333

SENATE CONCURRENT RESOLUTION NO. 130

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE

SENATE CONCURRENT RESOLUTION NO. 130

BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS
AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE
OR CHARGE, WITH AN EXCEPTION, AND REJECTING CERTAIN
AGENCY RULES THAT ARE NOT APPROVED

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain sections of Rules of the Division of Building Safety relating to installation of heating, ventilation, and air conditioning systems are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2004 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 07.07.01, Section 024 concerning HVAC apprentice requirements for registration, Section 061 concerning HVAC installation permit and inspection fees prior to commencement of work, and Section 062 concerning HVAC installation permit and inspection fees after commencement of work, Rules of the Division of Building Safety relating to installation of heating, ventilation, and air conditioning systems, adopted as pending fee rules under Docket Number 07-0701-0301, the above enumerated sections only.

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 07.07.01, Section 024 concerning HVAC apprentice requirements for registration, Section 061 concerning HVAC installation permit and inspection fees prior to commencement of work, and Section 062 concerning HVAC installation permit and inspection fees after commencement of work, Rules of the Division of Building Safety relating to installation of heating, ventilation, and air conditioning systems, adopted as pending fee rules under Docket Number 07-0701-0301, the above enumerated sections only, be, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224,

Idaho Code.

Statement of Purpose / Fiscal Impact**STATEMENT OF PURPOSE
RS 14189**

By statute, agency rules adopted under the Administrative Procedure Act that impose a fee or charge do not go into effect unless approved by concurrent resolution by both houses of the legislature. This concurrent resolution would approve agency fee or charge rules that have been adopted during the last calendar year, and which were submitted through the Office of the Rules Coordinator to the legislature for review during the current legislative session, with exceptions for those fee rules that were not approved by one committee that reviewed them.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, would have no fiscal impact upon any state or local government funds, beyond the scope or impact of the individual rules themselves.

Signed: March 16, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

SENATE CONCURRENT RESOLUTION NO. 131

LEGISLATURE OF THE STATE OF IDAHO
Fifty-seventh Legislature Second Regular Session - 2004

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 131
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING LEGISLATIVE FINDINGS AND APPROVING
AND EXTENDING TEMPORARY RULES REVIEWED
BY THE LEGISLATURE, WITH AN EXCEPTION

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-seventh Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2004 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 57.01.01, the entire rulemaking docket, related to rules governing the Sexual Offender Classification Board, rules of the Sexual Offender Classification Board, adopted as temporary rules under Docket Number 57-0101-0401.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Fifty-eighth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2004 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-seventh Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE
RS 14190

Temporary rules adopted by state agencies under the Administrative Procedure Act, by statute expire at the end of the current legislative session. This concurrent resolution would approve and extend agency temporary rules beyond the current session.

FISCAL NOTE

Adoption of this concurrent resolution, in and of itself, would have no fiscal impact upon any state or local government funds or accounts, beyond the scope or impact of the individual rules themselves. By adopting this concurrent resolution, the Legislature avoids having necessary agency rules expire, which would occasion additional expense to state agencies for readopting and republishing temporary rules needed to conduct state business.

Signed: March 16, 2004.

Contact:

Carl Bianchi
Director of Legislative Services
334-2475

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2004-01

EARLY CARE AND LEARNING CROSS-SYSTEMS TASK FORCE

WHEREAS, the advancement of early care and learning has had a positive impact on Idaho families and children; and

WHEREAS, through these initiatives, children are healthier and better prepared to enter Idaho's school systems; and

WHEREAS, the coordination of early care and learning initiatives, both public and private, is a priority of the State of Idaho; and

WHEREAS, many of these initiatives may have similar or identical missions; and

WHEREAS, greater coordination will allow for an accurate inventory of existing initiatives along with an increased understanding of the services available for families and children.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order as follows:

1. *There is created within the Office of the Governor the "Early Care and Learning Cross-Systems Task Force".*
2. *The Task Force shall be responsible for developing a sustainable and coordinated statewide-plan to achieve mutually defined goals for early care and learning with evidence-based outcomes and approval and support from stakeholders, as well as the Governor and will:*
 - a. *Facilitate the activities of the Early Care and Learning Cross-Systems Task Force which will establish an ongoing communication network between state agencies, policymakers, families, stakeholders and communities for the purpose of planning and implementation of a coordinated system of early care and learning in Idaho;*
 - b. *Develop multiagency state partnerships among critical stakeholders;*
 - c. *Compile resources and identify information on the current best practices in early childhood systems building;*
 - d. *Provide a comprehensive statewide mapping of existing early care and learning programs and resources, as well as existing gaps;*
 - e. *Support partnerships to align current initiatives in the support of a comprehensive system of early childhood professional development;*
 - f. *Increase public awareness of quality early care and learning programs as a critical part of the foundation to promote healthy families and communities;*
 - g. *Align policy and funding systems to develop and support integrated early care and learning system development;*
3. *Once the statewide plan is completed the Task Force will be responsible for ensuring implementation of the plan.*



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

DIRK KEMPTHORNE
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2004-02

**IMMEDIATE GROUND AND SURFACE WATER ACTIONS AND
LONG-TERM CONJUNCTIVE MANAGEMENT ON THE EASTERN SNAKE PLAIN AQUIFER**

WHEREAS, water in Idaho represents the lifeblood of our State's economy, particularly agriculture in southern Idaho and the aquaculture industry in the Thousand Springs area; and

WHEREAS, the water supply of the Eastern Snake Plain Aquifer ("ESPA") is hydraulically-connected to the Snake River and tributary surface water sources; and

WHEREAS, discharges from the Thousand Springs area have diminished and are expected to be further diminished primarily because of significant reductions in incidental recharge of the ESPA and the last four consecutive years of drought; and

WHEREAS, conjunctive administration of water rights from the ESPA and hydraulically-connected surface water sources must be achieved in a manner consistent with Idaho law implementing the prior appropriation doctrine; and

WHEREAS, the state of Idaho has dedicated significant resources and has made continual progress over the past two decades toward the goal of achieving full conjunctive administration of rights to the use of interconnected surface and ground waters within the Eastern Snake Plain consistent with Idaho law and available information; and

WHEREAS, the progress includes issuance of partial decrees for a substantial number of the previously unadjudicated water rights claimed in the pending Snake River basin adjudication; the formation of ground water districts pursuant to Chapter 52, Title 42, Idaho Code; the formation and operation of water districts pursuant to Chapter 6, Title 42, Idaho Code, to administer rights to the use of ground water; and reformulation of the computer model used to simulate the effects of ground water withdrawals from the Eastern Snake Plain Aquifer upon hydraulically-connected reaches of the Snake River and other investigations; and

WHEREAS, the health and stability of the ESPA is essential for the State's municipalities, agricultural community and the economic vitality of southern Idaho; and

WHEREAS, on March 20, 2004, a one-year agreement containing significant immediate actions to address declining surface water supplies dependent on the ESPA was reached with the Governor, the Idaho State Legislature, the surface and ground water users, the aquaculture interests and other important water users aimed at avoiding significant curtailment of water use for a one-year period from March 15, 2004 through March 15, 2005; and

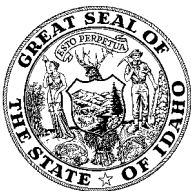
WHEREAS, in order to implement the actions called for in the agreement and in House Bills 836, 843, and 848 as enacted by the Second Regular Session of the Fifty-seventh Idaho Legislature and signed into law on this day, the Executive Branch must clearly set forth its commitment for immediate and long-term planning to provide certainty for the economy in southern Idaho.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order effective immediately that:

- 1. The Director of the Department of Water Resources hereby continue, until further notice, the amended moratorium on ground water development dated April 30, 1993, as it applies to the ESPA; and*
- 2. The Department of Water Resources, in consultation with the Governor, develop a long-term management strategy for conjunctive management of surface and ground water sources, which plan shall:*

- a. Seek funding through the Department of Interior's 2025 Grant Program and other federal funding sources;*
 - b. Explore constructing additional storage for surface water, including bonding through the Idaho Water Resource Board, to be provided by increasing the height of Minidoka Dam in cooperation with the Bureau of Reclamation;*
 - c. Effectuate land exchanges or acquisition of federal lands suitable for recharge from federal agencies, specifically the Bureau of Land Management;*
 - d. Seek assistance and support from the federal government to ensure appropriate recharge of the ESPA;*
 - e. Initiate a negotiated rulemaking for review and modification of the existing conjunctive management rules, as determined to be needed and appropriate;*
 - f. Coordinate and consult with the Governor's Office and other appropriate executive branch agencies on all aspects of these actions, including expenditures; and*
 - g. Ensure that its policies and procedures facilitate and support the goals and objectives of this Executive Order.*
- 3. The Department of Commerce, in consultation with the Governor, shall immediately:*
 - a. Develop a project selection process for dispensing grant moneys dedicated to developing water management and conservation infrastructure with the objective of promoting a more stable supply of spring flows from the ESPA for water quality dependent uses;*
 - b. Strategize and consult with businesses that may have projects that would increase the collection of spring flows for fish production and develop an approach to review business practices to reduce costs of production, or other efficiencies of operations, that would help offset the lack of spring flows; and*
 - c. Ensure that its policies and procedures facilitate and support the goals and objectives of this Executive Order.*
- 4. The Department of Agriculture, in consultation with the Governor, shall immediately:*
 - a. Provide assistance by developing marketing strategies for the aquaculture industry; and*
 - b. Ensure that its policies and procedures facilitate and support the goals and objectives of this Executive Order.*
- 5. The Department of Agriculture, the Department of Commerce and the Department of Water Resources shall jointly report to the Governor in 60-day increments on the progress of implementation of the above-described actions and on the actions taken by the executive departments to comply with the directives, purpose and intent of this Executive Order; and*
- 6. All Idaho businesses, governments and citizens are encouraged to participate in efforts consistent with this Executive Order.*

This Executive Order shall cease to be effective four years after its entry into force.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in the City of Twin Falls on this 26th day of March in the year of our Lord two thousand and four, and of the Independence of the United States of America the two hundred twenty-eighth and of the Statehood of Idaho the one hundred fourteenth.

DIRK KEMPTHORNE
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.24 - RULES GOVERNING TUBERCULOSIS

DOCKET NO. 02-0424-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 02-0424-0301. This agency action for this final rulemaking is authorized pursuant to Section Title 25, Chapter 2, 3, 4, [37] 35, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 128, Docket No. 02-0424-0301 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule: IDAPA 02.04.24.022.02 is repealed.

The original text of the proposed rule was published in the September 4, 2003 Idaho Administrative Bulletin, Volume 03-9, page(s) 49 through 58. The pending rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, page 22.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

DATED this 25th day of March, 2004.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790, Boise, Idaho 83701-0790
(208) 332-8500 / (208) 334-4062 FAX

THE FOLLOWING IS THE FINAL TEXT OF DOCKET NO. 02-0424-0301 FROM SCR 128

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, bison, goats, domestic cervidae and other animals are held or kept. (3-20-04)

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, bison, goats, domestic cervidae or other tuberculosis susceptible animals are held or kept. State or federal animal health officials will attempt to notify the owner or operator of the premises or conveyance prior to conducting an inspection. (3-20-04)

~~**02. Inspecting Records.** To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized to have access to, inspect, review, and copy any records deemed necessary during normal business hours. State or federal animal health officials will attempt to notify the owner or operator of the premises where the records are located prior to inspecting records. (10-1-03)F~~

032. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 may be waived. (3-20-04)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.25 - RULES GOVERNING THE PRIVATE FEEDING OF BIG GAME ANIMALS

DOCKET NO. 02-0425-0301

NOTICE OF RULEMAKING - FINAL RULE

(REJECTION OF RULEMAKING AND CHAPTER REPEAL)

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 02-0425-0301. This agency action for this final rulemaking is authorized pursuant to Section Title 25, Chapter 2, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 128, Docket No. 02-0425-0301 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

SCR 128 rejected Docket No. 02-0425-0301 and repeals the chapter in its entirety.

The original text of the proposed rule was published in the September 4, 2003 Idaho Administrative Bulletin, Volume 03-9, page(s) 59 through 64. The pending rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, page(s) 23 and 24.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

DATED this 25th day of March, 2004.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02.04.25 IS REPEALED IN ITS ENTIRETY.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.26 - RULES GOVERNING LIVESTOCK MARKETING
DOCKET NO. 02-0426-0301
NOTICE OF RULEMAKING - FINAL RULE
(REJECTION OF RULEMAKING AND CHAPTER REPEAL)

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 02-0426-0301. This agency action for this final rulemaking is authorized pursuant to Section Title 25, Chapters 2, 3, 6, 17, and 35, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 127, Docket No. 02-0426-0301 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

SCR 127 rejected Docket No. 02-0426-0301 and repeals the chapter in its entirety.

The original text of the proposed rule was published in the September 4, 2003 Idaho Administrative Bulletin, Volume 03-9, page(s) 65 through 77. The pending rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, page(s) 25 through 26.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact John Chatburn, Idaho State Department of Agriculture at (208) 332-8540.

DATED this 25th day of March, 2004.

Mike Everett, Deputy Director
Idaho State Department of Agriculture
P.O. Box 790
Boise, Idaho 83701-0790
(208) 332-8500
(208) 334-4062 FAX

IDAPA 02.04.26 IS REPEALED IN ITS ENTIRETY

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0401

NOTICE OF RULEMAKING - RESCISSION OF TEMPORARY RULE

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 54-1006, Idaho Code.

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

The temporary rule is being rescinded because it failed to include a provision in the rule that would allow for the temporary rule to expire under its own terms prior to the commencement of the next legislative session.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Gary Malmen, Electrical Bureau Chief, at (208) 332-7147.

DATED this 31st day of March, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 332-7100
(208) 855-2164

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0402

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 6, 2003.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-1006, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of the supporting reasons for temporary rulemaking:

This temporary rulemaking incorporates a new section into IDAPA 07.01.06.011 to provide an exemption to the provisions of the 2002 National Electrical Code. The new rule is necessary to address a potential safety hazard created by the current practice of mounting an electrical service disconnect switch onto the outside of a luminaire pole, which leaves the disconnect exposed to vandalism and damage by lawn mowers, by permitting installation of fuse holders that are mounted within the poles. This temporary rule will expire November 6, 2004.

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:

Adoption of the temporary rule is necessary to protect the public.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Gary Malmen, Electrical Bureau Chief, at (208) 332-7147.

DATED this 31st day of March, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
(208) 332-7100
(208) 855-2164

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0106-0402

011. NATIONAL ELECTRICAL CODE, 2002 EDITION.

01. Documents. Under the provisions of Section 54-1001, Idaho Code, the National Electrical Code, 2002 Edition, is hereby adopted for the state of Idaho and shall be in full force and effect on and after July 1, 2002, with the exception of Article 80 and the following: (5-3-03)

a. Compliance with Article 675.8(B) 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. (5-3-03)

b. Compliance with Article 550.32(B) shall limit installation of a service on a manufactured home to

those homes manufactured after January 1, 1992. (5-3-03)

- c. Compliance with Article 210.12(B) shall not apply to the fire/smoke alarm branch circuit outlet. (5-3-03)

d. A pole that is no more than forty (40) feet in nominal height that supports no more than four (4) luminaires that are operating at a nominal voltage of three hundred (300) volts or less, shall not be considered to constitute a structure as that term is defined by the National Electrical Code (NEC) and no disconnecting means shall be required. Overcurrent protection for wiring within the pole and luminaires mounted to the pole shall be provided by Bussman KTK fast-acting [200KAIC] or equivalent mounted in separable [break-a-way] fuse holders equivalent to the Bussman HEB series with a six hundred (600) volt rating. [Note: for two hundred, eight (208) or two hundred, forty (240) volt installations, the fuse holders require Bussman HEY Series, double-pole or equivalent.] The fuse holder shall be located within the pole itself, and accessible from the hand hole. Any poles supporting or incorporating utilization equipment other than luminaires, and other poles supporting luminaires shall be considered structures, and an appropriate service disconnecting means shall be required [per the NEC]. All luminaire-supporting poles shall be appropriately grounded [and bonded per the NEC]. All poles supporting luminaires, shall indicate by a permanent warning label to read: Wiring to pole is un-fused, service entrance conductors enclosed within. This rule will expire November 6, 2004. (11-6-03)T

02. Availability. This document is available at the office of the Division of Building Safety, Electrical Bureau 1090 E. Watertower St., Meridian, Idaho. (5-3-03)

012. -- 999. (RESERVED).

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.06 - RULES CONCERNING UNIFORM PLUMBING CODE
DOCKET NO. 07-0206-0301
NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605(1), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, pages 36 through 38.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, Division of Building Safety, (208) 332-7140.

DATED this 31st day of March, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower Street
Meridian, Idaho 83642
Phone: (208) 332-7100
Fax: (208) 855-2164

IDAPA 07, TITLE 02, CHAPTER 06

RULES CONCERNING UNIFORM PLUMBING CODE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-12, December 3, 2003, pages 36 through 38.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.06.01 - RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET NO. 07-0601-0301

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2005 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-8007, Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the December 3, 2003 Idaho Administrative Bulletin, Volume 03-12, pages 44 through 48.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jack Rayne, Building Bureau Chief, 332-7151.

DATED this 31st day of March, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower Street
Meridian, Idaho 83642
Phone: (208) 332-7100
Fax: (208) 855-2164

IDAPA 07, TITLE 06, CHAPTER 01

RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 03-12, December 3, 2003, pages 44 through 48.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2005 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 07-0701-0301. This agency action for this final rulemaking is authorized pursuant to Section 54-5005(1), Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 130, Docket No. 07-0701-0301 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule.

Section 024 concerning HVAC apprentice requirements for registration, Section 061 concerning HVAC installation permit and inspection fees prior to commencement of work, and Section 062 concerning HVAC installation permit and inspection fees after commencement of work are rejected and pursuant to Section 67-5291 and Section 67-5224, Idaho Code are declared null, void and of no force and effect. Sections 024, 061 and 062 are now "RESERVED" sections.

The original text of the proposed rule was published in the October 1, 2003, Idaho Administrative Bulletin, Volume 03-10, pages 49 through 55. The pending rule was published in the January 7, 2004, Idaho Administrative Bulletin, Volume 04-1, page 23.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Dave Munroe, Administrator, 332-7100.

DATED this 31st day of March, 2004.

Dave Munroe, Administrator
Division of Building Safety
1090 E. Watertower St.
Meridian, Idaho 83642
Phone: (208) 332-7100
Fax: (208) 855-2164

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0401

NOTICE OF RULEMAKING - RESCISSION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5221 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 Article IX, Section 2 of the Idaho Constitution, Sections 33-107, 33-116, 33-1612, and Title 33, Chapter 12, Idaho Code.

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

The State Board of Education is rescinding the rules published under this docket and adopting new rules that will govern Computer Based Alternative Routes to Teacher Certification.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Karen Gustafson at (208) 332-1567.

DATED this 25th day of March, 2004.

Karen L. Gustafson
Policy and Governmental Affairs Officer
State Board of Education
650 West State Street, 3rd Floor
PO Box 83720
Boise, ID 83720-0037
(208) 332-1567 phone
(208) 334-2632 fax

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0402

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is March 12, 2004.

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 Article IX, Section 2 of the Idaho Constitution and under 33-107, 33-116, 33-1612, Title 33, Chapter 12, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows: By video conference at the following locations:

Thursday, May 13, 2004 at 6:00 p.m.

University of Idaho
800 Park Boulevard, Rm B2
Boise, ID

Center Eastern Idaho College
1600 South 25th East, Room 371
Idaho Falls, ID

North Idaho College
100 West Garden, Molstead Rm 210
Coeur d'Alene, ID

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:

The No Child Left Behind Act (NCLB) requires that all teachers in Public Schools be highly qualified by the 2005-06 school year. Currently, districts may grant a waiver to use a consultant specialist in classrooms when certified teachers cannot be hired. Our schools currently employ over 200 consultant specialists each year. In order to comply with NCLB, alternative routes to certification have been created. These new alternative routes will take effect in 2006. Between now and 2006 we face the challenge of providing a vehicle to certify those individuals who already work in our schools or may be hired in the Consultant Specialist role. This certification process includes a pre-assessment of skills and educational needs for the teacher candidate, prescribed instruction, passage of two tests to assure mastery of both content knowledge and pedagogy, and structured mentoring in the first two years of teaching. The U.S. Department of Education has approved this process as meeting the Highly Qualified Teachers requirements for NCLB.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)b, and c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

To be in compliance with deadlines in amendments to governing law and federal programs and to confer a benefit.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was conducted. The Teacher Preparation Task Force met approximately 18 times and the Idaho's MOST Advisory Group met approximately 24 times since November of 2000. As a result of those meetings, alternate routes to teacher certification were developed. This rule addresses one of those routes. During the legislative session, the Senate and House Education Committees were made aware of the rule and offered the opportunity to comment. After receiving input from Legislators and the Idaho Education Association the Board made further amendments to the rule. A total of five public hearings were held. (December 2002, April 2003, May 2003, July 2003 and October 2003). The hearings were held via statewide video conference connecting Boise, Coeur d'Alene, Idaho Falls, Lewiston, Pocatello and Twin Falls.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Randy Thompson at (208) 332-1563.

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 May 26, 2004.

DATED this 31st day of March.

Karen L. Gustafson
Policy and Governmental Affairs Officer
State Board of Education
650 West State Street, 3rd Floor
PO Box 83720, Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0402

045. ~~(RESERVED)~~ COMPUTER-BASED ALTERNATIVE ROUTE TO TEACHER CERTIFICATION.
An individual may acquire interim certification as found in Section 015 of these rules through a computer based alternative route certification program. (3-12-04)T

01. Approval Of The Program. The State Board of Education must approve any computer-based alternative route to teacher certification. The program must include, at a minimum, the following components: (3-12-04)T

- a.** Prereassessment of teaching and content knowledge; (3-12-04)T
- b.** An academic advisor with knowledge of the prescribed instruction area; and (3-12-04)T
- c.** Exams of pedagogy and content knowledge. (3-12-04)T

02. Eligibility. Individuals who possess a bachelor's degree or higher from an institution of higher education may utilize this alternative route to an interim Idaho Teacher Certification. (3-12-04)T

03. Requirements For Completion. To complete this alternative route, the individual must: (3-12-04)T

- a.** Complete a Board approved program; (3-12-04)T
- b.** Pass the Board approved pedagogy and content knowledge exams; and (3-12-04)T
- c.** Complete the Idaho Department of Education Criminal History Check. (3-12-04)T

04. Interim Certificate. Upon completion of the computer based certification process described herein, the individual will be awarded an interim certificate from the State Department of Education's Bureau of Certification and Professional Standards. The term of the interim certification shall be three (3) years. During the first two (2) years of interim certification, teaching by the individual must be done through a teacher mentoring program approved by the Board. Continued teaching shall be subject to successful completion of the (2) year teacher mentoring program. All laws and rules governing the fully certificated teachers with respect to conduct, discipline and professional standards shall apply to individuals teaching under an interim certificate. (3-12-04)T

05. Interim Certificate Not Renewable. Interim certification hereunder is only available on a one (1) time basis per individual. It will be the responsibility of the individual to obtain full Idaho Teacher Certification during the three (3) year interim certification term. (3-12-04)T

**IDAPA 10 - IDAHO BOARD OF REGISTRATION OF PROFESSIONAL
ENGINEERS AND PROFESSIONAL LAND SURVEYORS**

10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY

DOCKET NO. 10-0102-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 10-0102-0301. This agency action for this final rulemaking is authorized pursuant to Section 54-1208, Idaho Code.

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

Pursuant to House Concurrent Resolution No. 43, Docket No. 10-0102-0301 is not consistent with legislative intent and was rejected and declared null, void and of no force and effect.

The original text of the proposed rule was published in the August 6, 2003 Idaho Administrative Bulletin, Volume 03-8, pages 36 and 37. The pending rule was published in the November 5, 2003 Idaho Administrative Bulletin, Volume 03-11, pages 34 and 35.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact David L. Curtis at (208) 334-3860.

DATED this 29th day of March, 2004

David L. Curtis, P.E., Executive Director
Board of Registration of Professional Engineers and Professional Land Surveyors
600 S. Orchard, Suite A
Boise, Idaho 83705-1242
Telephone (208) 334-3860
Fax (208) 334-2008

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.12 - RULES GOVERNING COMMERCIAL FISHING IN THE STATE OF IDAHO

DOCKET NO. 13-0112-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 13-0112-0301. This agency action for this final rulemaking is authorized pursuant to Sections 36-103, 36-104(b), and 36-804, Idaho Code.

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

Pursuant to Senate Concurrent Resolution No. 129, Docket No. 13-0112-0301 is not consistent with legislative intent and is being rejected accordingly. In accordance with the concurrent resolution the proposed rule, Docket No. 13-0112-0301, is rejected and is null and void and of no force and effect. As a result of this concurrent resolution, IDAPA 13.01.12, "Rules Governing Commercial Fishing in the State of Idaho," will remain unchanged.

The original text of the proposed rule was published in the October 2003 Idaho Administrative Bulletin, Volume 03-10, pages 162 through 166. The pending rule was published in the January 2004 Idaho Administrative Bulletin, Volume 04-01, page 42.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact W. Dallas Burkhalter at 208-334-3715.

DATED this 6th day of April, 2004.

W. Dallas Burkhalter
Deputy Attorney General
Idaho Department Of Fish and Game
600 S. Walnut
PO Box 25
Boise, ID 83707
Telephone: 208-334-3715
FAX: 208-334-2114

**IDAPA 15 - OFFICE OF THE GOVERNOR
DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION**

15.04.01 - RULES OF THE DIVISION OF HUMAN RESOURCES AND PERSONNEL COMMISSION

DOCKET NO. 15-0401-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under Docket No. 15-0401-0301. This agency action for this final rulemaking is authorized pursuant to Section 67-5309, Idaho Code.

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

Pursuant to House Concurrent Resolution No.46, a portion of Docket No.15-0401-0301 is not consistent with legislative intent and is being amended accordingly. In accordance with the concurrent resolution the following changes are being made to the final rule:

Section 025 relating to nepotism, adopted as a pending rule under Docket Number 15-0401-0301, was rejected and declared null, void and of no force and effect. This section will remain as promulgated in 1981.

The original text of the proposed rule was published in the October 1, 2003 Idaho Administrative Bulletin, Volume 03-10, pages 173 through 222. The pending rule was published in the January 7, 2004, Idaho Administrative Bulletin, Volume 04-1, pages 43 through 59.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Daniel Steckel at 429-5507.

DATED this 26th day of March, 2004.

Ann Heilman
Administrator
Division of Human Resources
700 West State Street
P.O. Box 83720
Boise, ID 83720-0066
(208)429-5500
(208)334-3182 (fax)

THE FOLLOWING IS THE FINAL TEXT OF SECTION 025 OF 15-0401-0301

025. NEPOTISM.

No employee shall work under the immediate supervision of a supervisor who is a spouse, child, parent, brother, sister or the same relation by marriage. (8-1-81)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0219-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under this docket. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

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

The Department proposed to repeal this chapter of rules in the August Administrative Bulletin, Volume 03-8, page 38. The 2004 Legislature determined that the pending rules published in the January Administrative Bulletin, Volume 04-1, page 111, do not meet legislative intent for food establishments in Idaho. House Concurrent Resolution 51 rejected the repeal of IDAPA 16.02.19 under this docket making it null and void and of no force and effect. The final rule will be reinstated to the original text as codified prior to this rulemaking. The Department will begin negotiated rulemaking in 2004 to rewrite this rule. Contact Patrick Guzzle at (208) 334-5936 for more information on the negotiation process.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Patrick Guzzle at (208) 334-5936.

DATED this 24th day of March, 2004.

Sherri Kovach
Program Supervisor
DHW - Administrative Procedures Section
450 West State Street, 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.02.19 - FOOD SAFETY AND SANITATION STANDARDS FOR FOOD ESTABLISHMENTS

DOCKET NO. 16-0219-0302

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution on this rulemaking under this docket. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a summary of the reasons for the vacating this rulemaking:

Proposed rules to rewrite this chapter of rule were submitted by the Department and published in the August Administrative Bulletin, Volume 03-8, pages 39 through 53. The 2004 Legislature determined that the pending rules published in the January Administrative Bulletin, Volume 04-1, pages 112 and 113 do not meet legislative intent for food establishments in Idaho. House Concurrent Resolution 51 rejected the rewrite of IDAPA 16.02.19 under this docket making it null and void and of not force and effect. The final rule will be reinstated to the original text as codified prior to this rulemaking. The Department will begin negotiated rulemaking in 2004 to rewrite this chapter of rule. Contact Patrick Guzzle at (208) 334-5936 for more information on the negotiation process.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Patrick Guzzle at (208) 334-5936.

DATED this 25th day of March, 2004.

Sherri Kovach
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DHW - Administrative Procedures Section
450 West State Street, 10th Floor
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Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 332-7347 fax
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IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.01 - RULES GOVERNING ELIGIBILITY FOR MEDICAID FOR FAMILIES AND CHILDREN

DOCKET NO. 16-0301-0302

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the 2004 Legislature has rejected sections of this rulemaking previously initiated under this docket.

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

The original text of the temporary and proposed rules was published in the October Administrative Bulletin, Volume 03-10, pages 226 through 229. The 2004 Legislature determined that sections in this docket did not meet legislative intent. Senate Concurrent Resolution 120 rejected Sections 346, 347, 348 and 349 of this docket making them null and void and of no force and effect. These sections will be reinstated to the original text as codified prior to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Tiffany Kinzler at (208) 334-6540.

DATED this 25th day of March, 2004.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone; (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 16-0301-0302

346. DETERMINING INCOME ELIGIBILITY FOR THE MONTH OF APPLICATION.

Calculate the household's countable income for the application month, and compare the income against the income limits for the appropriate Medicaid program. Use actual income for each of the three (3) retroactive months to determine eligibility for that month. Determine eligibility for each retroactive month separately. (3-30-01)

347. ANTICIPATING INCOME.

Anticipate income to determine continuing eligibility. Compare the household's countable anticipated income against the income limits for the appropriate Medicaid program. (3-30-01)

348. DETERMINING INCOME AVAILABLE TO THE HOUSEHOLD.

Income from financially responsible household members is counted for Medicaid eligibility. Income is available when the participant has a legal interest in a liquidated sum. Income must be under the control of the participant during the period for which need is being determined. Income is available when action can be taken by the individual

to obtain or use it. The participant must take all necessary steps to obtain program benefits for which he may be eligible. This includes RSDI, unemployment insurance, and worker's compensation. (3-30-01)

349. CALCULATING A FULL MONTH'S INCOME USING ACTUAL AND PROJECTED INCOME.

Calculate the monthly income, using actual income already received during the month and income expected to be received in the month. The household and the Department must agree this is a reasonable estimate of that month's income. (3-30-01)

01. Full Month's Income Expected From An Ongoing Source. If no changes are expected, use the actual income received in the past thirty (30) days to project a full month's income. If changes are expected, project the income for the month with the new information. (3-30-01)

02. Full Month's Income Not Expected From An Ongoing Source. If a full month's income is not expected from an ongoing source, count the income expected for the month. If the actual amount is known, use the actual income. If the actual income is unknown, project the expected income for that month. (3-30-01)

03. Full Month's Income Not Expected From A New Source. If income is from a new source, and a full month's income is not expected, count the actual income expected for the month. Do not convert the new source of income to a monthly amount. If the actual income is unknown, project the expected income for that month. (3-30-01)

04. Income From Terminated Source. If income is from a terminated source, and no additional income is expected in a future month, count the actual income received during the month. Do not convert income to a monthly amount, if a full month's income from the terminated source is not expected. (3-30-01)

05. Seasonal Income. If income changes seasonally, consider the household's income from the last season and any pay changes to project the month's income. (3-30-01)

06. Fluctuating Income. When income fluctuates each pay period, and the rate of pay remains the same, average the income from the past thirty (30) days to determine the average pay period amount. Convert the average pay period amount to a full month's income. (3-30-01)

07. Income Paid As Salary. Count income paid as salary at the expected monthly salary rate. Do not count salary at an hourly rate. (3-30-01)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.04 - RULES GOVERNING THE FOOD STAMP PROGRAM IN IDAHO

DOCKET NO. 16-0304-0401

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 56-203, 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 May 19, 2004.

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:

Due to the moratorium on proposed rulemaking imposed during the legislative session, the changes being proposed in this rulemaking initially were published as a temporary rule with the effective date of October 1, 2003 and November 1, 2003, in the February 4, 2004 Idaho Administrative Bulletin, Volume 04-2, pages 61 through 95. These rules are now being published as proposed to comply with Idaho Code and to give the public opportunity to comment on the proposed changes.

The changes to the Food Stamp rules are being made to:

1. Implement options present in the Farm Security and Rural Investment Act of 2002 (reauthorizing the Food Stamp Program) that allow the state to simplify household reporting requirements thereby reducing staff workload and improving the accuracy of foodstamp casework. It also allows three types of utility standard deductions and a homeless shelter deduction;
2. Make certification periods be based on a household's circumstances and the reporting group in which it is assigned at application or recertification in accordance with options present in the Farm Security and Rural Investment Act of 2002;
3. Eliminate the need for annual amendment due to cost-of-living and other similar annual changes required by law; and
4. Clarify program requirements.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted since changes are being made under the controlling authority of federal law and regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Brenda Cronin at (208) 334-5815.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before May 26, 2004.

DATED this 30th day of March, 2004.

Sherri Kovach, Program Supervisor
DHW – Administrative Procedures Section
450 West State Street - 10th Floor, P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone / (208) 332-7347 fax / kovachs@idhw.state.id.us e-mail

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective dates are October 1, 2003, and November 1, 2003.

The original text of the Temporary Rule was published in the Idaho
Administrative Bulletin, Volume 04-2, February 4, 2004, pages 61 through 95.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0304-0401

002. DEFINITIONS.

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

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

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

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

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

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

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

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

08. Categorical Eligibility. If all household members are authorized to get TAFI, AABD and/or SSI, the household is categorically eligible. Categorically eligible households are exempt from resource, gross and net income eligibility standards. (7-1-98)

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

10. Claim Determination. The action taken by the Department establishing the household's liability for repayment when an overissuance of Food Stamps occurs. (6-1-94)

- 11.** **Change Reporting Household (CR).** Household that meets one (1) of the following conditions: ()
- a.** **No countable income:** ()
 - b.** **Contains any able bodied adult without dependents (ABAWD), regardless of income:** ()
 - c.** **Migrant and seasonal farmworker household; or** ()
 - d.** **Income cannot reasonably be prospected.** ()
- 12.** **Client.** A person entitled to or receiving Food Stamps. (6-1-94)
- 13.** **Coupon.** Any coupon, stamp, access device, or certificate issued ~~pursuant to~~ under the Food Stamp Program for the purchase of food. (7-1-98)()
- 14.** **Coupon Allotment.** The total dollar amount of Food Stamps allowed the household during the full or prorated month. (6-1-94)
- 15.** **Department.** The Idaho Department of Health and Welfare. (6-1-94)
- 16.** **Disqualified Household Members.** Individuals required to be excluded from participation in the Food Stamp program are Disqualified Household Members. These include: (6-1-94)
- a.** Ineligible legal non-citizen who do not meet the citizenship or eligible legal non-citizen requirements. (7-1-98)
 - b.** Individuals awaiting proof of citizenship when citizenship is questionable. (6-1-94)
 - c.** Individuals disqualified for failure or refusal to provide a Social Security Number (SSN). (6-1-94)
 - d.** Individuals disqualified for Intentional Program Violation (IPV). (6-1-94)
 - e.** Individuals disqualified for receiving three (3) months of Food Stamps in a three (3) year period in which they did not meet the work requirement for able-bodied adults without dependent children. (7-1-98)
 - f.** Individuals disqualified as a fugitive felon or probation or parole violator. (7-1-98)
 - g.** Individuals disqualified for a voluntary quit or reduction of hours of work to less than thirty (30) hours per week. (7-1-98)
 - h.** Individuals disqualified for failure to cooperate in establishing paternity and obtaining support for a child under eighteen (18). (7-1-98)
 - i.** Individuals convicted under federal or state law of any offense classified as a felony involving the possession, use, or distribution of a controlled substance when they do not comply with the terms of a withheld judgment, probation, or parole. The felony must have occurred after August 22, 1996. (3-30-01)
- 17.** **Documentation.** The method used to record information establishing eligibility. The information must sufficiently explain the action taken and the proof and how it was used. (6-1-94)
- 18.** **Drug Addiction Or Alcoholic Treatment Program.** Any drug addiction or alcoholic treatment rehabilitation program conducted by a private nonprofit organization or institution or a publicly operated community mental health center under Part B of Title XIX of the Public Health Service Act (42 USC 300x, et seq.). Indian reservation based centers may qualify if FCS requirements are met and the program is funded by the National Institute on Alcohol Abuse under Public Law 91-616 or was transferred to Indian Health Service funding. (7-1-98)()

- 189. EBT Handbook.** Idaho Department of Health and Welfare Rules, IDAPA 16.03.20, “Rules Governing Electronic Benefit Transfer (EBT) of Public Assistance, Food Stamps, and Child Support”. (7-1-98)
- 1920. Electronic Benefit Transfer.** A method of issuing Food Stamps to an eligible household. (7-1-98)
- 201. Eligible Foods.** Any food or food product for human consumption excluding alcohol, tobacco, and hot foods and hot food products ready for immediate consumption. Eligible foods include: (6-1-94)
- a.** Garden seeds and plants to grow food for human consumption. (6-1-94)
 - b.** Meals prepared for the elderly at a communal dining facility. (6-1-94)
 - c.** Meals prepared and delivered by an authorized meal delivery service. (6-1-94)
 - d.** Meals served to a narcotics addict or alcoholic who participate and reside in a rehabilitation center program. (6-1-94)
 - e.** Meals prepared and served by an authorized group living center to blind or disabled residents who receive benefits under Titles I, II or X, XIV, XVI of the Social Security Act. (6-1-94)
 - f.** Meals prepared and served at a shelter for battered women and children to eligible residents. (6-1-94)
 - g.** Meals prepared and served by an authorized public or private nonprofit establishment to homeless Food Stamp participants. (6-1-94)
- 212. Eligible Household.** A household living in a project area and meeting the eligibility criteria in these rules. (6-1-94)
- 223. Emancipated Minor.** A person, age fourteen (14) but under age eighteen (18), who has been married or whose circumstances show the parent and child relationship has been renounced such as a child in the military service. (6-1-94)
- 234. Enumeration.** The requirement that each household member provide the Department either their Social Security Number (SSN) or proof that they have applied. (6-1-94)
- 245. Exempt.** A household member who is not required to register for or participate in the JSAP program is exempt. A household member who is not required to register for work is exempt. (6-1-94)
- 26. Extended Certification Household (EC).** Simplified reporting household in which all adult members are elderly or disabled, with stable income. ()
- 27. Farm Bill.** Public Law 107-171, “Farm Security and Rural Investment Act of 2002”. ()
- 258. Federal Fiscal Year.** The Federal fiscal year (FFY) is from October 1 to September 30. (6-1-94)
- 29. Field Office.** A Department of Health and Welfare service delivery site. ()
- 2630. Food Assistance.** The Department’s Food Stamp Program or Food Distribution Program. (6-1-94)
- 2731. General Assistance.** Cash or other aid, excluding in-kind assistance, financed by Federal, state or local government and provided to cover living expenses or other basic needs. This cash or other aid is intended to promote the health and well-being of recipients. (6-1-94)
- 2832. Group Living Arrangement.** A public or private nonprofit residential setting serving no more than sixteen (16) residents. The residents are blind or disabled and receiving benefits under Title II or XVI of the

Social Security Act, certified by the Department under regulations issued under Section 1616(e) of the Social Security Act, or under standards determined by the Secretary of USDA to be comparable to Section 1616(e) of the Social Security Act. (6-1-94)

- ~~2933.~~ **Homeless Person.** A person: (6-1-94)
- a. Who has no fixed or regular nighttime residence. (6-1-94)
 - b. Whose primary nighttime residence is a temporary accommodation for not more than ninety (90) days in the home of another individual or household. (7-1-98)
 - c. Whose primary nighttime residence is a temporary residence in a supervised public or private shelter providing temporary residence for homeless persons. (6-1-94)
 - d. Whose primary nighttime residence is a temporary residence in an institution which provides temporary residence for people who are being transferred to another institution. (6-1-94)
 - e. Whose primary nighttime residence is a temporary residence in a public or private place which is not designed or customarily used as sleeping quarters for people. (6-1-94)
- ~~304.~~ **Homeless Meal Provider.** A public or private nonprofit establishment or a profit making restaurant which provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FCS. (7-1-98)
- ~~315.~~ **Identification Card.** The card identifying the bearer as eligible to get and use Food Stamps. (6-1-94)
- ~~326.~~ **Inadvertent Household Error Claim (IHE).** A claim resulting from an overissuance, caused by the household's misunderstanding or unintended error. A household error claim pending an intentional program violation decision. (6-1-94)
- ~~337.~~ **Income And Eligibility Verification System (IEVS).** A system of information acquisition and exchange for income and eligibility verification which meets Section 1137 of the Social Security Act requirements. (6-1-94)
- ~~348.~~ **Indian General Assistance.** The general assistance program administered by the Bureau of Indian Affairs. (6-1-94)
- ~~359.~~ **Institution Of Higher Education.** Any institution which normally requires a high school diploma or equivalency certificate for enrollment. These institutions include colleges, universities, and business, vocational, technical, or trade schools at the post-high school level. (7-1-97)
- ~~3640.~~ **Institution Of Post Secondary.** Educational institutions normally requiring a high school diploma or equivalency certificate for enrollment, or admits persons beyond the age of compulsory school attendance. The institution must be legally authorized by the state and provide a program of training to prepare students for gainful employment. (6-1-94)
- ~~41.~~ **Legal Noncitizen.** A qualified alien under 8 USC Section 1641(b). ()
- ~~3742.~~ **Nonexempt.** A household member who must register for and participate in the JSAP program. A household member who must register for work. (6-1-94)
- ~~3843.~~ **Nonprofit Meal Delivery Service.** A political subdivision or a private nonprofit organization, which prepares and delivers meals, authorized to accept Food Stamps. (6-1-94)
- ~~3944.~~ **Overissuance.** The amount Food Stamps issued exceeds the Food Stamps a household was eligible to receive. (6-1-94)

405. Parental Control. Parental control means that an adult household member has a minor in the household. ~~The minor who~~ is dependent financially or otherwise on the adult. Minors, emancipated through marriage, are not under parental control. Minors living with children of their own are not under parental control.

(7-1-98)(____)

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

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

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

449. Public Assistance. Public assistance means Old-Age Assistance (OAA), Temporary Assistance for Families in Idaho (TAFI), Aid to the Blind (AB) and Aid to the Disabled (AD). (7-1-98)

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

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

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

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

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

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

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

g. A farmers' market. (6-1-94)

h. An approved public or private nonprofit establishment which feeds homeless persons. The establishment must be approved by FCS. (7-1-98)

51. Simplified Reporting Household (SR). Household with countable earned or unearned income, regardless of the amount and doesn't contain an ABAWD or Migrant/Seasonal farmworker. (____)

462. Spouse. Persons who are: (6-1-94)

a. Ceremonially married under applicable state law; or (6-1-94)

b. Living together, free to marry and holding themselves out as man and wife. (6-1-94)

4753. State. Any of the fifty (50) States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands and the Virgin Islands of the United States. (6-1-94)

4854. State Agency. The Idaho Department of Health and Welfare. (6-1-94)

4955. Student. An individual between the ages of eighteen (18) and fifty (50), physically and mentally fit, and enrolled at least half-time in an institution of higher education. (6-1-94)

~~506.~~ **Supplemental Security Income (SSI).** Monthly cash payments under Title XVI of the Social Security Act. Payments include state or Federally administered supplements, such as AABD payments in Idaho. (6-1-94)

~~57.~~ **Verification.** The proof obtained to establish the accuracy of information and the household's eligibility. (6-1-94)

003. ABBREVIATIONS.
For the purposes of the Food Stamp Program, the following abbreviations are used. (6-1-94)

- 01. AABD.** Aid to the Aged, Blind and Disabled. (9-1-94)
- 02. ABAWD.** Able bodied adults without dependents. (7-1-98)
- 03. AE.** Administrative Error. (3-15-02)
- 04. AFA.** Application for Assistance. (7-1-98)
- 05. ASVI.** Alien Status Verification Index. (6-1-94)
- 06. A/R.** The applicant or recipient. (6-1-94)
- 07. BEER.** Beneficiary Earnings Exchange Report. (6-1-94)
- 08. BENDEX.** Beneficiary Data Exchange. (6-1-94)
- 09. BIA.** Bureau of Indian Affairs. (6-1-94)
- 10. BIA GA.** Bureau of Indian Affairs-general assistance. (6-1-94)
- 11. CIP.** The Crisis Intervention Program administered by the Community Services Administration (CSA). (6-1-94)
- 12. COLA.** Cost of Living Allowance. ~~(COLA) data received comes~~ from SSA. ~~(6-1-94)~~()
- 13. CSA.** The Community Services Administration of the U.S. Department of Housing and Urban Development. (6-1-94)
- 14. CSS.** Bureau of Child Support Services. (7-1-98)
- 15. DHW.** The Department of Health and Welfare in Idaho. (6-1-94)
- 16. DOL.** Department of Labor of the State of Idaho. (7-1-98)
- 17. EBT.** Electronic Benefit Transfer. (7-1-98)
- 18. EE.** Eligibility Examiner. (6-1-94)
- 19. EFNEP.** Expanded Food and Nutrition Education Program. (6-1-94)
- 20. EWS.** Enhanced Work Services. ()
- 201. FENS.** The Food and Nutrition Service of the U.S. Department of Agriculture. This is the federal entity that administers the Food Stamp program. ~~(7-1-98)~~()
- 22. FFY.** Federal fiscal year. (6-1-94)

223.	FmHA. Farm Home Administration.	(8-1-94)
234.	FMV. Fair market value.	(6-1-94)
245.	FQC. Federal Quality Control.	(6-1-94)
256.	GA. General assistance.	(6-1-94)
267.	HUD. The U.S. Department of Housing and Urban Development.	(6-1-94)
278.	IEVS. Income and Eligibility Verification Systems.	(6-1-94)
289.	IHE. Inadvertent household error.	(6-1-94)
2930.	INS. Immigration and Naturalization Service	(6-1-94)
31.	INA. Immigration and Nationality Act.	()
302.	IPV. Intentional program violation.	(6-1-94)
313.	IRS. Internal Revenue Service.	(6-1-94)
324.	JSAP. Job Search Assistance Program.	(6-1-94)
35.	LUA. Limited utility allowance. Household has a cost for more than one (1) utility. This includes electricity and fuel for purposes other than heating or cooling, water, sewage, well and septic tank installation and maintenance, telephone, and garbage or trash collection.	()
36.	MUA. Minimum utility allowance. Household has a cost for one (1) utility.	()
337.	PA. Public Assistance.	(6-1-94)
348.	RSDI. Retirement, Survivors, Disability Insurance received from SSA.	(6-1-94)
359.	SAVE. Systematic Alien Verification for Entitlements.	(6-1-94)
3640.	SAW. Special Agricultural Worker.	(6-1-94)
3741.	SDX. State Data Exchange.	(6-1-94)
3842.	SQC. State Quality Control.	(6-1-94)
3943.	SRS. Self Reliance Specialist.	(7-1-98)
404.	SUA. Standard utility allowance. Household has a cost for heating or cooling.	(6-1-94)()
415.	SSA. Social Security Administration.	(6-1-94)
426.	SSI. The Federal Supplemental Security Income Program for the aged, blind or disabled.	(6-1-94)
437.	SSN. Social Security number.	(6-1-94)
448.	SWICA. State Wage Information Collection Agency.	(6-1-94)
459.	TAFI. Temporary Assistance for Families in Idaho.	(7-1-98)
4650.	TOP. Treasury Offset Program.	(3-15-02)

- ~~4751.~~ TPQY. Third Party Query. (6-1-94)
~~4852.~~ UI. Unemployment Insurance. (6-1-94)
~~4953.~~ USDA. United States Department of Agriculture. (6-1-94)
~~504.~~ VA. The Veterans Administration. (6-1-94)
~~515.~~ WIA. The Workforce Investment Act. (3-15-02)
~~526.~~ WIC. The special supplemental Food Program for Women, Infants, and Children. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

120. HOUSEHOLD INTERVIEWS.

Households must have an ~~face-to-face~~ interview before certification and recertification, ~~unless the interview is waived. A new interview is not necessary if the household had a face-to-face interview at initial certification and at least once every twelve (12) months thereafter.~~ Interviews must be conducted face-to-face or via telephone, based on hardship criteria evident in the case record. A household member or an authorized representative can be interviewed. The applicant may bring any other person to the interview. The Department does not require households to report for an in-office interview during their certification period, ~~but they may be requested to do so. No adverse action can be taken if the household fails to respond to a request for an in-office interview during their certification period.~~

(3-15-02)(____)

121. WAIVER OF ~~OFFICE~~ FACE-TO-FACE INTERVIEW.

An ~~office~~ face-to-face interview may be ~~waived~~ replaced with a telephone interview if one (1) or more conditions in Subsections 121.01 through 121.05 of this rule are met. The reason for the waiver of the ~~office~~ face-to-face interview must be documented in the case record.

(3-15-02)(____)

~~01. **No Representative And Age Sixty Or Older Or Handicapped.** All adult household members cannot come for an interview have no earned income and they are age sixty (60) or older or have a mental or physical illness or disability. The household does not have another person to appoint as an authorized representative.~~

(9-1-94)(____)

~~02. **Mentally Or Physically Handicapped.** All adult household members are mentally or physically handicapped. The household does not have another person to appoint as an authorized representative.~~

(9-1-94)

~~032. **Transportation Problems Difficulties.** The adult household members have transportation problems difficulties including reliability, availability, distance from the field office, and cost of fuel. The household does not have another person to appoint as an authorized representative.~~

(9-1-94)(____)

~~043. **Lives Over Thirty Miles From Field Office Residence In A Rural Area.** The adult household members do not live within is located more than thirty (30) miles of from a Field Office. The household does not have another person to appoint as an authorized representative.~~

(9-1-94)(____)

~~05. **Other Hardships.** The adult household members have hardships warranting a waiver of office interview. Other Hardships include illness, care of a household member, prolonged severe weather, and work or training hours preventing an in-office interview. The household does not have another person to appoint as an authorized representative.~~

(3-15-02)(____)

122. INTERVIEW DUTIES.

The Department will explain rights, responsibilities, procedures and reporting requirements. The Department will explain basic program procedures and reporting requirements, ~~such as actual versus standard utility deductions.~~ The Department will resolve unclear or incomplete information. The Department will protect the applicant's privacy during the interview.

(6-1-94)(____)

(BREAK IN CONTINUITY OF SECTIONS)

135. SOURCES OF VERIFICATION.

The following sources of verification must be considered: (6-1-94)

01. Written Confirmation. The primary source of proof is written confirmation of circumstances. Written proof includes driver's licenses, work or school identification, birth certificates, wage stubs, award letters, court orders, divorce decrees, separation agreements, insurance policies, rent receipts and utility bills. Acceptable proof is not limited to a single document. Proof can be obtained from the household or other sources. Secondary sources of proof must be used to verify a household's circumstances if the primary source cannot be obtained or does not prove eligibility or benefit level. (7-1-97)

02. Collateral Contacts. A collateral contact is an oral confirmation of a household's circumstances by a person outside of the household. The collateral contact may be made either in person or over the telephone. Acceptable collateral contacts include employers, landlords, migrant service agencies, friends, neighbors and relatives not living in the household. The collateral contact must accurately confirm the household's statement. The Department is responsible for getting proof from the collateral contact. The household usually names the collateral contact. The household may request help in selecting a collateral contact. (6-1-94)

03. Verified Upon Receipt. Information verified upon receipt is data from BENDEX and SDX issued by the SSA, data from SAVE issued by INS, and data regarding Unemployment Compensation issued by DOL. Quarterly wage match data, new hire matches, and unearned income matches from the SSA are not considered verified upon receipt. ()

034. Automated System Records. System records include BENDEX, SDX ICCP and ICSES system information, quarterly wage match data, new hire matches, unearned income matches from the SSA, and DOL and INS records. The Department has routine access to automated system records. (3-15-02)()

045. Home Visits. Home visits may be used to get proof needed for Food Stamp eligibility only when the proof cannot be obtained otherwise. Home visits will be used on a case-by-case basis only when proof supplied by the household is not sufficient. Home visits must be scheduled in advance with the client. (3-15-02)

136. REQUIRED PROOF.

The Department must ~~have~~ receive proof for items listed below. The Department will ~~not~~ inform the household what proof is required in accordance with 7 CFR Part 273. (6-1-94)()

01. Idaho Residency. ~~Proof of residence is required.~~ Proof of Idaho residency includes ~~lease agreements, rent receipts showing the address and utility bills and mortgage payments, utility expenses and documents used to establish identity as described in Subsection 136.02 of this rule.~~ Proof of Idaho residency is not required for unusual cases such as homeless households, migrant farmworkers or new arrivals to a ~~project service delivery~~ area. (6-1-94)()

02. Identity. ~~Proof of identity is required for the applicant and representative.~~ Proof includes a driver's license, school identification or a birth certificate. The Department can accept other proof of identity. (6-1-94)()

03. SSN. SSNs are verified by submitting the SSNs reported by the households to the SSA. ~~An automated interface in EPICS is completed.~~ Certification cannot be delayed to an otherwise eligible household solely to verify an SSN. ~~An SSN is also considered verified by another program participating in IEVS.~~ If a person is unable to provide an SSN or does not have an SSN, the Department must require proof of application for an SSN prior to certifying the person. A newborn may participate when the household cannot provide proof of application for an SSN for the newborn. Proof of application for an SSN for that child must be provided at the next recertification or six (6) months after the month the child was born, whichever is later. (7-1-98)()

04. Immigration Status. ~~Proof of immigration status is required for all eligible legal non-citizen~~

~~household members.~~ Proof includes legal non-citizen registration cards, passports, and information from Systematic Alien Verification for Entitlements (SAVE) from the Alien Status Verification Index (ASVI). (7-1-98)(____)

05. Resources. ~~Proof of resources is required.~~ Proof includes bank books, bank statements or documents verifying the resource value. (6-1-94)(____)

06. Vehicles. ~~If questionable, proof of vehicle value is required.~~ Proof includes NADA values and statements from car dealers. (6-1-94)(____)

07. Loans. ~~Proof of loans is required.~~ A statement signed by both parties is proof of a loan. A legally binding agreement is not required. The provider of the loan must sign a statement that loan payments received on a regular basis are being made or will be made under a fixed schedule. (6-1-94)(____)

08. Income. ~~Proof of income is required.~~ Proof includes wage stubs, statements from employers, income interfaces and award letters. (6-1-94)(____)

09. Shelter Costs. ~~Proof of shelter costs is required.~~ The household must be told informed that benefits will be computed, without a deduction for the shelter costs, if proof is not provided. ~~Shelter costs include home shelter expenses. Shelter costs include homes unoccupied because of employment, training away from the home or illness. Shelter costs include homes abandoned due to a natural disaster or casualty loss. Shelter cost proof is required once, unless the household has moved or reports a change in shelter costs.~~ Proof of shelter costs includes mortgage statements, home equity loans, rent receipts, space rent receipts, lease agreements, tax notices (including irrigation), and insurance premium notices. (6-1-94)(____)

10. Homeless Deduction. Homeless households will receive a standard homeless shelter deduction. Proof of shelter costs is not required to obtain the homeless shelter deduction. (____)

101. Heating Or Cooling Costs For Standard Utility Allowance (SUA). ~~Proof of separate heating or cooling costs is required for the SUA. Proof of costs is required once, unless the household moves or the utilities change.~~ The SUA must include an expense for heating or cooling. The Department will inform the household that benefits will be computed without a deduction for the utility costs if proof is not provided. Proof includes utility bills, statements from utility companies, receipts from the purchase of wood, and landlords. (6-1-94)(____)

~~H. Utility Costs.~~ ~~Proof of actual utility costs is required if the household chooses actual costs. If proof of actual utility costs is not received before thirty (30) days, the SUA will be used if the household is eligible for the SUA. Proof of actual utility costs is required if the home is not occupied.~~ (6-1-94)

12. Limited Utility Allowance (LUA). The Department will inform the household that benefits will be computed without a deduction for the utility costs if proof is not provided. Proof of two (2) or more utility costs is required. Proof includes utility bills, statements from utility companies and landlords. Water, sewer, and trash are considered one (1) utility cost regardless of how they are billed. (____)

13. Minimum Utility Allowance. The Department will inform the household that benefits will be computed without a deduction for the utility costs if proof is not provided. Proof of one (1) utility cost is required. Proof includes utility bills, statements from utility companies and landlords. Water, sewer, and trash are considered one (1) utility cost regardless of how they are billed. (____)

124. Dependent Care Costs. ~~Proof of dependent care costs is required. Proof of costs is required once, unless the dependent care provider changes or the cost changes.~~ The Department will inform the household that benefits will be computed without a deduction for the dependent care costs if proof is not provided. Proof includes child care bills or statements and ICCP payment information. (6-1-94)(____)

135. Medical Costs. Proof of incurred medical expenses is required for households claiming a medical deduction. Proof includes medical bills, ~~m~~Medicare reimbursement statements, and prescription receipts. Proof of anticipated medical expenses is not required provided the client participant has informed the Department of the expense and the expense is not questionable. Verification of other factors, including but not limited to the following, such as those listed in Subsections 136.15.a. through 136.15.c. of this rule are required if the expense is questionable:

(6-1-94)()

- a. The allowability of the medical services provided; (6-1-94)
- b. The provider qualifications; (6-1-94)
- c. The individual's eligibility to claim a deduction. (6-1-94)

146. Disability. Proof of disability ~~is required. Proof includes SSA verification, VA verification and statements from doctors~~ includes receipt of permanent or temporary disability benefits, or a statement from a physician or a licensed or certified psychologist. (6-1-94)()

157. Child Support Deduction. ~~Proof of child support payments the noncustodial parent makes is required. The Department will inform the household that benefits will be computed without a deduction for the Child Support costs if proof is not provided.~~ The parent must be legally obligated to make the child support payments. ~~The child support payments must be made to or for a nonhousehold member.~~ Both the legal obligation to pay child support and the actual amount paid must be verified. Proof of the legal obligation includes: a Court order, divorce decree, administrative order, or legally enforceable separation agreement. Proof of child support paid includes: CSS records, cancelled checks, wage withholding statements, UI withholding statements, or statements from the custodial parent. Proof of legally obligated health insurance coverage on behalf of a ~~nonhousehold~~ child is required. Proof includes: insurance policy, insurance company statement, or employer statement. If the household fails or refuses to submit required proof, ~~determine~~ the household's eligibility and ~~coupon food stamp~~ allotment must be determined without the child support ~~deduction~~ expense. If there is a discrepancy between information provided by the household and CSS, the household must be given an opportunity to resolve the discrepancy. Proof of child support payment is required at each certification. Proof of changes in the amount of legally obligated child support ordered or the amount of child support paid must be obtained at recertification. ~~If the amount of legally obligated child support ordered or the amount of child support the household pays has not changed, require proof at recertification only if the information is questionable.~~ (7-1-98)()

137. PROOF FOR QUESTIONABLE INFORMATION.

Prior to the certification or recertification of the household, the Department will ~~will~~ must verify all questionable information when it is questionable regarding eligibility and benefit level. Proof is required when details are not consistent with statements made. Proof is required when details are not consistent with information on the application or past applications. Proof is required when details are not consistent with information received by the Department. Proof may be obtained either verbally or in writing. (6-1-94)()

(BREAK IN CONTINUITY OF SECTIONS)

205. WRITTEN DECLARATION OF CITIZENSHIP OR IMMIGRATION STATUS.

To get Food Stamps, ~~a person must be a citizen, national of the United States, or have satisfactory immigration status. The person must declare citizenship or legal non-citizen status in writing, one (1) adult household member must certify by signing a statement, under penalty of perjury, regarding the citizenship and immigration status of household members applying for benefits. The person signing the statement only has to sign once.~~ (7-1-98)()

01. Citizen~~ship~~ Or Legal Non-Citizen Status ~~At Application.~~ ~~One (1) adult household member must sign a written declaration attesting to the citizenship or legal non-citizen status of all household members. An adult household member must sign his own name for a child under eighteen (18) years of age. If there are no adult household members, the applicant must sign for himself and for all other non-adult household members. When a new household member enters the household, the new member or an adult household member must sign a declaration of citizenship or legal non-citizen status before being added to the Food Stamp household.~~ (7-1-98)()

02. The Declaration Must Be Maintained On File. The Department must maintain the written declaration attesting to the citizenship or legal non-citizen status of all household members in the case file. ()

023. Sanctions For Failure To Sign Citizen/Legal Non-Citizen Status. If the applicant fails to sign the written declaration, the household is not eligible for Food Stamps. When all household members are under the age of eighteen (18) one (1) household member must sign for all household members. (4-5-00)

206. PROOF OF PROPER IMMIGRATION STATUS.

~~Immigration status is proved by INS. INS will compare the evidence to their Alien Status Verification Index (ASVI) Households are required to submit documents to verify the immigration status of the legal non-citizen applicants. An alien number, by itself, is not considered proof of immigration status.~~ (7-1-98)(____)

~~01. **Proof Of Immigration Status.** Legal non-citizens must present proof of immigration status for each legal non-citizen member.~~ (7-1-99)

021. Time Limits For Providing Legal Non-Citizen Documents. Allow legal non-citizens ten (10) days to provide legal non-citizen status documents. The ten (10) day period starts the date legal non-citizen status documents are requested. If the ten (10) day period ends before the thirtieth day after application, do not certify the household until it provides the documents. If the ten (10) day period ends beyond the thirtieth day after application, do not delay benefits for the remaining household members, if the household is otherwise eligible. Provide benefits no later than the thirtieth day. If the legal non-citizen status documents are not provided by the end of ten (10) days, the legal non-citizen member must be classified as an ineligible legal non-citizen. (7-1-98)

032. Failure To Provide Legal Non-Citizen Documents. If a household says it is unable or unwilling to provide legal non-citizen status documents for a legal non-citizen household member, the legal non-citizen member must be classified as an ineligible legal non-citizen. (7-1-98)

043. Proof Verification Of Immigration Status. The documents provided by the household for members identified as legal non-citizens are submitted to INS for proof verification. The proof validity of the documents is completed by use of verified through SAVE. Primary and secondary methods of proof are described below: (7-1-98)(____)

a. Primary proof. Primary proof is telephone access to the INS files. This method uses the Alien Status Verification Index (ASVI). The Alien indicator (A) plus the seven (7) or eight (8) numbers shown on the original document is used to access the ASVI file. If primary proof fails to verify legal non-citizen status, the secondary proof procedure must be completed before the Department denies Food Stamps based solely on legal non-citizen status. (6-1-94)(____)

b. Secondary proof. Secondary proof is sending photo copies of the original immigration documents and a Document Verification Request Form (G-845) to INS for proof. Notify the participant before getting secondary proof. Secondary proof is used if any of the conditions in Subsections 206.04.b.i. through 206.04.b.v. apply: primary proof fails to verify legal non-citizen status. (3-15-02)(____)

i. Primary proof instructs the Department to "Institute Secondary Verification". (7-1-99)

ii. No record is found through the primary proof system. (7-1-99)

iii. The Department has accepted non-INS documents determined to be reasonable evidence of legal non-citizen immigration status. (7-1-99)

iv. The Department has determined documents presented by the legal non-citizen are questionable. (7-1-99)

v. An Alien (A) Number is not on an INS document. Information in the record is not consistent and more proof is needed. (7-1-99)

e04. Participation In Another Program. The Department must accept participation in another program as proof of citizenship or non-citizen national status, if verified for that program. (3-15-02)(____)

#05. Third Party Statement. If the household cannot get proof of citizenship or non-citizen national

status, and has a reasonable explanation why proof is not available, ~~accept~~ a signed statement may be accepted, under penalty of perjury, from a third party. The statement must give a reasonable basis for personal knowledge that the member is a U.S. citizen or non-citizen national. The signed statement must contain a warning of the penalties for helping someone commit fraud. (3-15-02)(____)

~~05. **Secondary Proof Requirement.** If primary proof fails to verify legal non-citizen status, the secondary proof procedure must be completed before the Department denies Food Stamps based solely on legal non-citizen status. (7-1-99)~~

~~06. **Legal Non-Citizen Status Not Proved.** A legal non-citizen whose status is not proved by INS or a third party statement of U.S. citizenship or non-citizen national status, must be considered an ineligible legal non-citizen. (3-15-02)~~

~~07. **Documentation Provided Late.** If the legal non-citizen later provides documentation of legal non-citizen status, and other household members get Food Stamps, act on the information by submitting it to INS for proof. Once the eligible legal non-citizen status is verified add the legal non-citizen. Add the legal non-citizen the month after the participant provides documentation of legal non-citizen status to the Department, not the month after INS verifies the status. If the Food Stamp case is not open, the legal non-citizen must re-apply. (7-1-99)~~

207. INELIGIBLE NON-CITIZEN STATUS:

If legal non-citizen status cannot be proved or ineligible non-citizen status is proved, the non-citizen is not eligible for Food Stamps. Ineligible non-citizens include, but are not limited to, non-citizens entering the country illegally to seek employment, non-citizen visitors, tourists, diplomats, and persons temporarily attending school in the United States with no intention of abandoning their foreign residence. A non-citizen is ineligible, until he provides acceptable proof, unless meeting a condition in Subsections 207.01 through 207.03. (3-15-02)(____)

207. NON-CITIZEN ELIGIBILITY PENDING VERIFICATION.

A non-citizen is considered eligible for Food Stamps if verification of eligibility is pending under the following circumstances: (____)

01. Status Submitted To INS For Verification. If the Department has submitted a copy of a document, provided by the household, to INS for verification, the Department cannot delay, deny, reduce, or end the person's eligibility for Food Stamps based on immigration status. (3-15-02)(____)

02. Request Submitted To SSA For Number Of Quarters Of Work Credited. ~~If~~ the applicant or the Department has submitted a request to SSA for data on the number of quarters of work credited to the person. ~~SSA responds that the person has fewer than forty (40) quarters. The person provides proof that SSA is conducting research to see if it can credit more quarters. If and the SSA says~~ states that the number of credited qualifying quarters is under investigation, the Department must certify the person applying as eligible for Food Stamps pending the results. The certification can last up to six (6) months from the date of the original determination of insufficient quarters. (3-15-02)(____)

03. Request Submitted To Federal Agency For Proof Of Eligible Alien Status. The applicant or the Department has submitted a request to a ~~F~~ederal agency for proof of eligible alien status. ~~The~~ Department must certify the person applying as eligible for Food Stamps pending the results of the investigation. The certification can last up to six (6) months from the date of the original request for proof. (3-15-02)(____)

208. DEPARTMENT REQUIREMENT FOR REPORTING ~~LEGAL NON-CITIZENS WITH DEPORTATION ORDER TO INS.~~

Report legal non-citizens with a final deportation order filed against them for violation of the Immigration and Nationality Act. An order of deportation is final when one (1) of the conditions in Section 208 is met. Inform the local INS office within one (1) day of verifying a Food Stamp household member meets a condition below. The Department must inform the local INS office of any Food Stamp household member present in the United States in violation of the INA in accordance with 7 CFR 273.4. (7-1-98)(____)

~~01. **Appeal Period Elapsed.** The order is not subject to appeal because the statutory appeal period of ten (10) days has elapsed. (6-1-94)~~

- ~~02. **No Grounds For Appeal.** There are no lawful grounds upon which to appeal the order. (6-1-94)~~
- ~~03. **Appeals Exhausted.** Administrative and judicial appeals have been exhausted, and the order is not subject to reopening for reconsideration. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

~~221. **WHEN TO COUNT FOOD STAMP DETERMINATION OF HOUSEHOLD MEMBERS COMPOSITION FOR CHANGE REPORTING HOUSEHOLDS.**~~

~~Members of the Food Stamp household composition must be determined before Food Stamps can be issued at application, recertification, and when changes are reported. Count household members using guidelines below: (6-1-94)()~~

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

~~02. **Household Gains An Eligible Member.** If the Food Stamp household gains an eligible member, add the member the month after the month the household reports and verifies the new member. Provide a supplemental issuance if necessary. If the new member has income and Food Stamp benefits must be reduced, advance notice is required. If advance notice is required, add the member two (2) months after the month the household reports and verifies the new member. (7-1-97)~~

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

~~04. **Moves From One Food Stamp Household To Another Food Stamp Household.** If a person moves from one (1) Food Stamp household to another Food Stamp household remove the person from the old household with proper notice. Add the person to the new household. The person cannot get Food Stamps in both households in the same month. (6-1-94)~~

~~222. **DETERMINATION OF HOUSEHOLD COMPOSITION FOR SIMPLIFIED REPORTING HOUSEHOLDS.**~~

~~Household composition must be determined at application and recertification. ()~~

~~223. -- 225. (RESERVED).~~

(BREAK IN CONTINUITY OF SECTIONS)

~~257. **EXEMPTIONS FROM THE PERSONS NOT CONSIDERED ABAWD-WORK REQUIREMENT.**~~

~~Persons meeting a condition in Subsections 257.01 through 257.054 of this rule are exempt from the not considered ABAWD work requirement. (5-3-03)()~~

- ~~01. **Age.** Persons under eighteen (18) and fifty (50) years of age or older. (3-15-02)~~
- ~~02. **Disability.** Persons medically certified as physically or mentally unfit for employment. Proof of the disability is required. A person is medically certified as physically or mentally unfit for employment if: (3-15-02)~~
- ~~a. Receiving temporary or permanent disability benefits issued by a government or private source. (3-15-02)~~
- ~~b. Obviously mentally or physically unfit for employment, as determined by the Department. (3-15-02)~~

c. The person has a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, licensed or certified psychologist, a social worker, or any other medical personnel the Department determines appropriate, verifying physical or mental unfitness for employment. (3-15-02)

03. Residing In A Household Where A Member Is Under Age Eighteen. All persons residing in a household where a household member is under eighteen (18) years old. (3-15-02)

04. Pregnancy. Pregnant persons. (7-1-98)

05. JSAP Exempt. *Persons exempt from JSAP are also exempt from the ABAWD work requirement.* (7-1-99)

(BREAK IN CONTINUITY OF SECTIONS)

501. INITIAL CHANGES IN FOOD STAMP CASE.

Act on changes in household circumstances found during the application or the initial interview. (6-1-94)

01. Anticipated Changes. A household can be eligible in the application month, but not eligible the month after the application month because of expected changes in circumstances. The household may not be eligible for the application month, but eligible for the next month. The same application form is used for the denial and the next month's eligibility determination. (6-1-94)

02. Food Stamps For The Application Month. The household's Food Stamp issuance for the application month may differ from its issuance in later months. (6-1-94)

03. Food Stamp Issuance Changes. The household's Food Stamp issuance may vary month to month, within the certification period, to reflect expected changes. (6-1-94)

04. Change Before Certification. If a household reports a change in household circumstances before certification and the Department can act on the change, include the reported information in determining Food Stamp eligibility and amount. (6-1-94)

05. Change After Certification. ~~If a household reports a change after the certification and too late to be included in the budget for the next month, make the change as soon as possible~~ initial Food Stamp benefit has been paid, the Department must act on the change if it was required to be reported or would increase the household's Food Stamp benefits under these rules. ~~The eChanges must be made no later than the second month after it is reported in the household's expenses will not be acted upon until recertification.~~ Notice of the change must be given to the Food Stamp household. (6-1-94)(____)

(BREAK IN CONTINUITY OF SECTIONS)

532. GROSS INCOME LIMIT.

Households exceeding the gross income limit for the household size are not eligible, unless they are categorically eligible or have an elderly or disabled member. Categorically eligible households are exempt from gross and net income limits. All members of categorically eligible households must be approved for TAFI, AABD, or SSI. Households with elderly or disabled household members are exempt from the gross income limit. The gross income limit is raised each federal fiscal year by FNS, based on the federal cost of living (COLA) adjustment. Gross income

limits are listed in ~~Table 532~~ under <http://www.fns.usda.gov/fsp/government/cola.htm>.

TABLE 532—GROSS INCOME LIMIT	
Household Size	Gross Income Limit
1	\$960
2	\$1,294
3	\$1,628
4	\$1,961
5	\$2,295
6	\$2,629
7	\$2,962
8	\$3,296
<i>Each Added Person</i>	<i>Add \$334</i>

(10-1-02)F()

533. INCOME DEDUCTIONS HOUSEHOLD ELIGIBILITY AND BENEFIT LEVEL.

A household ~~s~~ is entitled to a deduction when it gets a bill or, if there is no bill, when the payment is due. Only the deductions listed below must be taken from household's gross income: eligibility and benefit level will be calculated in accordance with 7 CFR 273.10, except as indicated below in Subsections 533.01 through 533.07. of this rule.

(6-1-94)()

01. Standard Deductions. The standard deductions are controlled by Federal law. The monthly amounts are specified in Title 7 United States Code Section 2014. Current deductions may be found ~~at~~ under http://www.fns.usda.gov/fsp/rules/Memo/02/FY02_Allot_Deduct_government/cola.htm.

(10-1-02)F()

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

(6-1-94)

03. Homeless Shelter Deduction. The homeless shelter deduction is one hundred forty-three dollars (\$143).

()

034. Excess Medical ~~Deduction~~ Expense. ~~The e~~Excess medical ~~deduction~~ expense is nonreimbursed medical expenses of more than thirty-five dollars (\$35) per household per month. The household member must be either age sixty (60) or older or disabled to get this expense deduction. Special diets are not deductible.

(6-1-94)()

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

(9-1-94)()

056. Child Support ~~Deduction~~ Expense. The child support expense deduction is the legally obligated child support amount the household pays, or expects to pay, on behalf of a non-household member.

(7-1-97)()

067. Excess Shelter ~~Costs~~ Expense. Excess shelter expense is ~~The~~ the monthly shelter cost over fifty percent (50%) of the household's income after all other deductions ~~is the excess shelter cost~~. The excess shelter expense is not deducted if the household has received the homeless shelter deduction.

(10-1-02)F()

534. AVERAGING PERIODIC ~~DEDUCTIONS~~ EXPENSES.

Infrequent, changing, or one time only ~~deductions~~ expenses for medical, child support, shelter or child care are averaged. Averaging deductible expenses and procedures are listed below: (7-1-97)(____)

01. Averaging Infrequent Expenses. Households can have infrequent expenses averaged forward over the interval between scheduled billings. If there is no scheduled interval, expenses are averaged over the intended coverage period. (6-1-94)

02. Averaging Fluctuating Expenses. Households can have fluctuating expenses averaged over the certification period in which they are billed. (6-1-94)

03. Averaging One Time Only Expenses. One time only expenses can be averaged over the certification period in which they are billed. One time only expenses can be used as a one time deduction for one month. One time only expenses can be averaged over the remaining months in the certification period. Expenses averaged over the remaining certification period begin the month the change will become effective. (6-1-94)

04. Predicting Future Expenses. Predicted expenses must be based on the most recent month's bills, unless changes are expected to occur. (6-1-94)

05. Converting Expenses To Monthly Figures. Whenever an expense is billed on other than a monthly basis convert the expense to a monthly amount. The method used to compute monthly expenses must be documented. (6-1-94)(____)

~~a. Multiply weekly amounts by four point three (4.3). (6-1-94)~~

~~b. Multiply bi-weekly amounts by two point one five (2.15). (6-1-94)~~

~~c. Multiply semi-monthly amounts by two (2). (6-1-94)~~

~~d. Use a monthly figure if it can be predicted for each month of the certification period. (6-1-94)~~

~~e. The method used to compute monthly expenses must be documented. (6-1-94)~~

06. Averaging One-Time Medical Expenses For Households Certified For Twenty-Four Months. Households with one-time medical expenses, and certified for twenty-four (24) months, have the option of: (3-15-02)

a. Deducting the expense for one (1) month. (3-15-02)

b. Averaging the expense over the remainder of the first twelve (12) months of the certification period. (3-15-02)

c. Averaging the expense over the remaining months in the twenty-four (24) month certification period. (3-15-02)

535. MEDICAL ~~DEDUCTIONS~~ EXPENSES.

Medical ~~costs~~ expenses over thirty-five dollars (\$35), for elderly or disabled household members, must be deducted from the household income. Allowable ~~M~~medical expense deductions are listed below. If an agreement, either oral or written, is made between the medical provider and the client to pay a bill in monthly amounts, ~~count~~ the monthly agreement amount specified is considered the medical expense. ~~The agreement may be oral or written.~~ The agreement must be made before the initial bill becomes due. The agreement must indicate a specific amount due each month. ~~The specified amount is the monthly expense.~~ If there is no agreement, amounts from past billing periods are not deductible. The amounts are not deductible, even if the past debt is in the current bill and actually paid by the household. (6-1-94)(____)

01. Medical And Dental Services. Services must be performed by licensed practitioners, physicians, dentists, podiatrists, or other qualified health professionals. Other qualified health professionals include registered

nurses, nurse practitioners, licensed physical therapists and licensed chiropractors. (6-1-94)

02. Psychotherapy And Rehabilitation Services. Services must be performed by licensed psychiatrists, licensed clinical psychologists, licensed practitioners, physicians or other qualified health professionals. (6-1-94)

03. Hospital Or Outpatient Treatment. Hospital or outpatient treatment includes ~~costs~~ expenses for hospital, nursing care, State licensed nursing home care, and care to a person immediately before entering a hospital or nursing home. (6-1-94)(____)

04. Prescription Drugs. Prescription drugs and prescribed over-the-counter medication including insulin. (6-1-94)

05. Medical Supplies And Sickroom Equipment. Medical supplies and sickroom equipment including rental or other equipment. (6-1-94)

06. Health Insurance. Health and hospitalization insurance premiums. These do not include health and accident policies payable in a lump sum for death or dismemberment. These do not include income maintenance policies to make mortgage or loan payments while a beneficiary is disabled. (6-1-94)

07. Medicare Premiums. Medicare premiums related to coverage under Title XVIII of the Social Security Act. (6-1-94)

08. Cost-Sharing Or Spend-Down Expenses. Cost-sharing or spend-down expenses incurred by Medicaid recipients. (6-1-94)

09. Artificial Devices. Dentures, hearing aids, and prostheses. (6-1-94)

10. Guide Dog. ~~Costs for~~ Expenses incurred buying and caring for any animal trained and routinely used to help a disabled person. ~~Deductions~~ Expenses include costs for dog food, training, and veterinarian services. (6-1-94)(____)

11. Eyeglasses. ~~Costs~~ Expenses for eye examinations and prescribed eyeglasses. (6-1-94)(____)

12. Transportation And Lodging. Reasonable transportation and lodging ~~costs~~ expenses incurred to get medical services. (6-1-94)(____)

13. Attendant Care. Attendant care costs necessary due to age, disability, or illness. If attendant care costs qualify for both the excess medical and dependent care expense deductions, ~~then~~ the cost is treated as a medical expense. (6-1-94)(____)

14. Attendant Meals. ~~Deduct~~ One hundred nineteen dollars (\$119) per month are deducted if the household provides most of the attendant's meals. (7-1-97)(____)

536. DEPENDENT CARE ~~DEDUCTIONS~~ EXPENSES.

~~A household can get a deduction for the costs of dependent care.~~ The care of a dependent must be necessary for job search, employment, or training. The maximum deductible amount each month is two hundred dollars (\$200) per dependent child under age two (2) and one hundred seventy-five dollars (\$175) for any other dependent. If a child in the household reaches his second birthday during the certification period, adjust the dependent care expense deduction the month after the child turns age two (2). The dependent care ~~costs~~ expenses must be deducted from income. The dependent care must meet the criteria listed below: (3-15-02)(____)

01. Employment. To accept employment or continue employment. (6-1-94)

02. Job Search. To look for work. Person does not need to be subject to job search requirements. (6-1-94)

03. Training Or Education. To attend training or to pursue education. The training or education must be preparation for employment. (6-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

538. CHILD SUPPORT ~~DEDUCTIONS~~ EXPENSES.

Effective October 1, 1995, ~~a child support deduction is allowed~~ expense may be deducted for a household paying or expecting to pay legally obligated child support to or for a person living outside the household. The child support ~~deduction expense deducted~~ must reflect the child support the household pays or expects to pay during the certification period, rather than the obligated amount. The deduction for child support ~~deduction expense~~ applies to child support payments outlined in Subsections 538.01 through 538.04. (7-1-98)(____)

01. Monthly Child Support. Monthly legally obligated child support payments or portions of monthly legally obligated child support payments made to or for a person living outside the household. (7-1-98)

02. Health Insurance. Health insurance payments the ~~noncustodial parent household~~ is legally obligated to make to obtain coverage for a nonhousehold child. (7-1-97)(____)

03. Payments Representing Child Support. Payments ~~representing~~ for child support to or for a person living outside the household. The child support payments must be legally obligated as ordered by a court or administrative authority. (7-1-98)(____)

04. Arrearages. ~~Unpaid~~ Child support payments made for amounts that were due in prior months are arrearages. ~~Monthly~~ Child support arrearage payments made to or for a person living outside the household are allowed as a deduction in the month they are paid. ~~Monthly child support payments are counted for the month of payment, not for arrearages, unless the household can prove otherwise.~~ (7-1-98)(____)

539. ~~CALCULATION~~ DETERMINATION OF CHILD SUPPORT ~~DEDUCTION~~ EXPENSE.

The household's child support payment history is used to determine the deduction for the child support ~~payment allowed expense.~~ Use Subsections 539.01 and 539.02 to calculate the child support payment deduction. The child support deduction is based on what the household expects to pay, after reviewing household income and expenses with the household. If no child support payments can be made, a child support deduction will not be allowed. (7-1-98)(____)

01. ~~Payments Made In Each Of The Three Most Recent Months.~~ ~~If legally obligated child support or child support arrearage payments have been made in each of the three (3) most recent months and no income reduction is expected, average the child support or child support arrears amounts for the three (3) months. If the household has paid the monthly obligated child support or arrears for the current month, include the current month in the three (3) month period. Otherwise, average the three (3) prior months' child support. Do not include arrearages collected by tax intercept in the average. Anticipate changes in the legal obligation or other changes that would affect the payment. If obligated child support or arrearage payments have been made in the most recent three (3) months, and a change in income occurs, determine whether reduced child support is expected. Base the child support deduction on what the household expects to pay, after reviewing household income and expenses with the household. If no child support payments can be made, do not allow a child support deduction.~~ (7-1-98)

02. ~~Payments Not Made In Each Of The Last Three Months.~~ ~~If child support or child support arrearage payments have not been made in each of the last three (3) months, anticipate future payments based on household circumstances. Base the child support deduction on what the household expects to pay, after reviewing the household's income and expenses with the household. If no child support or arrears payments can be made, do not allow a child support deduction. If at the last certification the child support deduction was based on the amount the household expected to pay and no child support was paid, do not allow a child support deduction for the new certification unless there is a change in income that would enable the household to make child support payments. Base the child support deduction on what the household expects to pay, after reviewing income and expenses with the household.~~ (7-1-98)

540. -- 541. (RESERVED).

542. COSTS ALLOWED FOR SHELTER DEDUCTION.

Shelter costs are current charges for the shelter occupied by the household. Shelter costs include costs for the home temporarily not occupied because of employment or training away from home or illness. The costs allowed for the shelter deduction are listed below: (6-1-94)

01. House Payments. Mortgages, second mortgages, mortgage fees, home equity loans, and land payments. (6-1-94)(____)

02. Rent. Rent and space rent. (6-1-94)

03. Homeless Shelter Deduction. The homeless shelter deduction is one hundred forty-three dollars (\$143). This deduction must not be used in combination with other costs allowed for shelter deduction. (____)

034. Condominium Fees. The entire condominium fee, including fees for maintenance of the structure and the grounds. (3-30-01)

045. Loan Payments. Loan repayments for the purchase of a mobile or motor home, including interest. (6-1-94)

056. Taxes And Insurance. Property taxes, state, and local assessments, and insurance on the structure. (6-1-94)(____)

067. Utilities. Only one (1) utility allowance (SUA, LUA, or MUA) may be used for a household. The costs of used to determine the utility allowance are: heating, cooling, cooking fuel, electricity, the basic service fee for one (1) telephone (including wire maintenance fees, subscriber line charges, relay center surcharges, ~~and~~ 911 fees, and basic service for a cellular phone), water, sewer, garbage and trash collection, well installation and maintenance, septic tank system installation and maintenance, and fees for initial utility installation. One-time deposits cannot be included. (3-15-02)(____)

078. Vehicle Payments. Payments for vehicles used as the primary residence for the household. (6-1-94)

089. Costs For Home Repairs. Nonreimbursable costs to repair a home damaged or destroyed by a natural disaster such as a fire or flood or earthquake. (6-1-94)

0910. Home Temporarily Not Occupied. Shelter costs for the home temporarily not occupied because of employment, ~~or~~ training away from home, ~~or~~ illness, ~~or~~ abandonment caused by a natural disaster or casualty loss. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. ~~Shelter costs for the home temporarily not occupied because of abandonment caused by a natural disaster or casualty loss. This shelter cost may be in addition to the shelter cost for the home the household currently occupies. For~~ To receive the shelter deduction for a vacated home: (6-1-94)(____)

a. The household must intend to return; (6-1-94)(____)

b. Current occupants must not be claiming Food Stamp shelter costs; and (6-1-94)(____)

c. The home must not be leased or rented. (6-1-94)

543. STANDARD UTILITY ALLOWANCES (SUA).

The shelter deduction is computed using ~~the SUA or actual~~ one (1) of three (3) utility costs. The allowances: Standard Utility Allowance (SUA) ~~can be used instead of actual costs of heating, cooling, cooking fuel, electricity, the basic service fee for one (1) telephone, water, sewer and garbage collection. The SUA is two hundred forty-four dollars (\$244). The household must be told if actual utility costs exceed the SUA, the actual costs can be used if the household proves these costs. To qualify for the SUA, households must receive direct or indirect energy assistance payments made under the Low Income Home Energy Assistance Act of 1981 (LIHEAP); or meet the conditions in~~

~~Subsections 543.01 through 543.06 of this rule. Limited Utility Allowance (LUA), or the Minimum Utility Allowance (MUA). Utility allowances are not prorated.~~ (10-1-02)F(____)

01. Standard Utility Allowance (SUA). (____)

~~01a.~~ Primary heating or cooling system. The household must have a primary heating or cooling system cost to qualify for the SUA. ~~A primary heating system is a central heating system, or space heating stove, used to heat the living quarters of the home. A cooling system is a central air conditioning system or a room air conditioner. The household must have out-of-pocket heating or cooling costs billed on a regular or irregular basis.~~ The heating or cooling costs must be separate from rent or mortgage payments. This includes households in private rental housing, billed by their landlords for individual usage or charged a flat rate, separately from rent. If not billed regularly for heating or cooling costs, the household must be otherwise Food Stamp eligible between billing periods. (3-15-02)(____)

~~02b.~~ Cooling costs. If the household claims cooling costs, the household must have either an air conditioning system or a room air conditioner to qualify for the SUA. (3-15-02)

~~03c.~~ Heating costs. If the household claims heating costs, the household must have expenses for a primary source of heat. Households buying wood for their primary source of heat may get the SUA. Cutting their own wood for the primary source of heat does not qualify a household for the SUA. Supplemental heat sources ~~like,~~ such as space heaters, electric blankets, cook stoves and a secondary heat source ~~like~~ such as a fireplace do not qualify households for the SUA. (3-15-02)(____)

~~04d.~~ Energy Assistance Excluded From Income. If the household gets direct or indirect energy assistance that is excluded from income, the household gets the SUA if the amount of the expense exceeds the amount of the assistance. (3-15-02)

~~05e.~~ Energy Assistance Not Excluded From Income. If a household gets energy assistance that is not excluded from income, the household must also have out-of-pocket heating or cooling costs to get the SUA. (3-15-02)

~~06f.~~ Occupied And Unoccupied Home. A household with both an occupied home and an unoccupied home, is limited to one (1) SUA. (3-15-02)

~~02.~~ Limited Utility Allowance (LUA). The household must be billed for more than one (1) utility that is not for heating or cooling. Water, sewer, and trash are considered one (1) utility cost regardless of how they are billed. If the household is billed for rural trash pickup, this can be counted as a separate utility. (____)

~~03.~~ Minimum Utility Allowance (MUA). The household must be billed for one (1) utility that is not for heating or cooling. (____)

~~544. ACTUAL UTILITY COSTS.~~
~~The shelter deduction is computed using the SUA or actual utility costs. Actual utility costs are described below:~~ (6-1-94)

~~01. Actual Utility Costs.~~ If a household is not entitled to claim the SUA or does not wish to claim the SUA, the household can claim actual utility expenses for excess utility costs or utility costs it pays separately, including secondary heat sources. Charges for heating and cooling costs, except the costs of cutting their own wood, may be claimed as actual expenses by the household. (6-1-94)

~~02. Not Claiming SUA.~~ For households not claiming the SUA, the Department can predict utility costs based on last year's bills from the same period, updated by overall price increases. If only the most recent bill is available, utility increases or decreases can be based on utility company estimates for the household's dwelling and utilities. An average of past expenses from the last several months must not be used to predict utility costs. Costs of heating, cooling, cooking fuel, electricity, the basic service fee for one telephone, water, sewer, and garbage and trash collection are allowed. (6-1-94)

~~545. SWITCHING BETWEEN ACTUAL AND SUA.~~

~~Households must be told they can switch between actual utilities and the SUA. Households can switch at recertification. Households can switch between standard and actual utilities when the household moves from one (1) residence to another. Households can switch between standard and actual utilities when their type of utilities change. (7-1-98)~~

544. -- 545. (RESERVED).

546. SHARED UTILITY EXPENSES.

The ~~SUA must be~~ utility allowance is not prorated among ~~some~~ households sharing utility costs as listed in Subsections 546.01 through 546.02 of this rule. (3-15-02)(____)

01. Utility Expenses Shared With Persons Not In The Food Stamp Household. ~~Prorate the SUA, if~~ the Food Stamp household lives with and shares heating and cooling expenses with another individual, another household, or both, ~~the utility allowance is not prorated and the household can receive the full utility allowance. Use the actual utility costs paid by households or household members if the prorated share cannot be determined. The actual utility costs must not exceed the total utility costs of the residence.~~ (3-15-02)(____)

02. Utility Expenses Shared With Ineligible Persons. ~~Do not prorate the SUA, if~~ all persons sharing utility expenses with the Food Stamp household are excluded from the household only because they are Food Stamp ineligible, ~~the utility allowance is not prorated and the household can receive the full utility allowance. Allow the Food Stamp household the entire SUA.~~ (3-15-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

549. NET INCOME LIMIT TEST.

Categorically eligible households do not have a net income limit. For all other households, including those with an elderly or disabled household member, ~~compare the net income to the net income eligibility limit for that size household. This comparison must be completed for initial eligibility and when income changes. When the household income changes to a different income eligibility limit, apply the different limit. If~~ the net income of the household exceeds the net income limit, the household is not eligible for Food Stamps, unless categorically eligible. Net income limits are established each federal fiscal year by FNS and listed in ~~Table 549~~ under <http://www.fns.usda.gov/fsp/government/cola.htm>.

TABLE 549—NET INCOME LIMITS	
Household Size	Net Income Limit
1	\$739
2	\$995
3	\$1,252
4	\$1,509
5	\$1,765
6	\$2,022
7	\$2,279
8	\$2,535
Each Added Person Add	\$257

(10-1-02)F(____)

550. STEPS TO COMPUTE DETERMINATION OF FOOD STAMP PAYMENT BENEFIT.

~~Use the steps in Subsections 550.01 through 550.38 of this rule to compute the Food Stamp issuance benefit is computed in accordance with 7 CFR 273.9 and 273.10. Do not round figures or calculations of income and deductions in determining gross or net income.~~ (10-1-02)F(____)

- ~~01. Step 1. List projected wages and salaries for the household for the month. Do not count excluded income.~~ (6-1-94)
- ~~02. Step 2. Compute and list net self-employment income. If a farmer, list any self-employment profit or loss.~~ (6-1-94)
- ~~03. Step 3. Add results of Step 1 and Step 2. THIS IS GROSS EARNED INCOME.~~ (6-1-94)
- ~~04. Step 4. Compute and list prorated monthly non-excluded educational income.~~ (6-1-94)
- ~~05. Step 5. Compute and list prorated monthly tuition, mandatory fees, and allowed expenses.~~ (6-1-94)
- ~~06. Step 6. Subtract amount in Step 5 from the amount in Step 4.~~ (6-1-94)
- ~~07. Step 7. List other unearned income for household.~~ (6-1-94)
- ~~08. Step 8. Add results of Step 6 and Step 7. THIS IS TOTAL UNEARNED INCOME.~~ (6-1-94)
- ~~09. Step 9. Add results of Step 3 and Step 8.~~ (6-1-94)
- ~~10. Step 10. Subtract any loss not used up in Step 2 from Step 9. THIS IS GROSS MONTHLY INCOME. Record the gross monthly income. Check to see if gross income exceeds the limit for family size. Categorically eligible households are exempt from the gross income test. Households with an elderly or disabled household member are exempt from the gross income test.~~ (6-1-94)
- ~~11. Step 11. Multiply amount in Step 3 times twenty percent (20%).~~ (6-1-94)
- ~~12. Step 12. Subtract amount in Step 11 from amount in Step 3.~~ (6-1-94)
- ~~13. Step 13. Add amount in Step 12 to amount in Step 8.~~ (6-1-94)
- ~~14. Step 14. List the standard deduction.~~ (4-5-00)
- ~~15. Step 15. Subtract amount in Step 14 from amount in Step 13.~~ (6-1-94)
- ~~16. Step 16. List converted medical costs over thirty five dollars (\$35) for household with elderly or disabled member.~~ (6-1-94)
- ~~17. Step 17. Subtract amount in Step 16 from amount in Step 15.~~ (6-1-94)
- ~~18. Step 18. List converted dependent care costs (not to exceed two hundred dollars (\$200) per dependent under age two (2) and one hundred seventy five dollars (\$175) for any other dependent).~~ (10-1-94)
- ~~19. Step 19. Subtract amount in Step 18 from amount in Step 17.~~ (7-1-97)
- ~~20. Step 20. List child support paid or expected to be paid by the household.~~ (7-1-97)
- ~~21. Step 21. Subtract amount in Step 20 from amount in Step 19. THIS IS INCOME, AFTER DEDUCTIONS, EXCEPT SHELTER DEDUCTION.~~ (7-1-97)
- ~~22. Step 22. Divide amount in Step 21 by two (2) (this is used to weigh shelter costs). THIS IS HALF THE ADJUSTED INCOME.~~ (7-1-97)

- ~~23. Step 23. List rent or mortgage payment. (7-1-97)~~
- ~~24. Step 24. List property taxes (averaged over twelve (12) months). (7-1-97)~~
- ~~25. Step 25. List homeowners insurance on structure (averaged over twelve (12) months). (7-1-97)~~
- ~~26. Step 26. Add amount in Step 23 and amount in Step 24 and amount in Step 25. (7-1-97)~~
- ~~26. 27. Step 27. If client chooses the standard utility allowance (SUA), add the SUA to the amount in Step (4-5-00)~~
- ~~28. Step 28. If client has chosen to use actual utility expenses, list and add the following expenses: (10-1-02)F~~
- ~~a. Basic rate for telephone. (6-1-94)~~
- ~~b. Electric bill. (6-1-94)~~
- ~~c. Gas bill. (6-1-94)~~
- ~~d. Heating oil. (6-1-94)~~
- ~~e. Wood costs (only if purchased for heat). (6-1-94)~~
- ~~f. Water and sewer bill. (6-1-94)~~
- ~~g. Garbage and trash collection. (6-1-94)~~
- ~~h. Installation costs for utilities. (6-1-94)~~
- ~~i. Other allowed utility costs. (6-1-94)~~
- ~~Step 28. 29. Step 29. If client has chosen to use actual utility expenses, add amount in Step 26 and amount in (7-1-97)~~
- ~~30. Step 30. Use amount from Step 27 (using standard utility allowance) or amount from Step 29 (using actual utility costs) as total shelter cost. (7-1-97)~~
- ~~31. Step 31. Subtract half adjusted income (Step 22) from amount in Step 30. THIS IS THE EXCESS SHELTER DEDUCTION. If any member of the household is age sixty (60) or disabled, use the full excess shelter allowance. For all other households use the excess shelter deduction up to the maximum specified in Title 7 United States Code Section 2014. Current deductions may be found at: http://www.fns.usda.gov/fsp/rules/Memo/02/FY02_Allot_Deduct.htm. (10-1-02)F~~
- ~~32. Step 32. Subtract amount in Step 31 from amount in Step 21. THIS IS THE NET INCOME. (7-1-97)~~
- ~~33. Step 33. List maximum net income limit based on household size. (7-1-97)~~
- ~~34. Step 34. If amount in Step 32 is less than or equal to amount in Step 33, or if all household members are categorically eligible, compute the Food Stamp amount. If the amount in Step 32 is greater than the amount in Step 33, net income exceeds allowed limits. (7-1-97)~~
- ~~35. Step 35. List maximum Food Stamp amount for number of eligible household members. (7-1-97)~~
- ~~36. Step 36. Multiply amount in Step 32 times three-tenths (0.3) (thirty percent (30%)). (7-1-97)~~

- ~~37. Step 37. Subtract amount in Step 36 from the amount in Step 35. (7-1-97)~~
- ~~38. Step 38. Round the amount in Step 37 to the next lower dollar. THIS IS THE FOOD STAMP ISSUANCE AMOUNT. (7-1-97)~~

(BREAK IN CONTINUITY OF SECTIONS)

576. CERTIFICATION PERIODS.

A certification period must be assigned for each household. Households must be assigned ~~the longest~~ a certification period ~~possible~~ based on ~~expected~~ household circumstances at the time of application approval or recertification in accordance with 7 CFR 273.10(f) and 273.12, and the Farm Bill under Title IV, Subtitle A - Food Stamp Programs, Section 4109, regarding the state option to reduce reporting requirements. Households can change certification periods and reporting type only at the time of application approval or recertification. At the end of each certification period, entitlement to Food Stamps ends. Further eligibility starts only upon recertification based upon a newly completed application, an interview, and verification. The certification period cannot be lengthened nor can Bbenefits cannot be continued beyond the end of a certification period without a new determination of eligibility.

~~(6-1-94)()~~

~~01. First Month Of Certification. The first month the household is eligible is the first month in the certification period for initial applicants. Upon recertification, a new certification period begins. (6-1-94)~~

~~02. Elderly Or Disabled Households. Households in which all adult members are elderly or disabled, with stable income, must be certified for up to twenty-four (24) months. (3-15-02)~~

~~03. Farmworker Households. Annual certification periods will be assigned to farmworkers who receive their annual salaries on a scheduled monthly basis. The income must not change as the amount of work changes. (6-1-94)~~

~~04. Self-Employed For At Least One Year. Self-employed households, working as self-employed for at least one (1) year, will be certified up to twelve (12) months. Income must be readily predictable and household circumstances must not be likely to change. (6-1-94)~~

~~05. Self-Employed For Less Than One Year. Households, self-employed less than one (1) year, will be certified up to six (6) months. Households self-employed for less than one (1) year are assigned a certification period to bring the household into the annual cycle. (6-1-94)~~

~~06. Financial And Medical Assistance Households. Households in which all adult members receive AABD, AABD-related Medicaid, or SSI will be assigned certification periods coinciding with the other program's review. To align the Food Stamp certification with the redetermination date for the AABD, AABD-related Medicaid or SSI program, the household's Food Stamp certification can be shortened or extended when the AABD, AABD-related Medicaid, or SSI application is initially approved. The Food Stamp certification period for these households may be extended up to twenty-four (24) months. The household must be notified of changes in the length of the certification period. (3-15-02)~~

~~07. Households Eligible For A Child Support Deduction. Households eligible for a child support deduction with no record of regular child support or arrearage payments will be certified up to three (3) months. Households eligible for a child support deduction with a record of regular child support or arrearage payments will be certified for at least six (6) months, but no more than twelve (12) months. These requirements do not apply to households assigned certification periods under Subsections 576.02, 576.04, 576.05, and 576.06. (3-15-02)~~

~~08. Households Granted Separate Household Status. Households consisting of a parent and that parent's children who have been granted separate household status will be assigned a certification period up to six (6) months. Financial and medical assistance households granted separate household status must be assigned certification periods up to six (6) months. (9-1-94)~~

~~09. **Stable Households.** Households with stable income or work records, except self-employed and farmworker households, are certified for at least six (6) months, but no more than twelve (12) months. The household should expect no major changes in income, deductions, or household composition. (3-15-02)~~

~~10. **Stable Homeless Households.** Households in which all members are homeless, whose living arrangements reflect a stable living situation must be certified for at least six (6) months, but no more than twelve (12) months. Stable living situations include living with another household. Living in transitional housing is not a stable living situation. (3-15-02)~~

~~11. **Unstable Households.** Households will be certified for one (1) or two (2) months, when the household has an ABAWB member, cannot predict its future circumstances, or when frequent changes in income or household status is expected. Households must be certified for the period the household can predict its circumstances, household status, and household income. Migrant and seasonal farmworkers, whose income is subject to large fluctuations during the work season will be certified for one (1) to two (2) months. The income fluctuation may be due to uncertainty of continuous employment, or due to bad weather, or other circumstances. (3-15-02)~~

~~12. **Residents Of Alcohol And Drug Abuse Centers.** Residents of alcohol and drug abuse centers may be certified for periods of one (1) to six (6) months depending on the length of the treatment or rehabilitation program. (6-1-94)~~

~~13. **Certifications After The Fifteenth Of The Month.** Households eligible for a certification period of three (3) or fewer months must have their certification period increased by one (1) month if the application is approved after the fifteenth (15th) day of the application month and the household's circumstances warrant the longer period. (6-1-94)~~

577. LENGTHENING THE CERTIFICATION PERIOD.

The certification period cannot be lengthened, after the household is certified. The total certification period cannot exceed twenty-four (24) months for a household of elderly or disabled members, and twelve (12) months for other households. Send the household notice of the new certification period ending date. (3-15-02)(____)

578. -- 580. (RESERVED).

581. MAXIMUM FOOD STAMPS BY HOUSEHOLD SIZE.

The maximum Food Stamp amount by household size is established each federal fiscal year by FNS and is listed in Table 581 under <http://www.fns.usda.gov/fsp/government/cola.htm>.

TABLE 581 — MAXIMUM FOOD STAMPS BY HOUSEHOLD SIZE	
Household Size	Maximum Food Stamps
4	\$139
2	\$256
3	\$366
4	\$465
5	\$553
6	\$663
7	\$733
8	\$838
Each Added Person	Add \$105

(10-1-02)F(____)

(BREAK IN CONTINUITY OF SECTIONS)

601. REPORTING REQUIREMENTS AND RESPONSIBILITIES.

~~Changes in a household's circumstances, during the certification period, must be used to redetermine eligibility and benefit level.~~ The household must report and verify changes in circumstances ~~within time limits~~ based on the requirements for the reporting group to which the household is assigned. Changes may be reported by phone, by mail or directly to the Department. ~~The Department must act on household changes that affect eligibility and/or benefit level.~~ Households must report as follows: (6-1-94)(____)

- 01. Change Reporting Households (CR).** Change Reporting Households must report the following: (____)
 - a.** Unearned income changes of more than fifty dollars (\$50); (____)
 - b.** Earned income changes of more than one hundred dollars (\$100); (____)
 - c.** Decrease in ABAWD hours to less than eighty (80) hours per month; (____)
 - d.** Address changes; (____)
 - e.** Changes in household composition; and (____)
 - f.** When resources exceed the resource limit. (____)

02. Simplified Reporting (SR) And Extended Certification (EC) Households. Simplified reporting and extended certification households must report changes when their total gross income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size and any change of address. (____)

602. HOUSEHOLD MUST PROVIDE PROOF.

The household must furnish proof of changes required to be reported or changes that would increase their benefits to support its statements and resolve inconsistent information. Proof can be provided in person, by mail, or by an authorized representative. Reasonable proof includes information to verify reported changes. If the household finds it difficult or impossible to get the proof, the Department must offer help to get the proof. (6-1-94)(____)

603. PERSON OUTSIDE HOUSEHOLD FAILS TO PROVIDE PROOF -- CHANGES.

Food Stamps cannot be closed solely because a person outside the household fails to provide requested proof. The Department will attempt to get another source of proof if a person outside the household ~~did~~ does not provide requested proof. Disqualified household members are not persons outside the household. (6-1-94)(____)

604. -- 610. (RESERVED).

611. REPORTING PROCEDURES.

Households must report changes in circumstances ~~within ten (10) days of the date the change becomes known to as required by the household's reporting group. At the initial interview and at recertification, inform the household to report changes. Inform the household of change reporting requirements. Give the household a written explanation of change report information. Explain to the household reporting forms and how to complete them. Explain verification requirements. Tell the household the toll free number to call to get help to complete the report. Provide help to households completing or filing change report forms if adult members are mentally or physically handicapped or lacking in reading or writing skills.~~ Except for income changes, households must report changes within ten (10) days of the date the change becomes known to the household. For income changes, the household must report the change within ten (10) days of receiving the income that changed. If changes occur after the certification interview, but before the Notice of Decision is sent, the household must report changes within ten (10) days of the Notice of Decision date. ~~Changes are counted as reported the day the Field Office gets the report. Changes are counted as reported the day the client has personal or telephone contact with the Field Office.~~ (7-1-99)(____)

01. Must Not Impose Added Reporting Requirements. The Department must not require additional household reporting not listed in these rules. (6-1-94)

02. Report Form. The Department must give households a Change Report Form at certification, at recertification, when the household reports a change, and when the household requests the form. (~~7-1-99~~)()

03. Reporting Methods. Changes can be reported by telephone, personal contact, or mail. Changes can be reported by a household member or authorized representative. (6-1-94)

04. Failure To Report. If Food Stamps are overissued because a household fails to report required changes, a Claim Determination must be prepared. A person can be disqualified for failure to report a change if he commits an Intentional Program Violation. (7-1-99)

612. ~~HOUSEHOLD MUST REPORT CHANGES (RESERVED).~~
~~Households must report any changes listed below:~~ (6-1-94)

~~**01. Household Composition.** Households must report when a person enters or leaves the Food Stamp household.~~ (7-1-97)

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

~~**03. Subsidized Rent.** Households must report any change in subsidized rent.~~ (7-1-99)

~~**04. Unearned Income.** Households must report changes in an unearned income source. Households must report changes in unearned gross monthly income of twenty five dollars (\$25) or more, except changes in TAFI or AABD grants. This includes vendor payments and reimbursements.~~ (7-1-98)

~~**05. Earned Income.** Households must report a change in an earned income source. Households must report a change in hourly rate or salary. Households must report a change from part-time to full-time work or full-time to part-time work. Work of less than thirty (30) hours weekly is part-time work. Thirty (30) or more hours weekly is full-time work.~~ (7-1-94)

~~**06. Vehicles.** Households must report any change in the number or type of licensed vehicles.~~ (6-1-94)

~~**07. Resources.** Households must report changes in cash on hand, stocks, bonds, savings, and bank accounts combining to reach or exceed two thousand dollars (\$2,000).~~ (6-1-94)

~~**08. Child Support.** Households must report changes in legal obligations. Legal obligations include but are not limited to changes in the child support amount or the child reaches an age at which child support is no longer legally obligated.~~ (7-1-98)

~~**09. ABAWDs Work Hours.** If total work or work program hours drop below eighty (80) hours per month, ABAWDs must report the change to the Department, within ten (10) days of the date of change.~~ (3-15-02)

613. CHANGES ON WHICH THE DEPARTMENT MUST TAKE ACTION ON CHANGES ACT.
~~The Department must act when changes are reported or become known to the Department.~~ (6-1-94)

01. General Changes On Which Department Must Act. Regardless of whether the Food Stamp Benefit will increase or decrease, the Department must act when: ()

a. The TAFI or AABD grant amount changes; ()

b. An individual is sanctioned or disqualified; ()

c. The household requests closure; and ()

- d.** Information is received from sources considered verified upon receipt. ()
- 02.** Changes Based On The Household's Reporting Group. The Department must also act on changes as appropriate based on the household's reporting group: ()
- a.** For change reporting (CR) households, the Department must act when a change that is required to be reported is received. ()
- b.** For simplified reporting (SR) households, the Department must act when: ()
- i.** The income exceeds one hundred thirty percent (130%) of the Federal Poverty Guideline (FPG) for the household size; ()
- ii.** The Food Stamp Benefit will increase and the change is not a change in expenses; and ()
- iii.** There is a change of address. ()
- 043.** **Documentation.** Changes must be documented in the case record, even if there is no change in the Food Stamp amount. (6-1-94)
- 024.** **Change Report Form.** A new Change Report Form (HW 0594 or HW 0586) must be given or sent to the household when a change is reported. (6-1-94)
- 035.** **Receipt Of Report Notice.** The Department must notify the household when the report is received. A Notice of Decision meets this requirement, when notifying the household of a benefit determination. (6-1-94)
- 046.** **Proof.** Give the household a written request for proof. The household must be told failure to provide the proof will result in decreased or stopped benefits. The Department must document how the request for proof was made. (3-15-02)
- 057.** **Unclear Information.** If unable to readily determine the effect of a change on the household's benefit amount, issue a written request clearly advising the household of proof it must provide or actions it must take, to clarify its circumstances. Allow ten (10) days for the household to respond, either by telephone or correspondence. (3-15-02)

614. ~~CHANGES IN INCOME, HOUSEHOLD COMPOSITION, OR ASSETS (RESERVED).~~

~~If a client reports a change in income, household composition, or assets resulting in excess resources, request proof of the change. If the household provides the proof by the requested date, provide notice and end or adjust benefits. If the household does not provide proof, send a closure notice. If the household then provides proof before the first day of the month the case would close, benefits must be continued, adjusted, or ended. The Department must give adequate notice to adjust or end benefits.~~ (6-1-94)

615. ~~CHANGES IN SHELTER, DEPENDENT CARE, CHILD SUPPORT OR MEDICAL EXPENSES.~~

~~If a client Regardless of the reporting group to which it belongs, a household reporting a change in shelter, dependent care, child support or questionable medical expenses, the Department must request will be not required to provide proof of the change until recertification or the twelve (12) month contact. If the household provides the proof by the requested date, notice must be sent and benefits adjusted. If the household does not provide the proof and the change would result in decreased benefits, no deduction is allowed. If the change would result in an increase in benefits, but the household does not provide proof, the deduction is not increased. The deduction remains at the amount verified before the change. Proof of anticipated medical expenses is not required provided the client has informed the Department of the expense and the expense is not questionable. Act on a medical change learned from a source other than the household only if the change can be made without contact with the household for further information or proof. Do not act on a medical change learned from a source other than the household if not verified upon receipt or if contact with the household for proof is necessary.~~ (7-1-97)()

(BREAK IN CONTINUITY OF SECTIONS)

617. INCREASES IN FOOD STAMPS.

If a change results in an increase in Food Stamps, the Department must allow the household ten (10) days to provide proof. The increase must be handled as follows: (6-1-94)

01. Proof Provided Within Ten Days. If the household provides proof within ten (10) days of reporting the change, the Department must act on the change the month after the change was reported, not from the date proof was provided. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement is issued for the next month. Issue the supplement no later than the 10th of the next month. If the change is reported and verified after the EPICS cut off date, the change must be made by the second monthly Food Stamp issuance after the change is reported. (7-1-97)(____)

02. No Proof Of Eligibility Change. If the household fails to provide proof of a change affecting eligibility requiring the Department to act under Section 613 of these rules, Food Stamps must be closed. Changes in income or household composition are changes affecting eligibility. Changes in assets causing resources to exceed the limits are changes affecting eligibility. If the household then provides proof before the first day of the month the case would close, benefits must be continued, adjusted, or ended as appropriate. The Department must give adequate notice to adjust or end benefits. (6-1-94)(____)

03. No Proof Of Benefit Level Change. If the household fails to provide proof of a change increasing the benefit level, the change is not allowed. The deduction Food Stamp benefit remains at the amount already verified. Changes in shelter costs, dependent care costs, or medical costs affect benefit level. If the household fails to show proof within ten (10) days of reporting the change, but shows the proof later, benefits will be increased the month after the month proof is provided. (6-1-94)(____)

04. Proof Provided After Ten Days. If the household fails to show proof within ten (10) days of reporting the change, but shows the proof later, increase benefits the month after the month proof is provided. (6-1-94)

~~618. FOOD STAMP INCREASE DUE TO ADDITION OF HOUSEHOLD MEMBER.~~

~~If a change results in a Food Stamp increase due to an added household member, the increase must be made the month following the month the change is reported, if proof is provided within ten (10) days of the Department's request. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement for the next month. Issue the supplement no later than the 10th of the next month.~~ (7-1-97)

~~619. FOOD STAMP INCREASE DUE TO DECREASED INCOME.~~

~~If a change results in a Food Stamp increase, due to a fifty dollar (\$50) or more decrease in the household's gross income, the increase must be made the month following the month the change is reported, if proof is provided within ten (10) days of the Department's request. Make the change effective the next regular Food Stamp issuance. For changes reported after the 20th of the month, issue a supplement for the next month. Issue the supplement no later than the 10th of the next month.~~ (7-1-97)

~~620. REFUSAL TO COOPERATE.~~

~~If the Department determines a household refused to cooperate in establishing eligibility, the household's eligibility must end. Refusal to cooperate includes, but is not limited to, a refusal to act without good cause or in a timely manner. Refusal to cooperate includes willful misrepresentation. Notify the household of refusal to cooperate with a Notice of Decision. If the household fails to cooperate, as opposed to refuses to cooperate, do not deny the household. Assist the household in obtaining necessary proof of eligibility.~~ (3-15-02)

618. -- 620. (RESERVED).

621. TAFI OR AABD HOUSEHOLD REPORTING CHANGES.

If a change requires a reduction or ending of TAFI or AABD and Food Stamp benefits, and the Department can determine Food Stamp benefits, the Department will issue a Notice of Decision for both AABD and Food Stamps or TAFI and Food Stamps. If the household makes a timely request for a fair hearing and continued benefits, Food Stamps benefits continue pending the hearing. The household must reapply if certification expires before the hearing

is complete. ~~If Food Stamps increase due to lowering or ending TAFI or AABD, issue the TAFI or AABD notice of adverse action, but do not increase Food Stamps until the household decides if it will appeal the action. If the household appeals and TAFI or AABD is continued, continue Food Stamp benefits at the old level. If the household does not appeal, change Food Stamps after notice. The time limit to act on changes increasing Food Stamps must be calculated from the date the TAFI or AABD Notice of Decision expires. If a change in the AABD or TAFI grant results in a change in the household's Food Stamp benefits, the Department must change the Food Stamp benefits, regardless of whether the Food Stamps increase or decrease. The Department must not make the change that caused the TAFI or AABD benefit to change, unless that change is also one requiring the Department to take action.~~

(7-1-98)(____)

622. CHANGE ENDS TAFI OR AABD INCOME.

A change ending a household's income from a TAFI or AABD grant during the certification period may affect Food Stamp eligibility. ~~Do not close a household's Food Stamp benefits just because of a TAFI or AABD closure. Close Food Stamps benefits will be closed only if the household fails to satisfy the eligibility requirements for change requires the Department to take action under Section 613 of these rules and the action would close Food Stamps. If the household appeals and TAFI or AABD is continued, continue Food Stamps at the same level. If a TAFI or AABD notice is not required or the household does not appeal, the Department must send a notice explaining that the household's benefits will end due to changes which may affect eligibility and/or benefit level. A notice must be sent to the household when Food Stamp benefits change because of a TAFI or AABD change. If TAFI or AABD ends and they household remains Food Stamp eligible, the Department must advise the household of the work registration requirements. When the certification is shortened to reflect changes, the certification period must not end earlier than the month after the notice is issued, allowing adequate time to send a notice and for the household to timely reapply.~~

(3-15-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

645. RECERTIFICATION PROCESS.

~~The Department must follow the Recertification procedures are listed below:~~ described in 7 CFR 273.14.

(6-1-94)(____)

~~**01. Notice Of Recertification.** The Department must give households a notice of recertification and a recertification form before the certification period ends.~~ (3-15-02)

~~**a.** Households certified two (2) months or longer must get a notice of recertification and a recertification form during the calendar month before the last month of certification.~~ (3-15-02)

~~**b.** If certification is not completed until the second month of a two (2) month certification, the Department must give a notice of recertification and a recertification form at the time certification is completed.~~ (3-15-02)

~~**c.** If the household is certified for one (1) month, the Department must give a notice of recertification and a recertification form at the time certification is completed.~~ (3-15-02)

~~**02. Recertification Interview.** The Department must:~~ (6-1-94)

~~**a.** Conduct a complete interview with a household member or authorized representative at least once every twelve (12) months.~~ (3-15-02)

~~**b.** Schedule the interview so households have at least ten (10) days after the interview to provide proof before the certification period expires.~~ (3-15-02)

~~**c.** Permit the household member or authorized representative to complete the recertification form before or during the interview.~~ (6-1-94)

~~**d.** The household must submit the recertification form no later than the interview date.~~ (6-1-94)

~~03. Recertification Time Limits. If the reapplication is timely, the Department must recertify eligible households effective the month after the current certification ends. (9-1-94)~~

~~04. Initial Month Or Beginning Month Benefits. (6-1-94)~~

~~a. A household applies for recertification before the end of certification. There is no break in benefits. The first month of new eligibility is not an initial month. The household gets a full month's Food Stamp issuance. Benefits are not pro-rated for the first month. (6-1-94)~~

~~b. A household applies for recertification before the certification ends. The household is not eligible the month after certification ends. The first month of eligibility, after at least one (1) month without benefits, is counted as an initial month. Benefits are prorated from the date of application. (6-1-94)~~

~~05. Delayed Recertification Processing. The Department handles delayed processing of recertifications as described in Subsections 645.05.a. through 645.05.d. (3-15-02)~~

~~a. If an eligible household files an application before the end of the certification period but, through the fault of the Department, recertification cannot be completed within thirty (30) days, the department shall: (3-15-02)~~

~~i. Continue to process the case. (3-15-02)~~

~~ii. Provide a full allotment, back to the date the certification period should have begun, had the Department not caused the delay. (3-15-02)~~

~~b. If an eligible household files an application before the end of the certification period, but fails to take a required action, the Department may deny the case at the end of the certification period. The household still has thirty (30) days, after the end of the certification period, to take the required action. (3-15-02)~~

~~i. If the household takes the required action before the end of the certification period, the Department shall reopen the case and provide a full allotment for the first month of the new certification period. (3-15-02)~~

~~ii. If the household takes the required action after the end of the certification period, but within thirty (30) days after the end of the certification period, the Department shall reopen the case, and provide Food Stamps back to the date the household took the required action. (3-15-02)~~

~~c. If an eligible household files an application within thirty (30) days after the end of the certification period, the Department shall treat the case as a recertification, and prorate the first month's allotment from the date the household filed the application. (3-15-02)~~

~~d. The Department shall provide restored benefits if, through the fault of the Department, an eligible household files an application beyond the first of the month, of what should have been its new certification period. The Department shall restore benefits back to the date the certification period should have begun, had the Department not caused the delay in application. (3-15-02)~~

646. NOTICE OF DECISION FOR RECERTIFICATION.

A Notice of Decision must be sent to households that reapply for Food Stamps. (6-1-94)

~~01. Regular Certification Period. To get Food Stamps with no break in issuance, households must apply for recertification before the fifteenth day of the last month of certification. The Department will notify the household of eligibility or denial by the end of the current certification period. (6-1-94)(____)~~

~~02. Short Certification Period. Households certified for a short period and issued a notice of expiration at the time of certification, must be advised to reapply before the end of their certification period. The Department will send the household a notice of eligibility or denial no later than thirty (30) days after the date of the household's last allotment. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

735. FOOD STAMP HOUSEHOLDS THAT MOVE.

When a Food Stamp household moves, the sending and receiving Field Offices must transfer the case record and change the ~~Food Stamp delivery~~ household's address. (6-1-94)(____)

~~01- Responsibilities Of Sending Field Office. If a household reports its move, or plan to move, to another area, the sending Field Office must take steps to transfer the case. Duties of the sending Field Office are listed below: (6-1-94)~~

~~a- Record New Address. Record the household's new address in the case record and in EPICS. (6-1-94)~~

~~b- Advise Household. Give the household the address and telephone number of the receiving Field Office. If the request for case record transfer is not received within thirty (30) days of the date the client was told to contact the receiving office, Food Stamps must end. Advise the household to: (6-1-94)~~

~~i- Contact the new Field Office at once. (6-1-94)~~

~~ii- Report their new address and living arrangements. (6-1-94)~~

~~iii- Allow the new Field Office time to authorize and request transfer of the case record. (6-1-94)~~

~~iv- Contact the new Field Office or the sending Field Office will act to end Food Stamps. (6-1-94)~~

~~02- Transfer Of Case Record. When the receiving Field Office requests a case file, the sending Field Office must send the file. The sending Field Office must forward the case record to the receiving office within two (2) working days. The case record transfer must include all past and current eligibility and overissuance collection records. (6-1-94)~~

~~03- Ending Benefits. If the case record was not requested by the thirtieth day after the household said they were moving, Food Stamps must be ended. The sending Field Office must send a Notice of Decision to the household's last known address. The sending Field Office must end the household's Food Stamps. (6-1-94)~~

~~04- Responsibilities Of Receiving Field Office. When a Field Office learns a household has moved to its area, the receiving Field Office must request the case record within two (2) working days. The receiving office must show the household's new address in the case record. The receiving office must review the household's eligibility and benefit level. The office must review the case not later than thirty (30) days after the household's transfer request. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

777. MEMBER DISQUALIFIED FOR FAILURE OR REFUSAL TO PROVIDE SSN, CHILD SUPPORT, CITIZENSHIP OR ALIENAGE, AND ABAWDS.

Food Stamp eligibility and benefit level for households containing members disqualified for failure or refusal to provide an SSN, failure to correct ~~Numident~~ an SSN, failure to cooperate with child support, failure to sign a citizenship or legal non-citizen status declaration, reaching the ABAWD time limit, or being an ineligible non-citizen, must be ~~computed using steps in Subsections 777.01 through 777.09~~ determined in accordance with 7 CFR 273.11. (3-15-02)(____)

~~01- Step 1. Count the resources of the disqualified members as resources to the Food Stamp household. (6-1-94)~~

~~02- Step 2. Count part of the income of the disqualified members as income to the household. (6-1-94)~~

~~a- Subtract Food Stamp exclusions from the disqualified member's income. (6-1-94)~~

- ~~b. Divide the income evenly among all members, including the disqualified member. (6-1-94)~~
- ~~e. Count all but the disqualified member's share as income to the Food Stamp household. (6-1-94)~~
- ~~03. Step 3. Apply the earned income deduction to the prorated income of the excluded member. (6-1-94)~~
- ~~04. Step 4. Divide the allowable shelter, dependent care and child support expenses, paid by or billed to disqualified member, among all household members. Count all but the disqualified or ineligible member's share as a deductible shelter, dependent care or child support expense for the remaining household members. Do not prorate the SUA. (3-15-02)~~
- ~~05. Step 5. Do not count the disqualified member as part of the household to compute the resource limit. (6-1-94)~~
- ~~06. Step 6. Do not count the disqualified member when computing household size for the gross and net income limit tests. (6-1-94)~~
- ~~07. Step 7. Do not count the disqualified member to compute medical deduction. (7-1-98)~~
- ~~08. Step 8. Do not count the disqualified member to compute uncapped shelter deduction. (7-1-98)~~
- ~~09. Step 9. Do not count the disqualified member to compute household size for Food Stamp issuance. (6-1-94)~~

(BREAK IN CONTINUITY OF SECTIONS)

788. INCOME AND RESOURCES OF NONHOUSEHOLD MEMBERS.

~~Nonhousehold members of a Food Stamp household cannot get Food Stamps. Nonhousehold members are not counted for Food Stamp issuance or eligibility.~~ Nonhousehold members of a Food Stamp household may include students, roomers, and live-in attendants. These non-household members cannot get Food Stamps and are not counted for Food Stamp issuance or eligibility. Income and resources of nonhousehold members are not considered available to the Food Stamp household. Actions the Department must take regarding nonhousehold members are listed below:
(6-1-94)(____)

01. Cash Payments. Cash payments from the nonhousehold member to the household are counted as income. (6-1-94)

02. Vendor Payments. Vendor payments from a nonhousehold member are not counted as income. (6-1-94)

03. Shared Deductible Expenses. If the household shares deductible expenses with the nonhousehold member, ~~subtract the amount actually paid by the household as an expense~~ the household is allowed the utility allowance for which it qualifies. If the payment cannot be distinguished, prorate the expenses among the persons paying and subtract only the household's prorated share. Do not prorate the SUA, if all persons sharing utility expenses with the Food Stamp household are excluded from the household only because they are Food Stamp ineligible. Allow the Food Stamp household the entire SUA. (3-15-02)(____)

04. Shared Income. When the earned income of the household and the nonhousehold member is combined, household income must be determined. (6-1-94)

a. If the household's share can be identified, ~~count~~ the household's portion is counted as earned income. (6-1-94)(____)

b. If the household's share cannot be identified, ~~prorate~~ the earned income is prorated among all persons with earned income. ~~Then count~~ The prorated share is then counted as earned income for the household. (6-1-94)(____)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM

DOCKET NO. 16-0309-0308

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the 2004 Legislature has rejected sections of this rulemaking previously initiated under this docket.

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

The temporary and proposed rule docket adopted by the Department was published in the October Administrative Bulletin, Volume 03-10, pages 253 through 259. The 2004 Legislature determined that the pending rules published in the December Administrative Bulletin, Volume 03-12, page 73, do not meet legislative intent. Senate Concurrent Resolution 122 rejected changes to Sections 204 and 210 of this docket dealing with fraud and abuse investigations. Sections 204 and 210 will be reinstated to the original text codified prior to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Mond Warren (208) 334-5997.

DATED this 25th day of March, 2004.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street, 10th Floor
P.O. Box 83720, Boise, Idaho 83720-0036
(208) 334-5564 phone, (208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET 16-0309-0308

204. SURVEILLANCE AND UTILIZATION REVIEW (S/UR) COMMITTEE.

Instances of suspected fraud, abuse, or other misconduct may be referred to a review committee organized by the Department. The committee shall consist of health professionals and other staff appointed by the Director or his designee. The committee may also consult with other professionals as determined necessary by the committee. The function of the committee will be to review and make recommendations concerning corrective action. (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

210. APPEAL OF IMMEDIATE ACTION.

When payments have been suspended or withheld or the provider's agreement is suspended pending investigation, the Department shall provide for a hearing within thirty (30) days of receipt of any timely filed notice of appeal. (4-5-00)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE
16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM
DOCKET NO. 16-0309-0401
NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 56-202(b) and 56-203(g), 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 May 19, 2004.

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 rule making:

Several widely prescribed federal legend medications have changed to non-legend status. The Department needs to be able to include non-legend drug products based upon appropriate criteria in order to contain Medicaid Program expenditures to meet legislative appropriation. Additionally, the Department needs some discretion to exempt drugs from prior authorization. This rule will allow the public to benefit by allowing physicians to prescribe equally effective medications at a lower cost to the Department.

This rule was published as a temporary rule with the effective date of May 20, 2002 in the February 4, 2004 Idaho Administrative Bulletin, Volume 04-2, pages 96 through 98.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which the public comment should be addressed.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because immediate action was needed to protect the public health, safety or welfare. There will be opportunity to obtain public comment during the comment period for this rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rules, contact Paul Leary at (208) 364-1840.

Anyone can submit written comments regarding this rulemaking. All written comments and data concerning the rule must be directed to the undersigned and delivered on or before May 26, 2004.

DATED this 31st day of March, 2004.

Sherri Kovach, Program Supervisor
Administrative Procedures Section
DHW – Administrative Procedures Section
450 West State Street - 10th Floor
P.O. Box 83720
Boise, Idaho 83720-0036
(208) 334-5564 phone
(208) 332-7347 fax
kovachs@idhw.state.id.us e-mail

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective date is May 20, 2002.

The original text of the Temporary Rule was published in the Idaho
Administrative Bulletin, Volume 04-2, February 4, 2004, pages 96 through 98.

THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0401

810. PRIOR AUTHORIZATION.

- include:
- 01. Items Requiring Prior Authorization.** Pharmaceutical items requiring prior authorization (3-20-04)
- a. Amphetamines and related CNS stimulants; (3-20-04)
 - b. Growth hormones; (3-20-04)
 - c. Retinoids; (3-20-04)
 - d. Brand name drugs when an acceptable generic form exists; (3-20-04)
 - e. Medication otherwise covered by the Department for which there is a therapeutically interchangeable alternate medication identified by the Department. ~~For purposes of Subsection 810.01,~~ Therapeutically interchangeable means a medication that is interchangeable with another medication within the same pharmacologic or therapeutic class and is at least as effective as the medication for which it is being interchanged. The Director may exempt a drug from the prior authorization requirement described in Subsection 810.01 based upon appropriate criteria, including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the P&T committee. The Department determines, and will make available to providers, which drugs are therapeutically interchangeable using a number of resources that may include: ~~(5-20-02)F()~~
 - i. Peer-reviewed medical literature; (3-20-04)
 - ii. Randomized clinical trials; (3-20-04)
 - iii. Drug comparison studies; (3-20-04)
 - iv. Pharmacoeconomic studies; (3-20-04)
 - v. Outcomes research data; (3-20-04)
 - vi. Idaho practice guidelines; and (3-20-04)
 - vii. Consultation with practicing physicians, pharmacists, and the Idaho Medicaid Medical Director. (3-20-04)
 - f. Medications prescribed in quantities which exceed the Food and Drug Administration (FDA) dosage guidelines. (3-20-04)
 - g. Lipase inhibitors. (3-20-04)

- h.** Medications prescribed outside of the Food and Drug Administration approved indications. (3-20-04)
- i.** Medications excluded in Section 811 of these rules that the Department accepts for other medically approved indications. (3-20-04)
- 02. Request For Prior Authorization.** The prior authorization procedure is initiated by the prescriber who must submit the request to the Department in the format prescribed by the Department. (3-20-04)
- 03. Notice Of Decision.** The Department will determine coverage based on this request, and will notify the client, ~~prescriber, and pharmacy, if known~~ of a denial. (~~5-20-02~~)()
- 04. Emergency Situation.** The Department will provide for the dispensing of at least a seventy two (72) hour supply of a covered outpatient prescription drug in an emergency situation as required in 42 USC 1396r-8(d)(5)(B). (3-20-04)
- 05. Response To Request.** The Department will respond within twenty-four (24) hours to a request for prior authorization of a covered outpatient prescription drug as required in 42 USC 1396r-8(d)(5)(A). (3-20-04)
- 811. EXCLUDED DRUG PRODUCTS.**
The following categories and specific products are excluded from coverage by Medicaid: (~~4-5-00~~)()
- 01. Non-Legend Medications.** ~~Non-legend medications unless included in Subsection 812.02. This includes~~ Federal legend medications that change to non-legend status, as well as their therapeutic equivalents regardless of prescription status: unless: (~~4-5-00~~)()
- a.** They are included in Subsection 812.02; or ()
- b.** The Director determines that non-legend drug products are covered based upon appropriate criteria including the following: safety, effectiveness, clinical outcomes of the drug in comparison with other therapeutically interchangeable alternative drugs, cost, and the recommendation of the P&T committee. Therapeutically interchangeable is defined in Subsection 810.01.e. ()
- 02. Legend Drugs.** Any legend drugs for which federal financial participation is not available. (4-5-00)
- 03. Diet Supplements.** Diet supplements and weight loss products, except lipase inhibitors when prior authorized as outlined in Subsection 812.03 of these rules. (3-20-04)
- 04. Amphetamines And Related Products.** Amphetamines and related products for cosmetic purposes or weight loss. Amphetamines and related products which are deemed to be medically necessary may be covered if prior authorized as outlined in Subsection 812.03 of these rules. (3-20-04)
- 05. Ovulation/Fertility Drugs.** Ovulation stimulants, fertility drugs, and similar products. (3-20-04)
- 06. Impotency Aids.** Impotency aids, either as medication or prosthesis. (4-5-00)
- 07. Nicotine Products.** Nicotine chewing gum, sprays, inhalers, transdermal patches and related products. (4-5-00)
- 08. Medications Utilized For Cosmetic Purposes.** Medications utilized for cosmetic purposes or hair growth. Prior authorization may be granted for these medications if the Department finds other medically necessary indications. (4-5-00)
- 09. Vitamins.** Vitamins unless included in Subsection 812.01. (4-5-00)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.22 - RULES GOVERNING LICENSED RESIDENTIAL AND ASSISTED LIVING FACILITIES

DOCKET NO. 16-0322-0301

NOTICE OF RULEMAKING - FINAL RULE

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, notice is hereby given that the legislature has taken action by concurrent resolution and has rejected sections of this rulemaking previously initiated under this docket.

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

The proposed rule docket adopted by the Department was published in the October Administrative Bulletin, Volume 03-10, pages 306 through 307. The 2004 Legislature determined that the pending rule published in the January Administrative Bulletin, Volume 04-1, page 142, does not meet legislative intent. House Concurrent Resolution 55 rejected changes to Subsections 428.01 and 428.02 of this docket. Section 428 will be reinstated to the original text as codified prior to this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the final rule, contact Debby Ransom at (208) 334-6626.

DATED this 25th day of March, 2004.

Sherri Kovach
Program Supervisor
DHW – Administrative Procedures Section
450 West State Street, 10th Floor
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kovachs@idhw.state.id.us e-mail

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0322-0301

428. MEDICATION STANDARDS AND REQUIREMENTS.

01. Medication Policy. Each facility shall develop and implement a written medication policy and procedure that outlines in detail the procedures to be followed regarding the delegation of medications and to include the requirements of the Administrative Rules of the Board of Nursing, IDAPA 23.01.01, "Rules of the Board of Nursing," Subsection 010.05, Section 400, Subsections 400.02, 400.04, and 400.05 where applicable. The medication policy shall include, but not be limited to, the following: (3-10-00)

a. If the resident is granted responsibility for his own medication, a written approval stating that the resident is capable of self-administration of medications, must be obtained from the resident's primary physician or authorized provider; (5-3-03)

b. The facility shall take the necessary precautions to protect residents from obtaining medications that are being stored either in individual resident rooms or by the facility; (3-10-00)

c. The facility administrator shall be responsible for providing the necessary assistance to the resident in taking his medication; (3-10-00)

d. Documentation of any medication refused by the resident, not given to the resident or not taken by the resident with the reason for the omission. All PRN medication shall be documented with the reason for taking the medication. (3-10-00)

02. Medication Distribution System. Each facility shall use Medi-sets, or blister pack, or other system as approved by the Department. The Medication System must be filled by a pharmacist and appropriately labeled in accordance with pharmacy standards. A licensed nurse may fill Medi-sets which must be appropriately labeled with medication name, dosage, amount and time to be taken, and special instructions if appropriate. (3-10-00)

03. Assistance With Medication. PRN medications and temporary routine medications of fourteen (14) days or less may be maintained in an appropriately labeled multidose container. Each medication must be given to the resident directly from the medi-set or blister pack or medication container. The resident must be observed taking the medication. (3-10-00)

04. Unused Medication. Unused or discontinued medications shall not accumulate at the facility for longer than thirty (30) days, unless there is reason to believe that the medication will be reordered by the attending physician or authorized provider within a reasonable length of time. The unused medication may be returned to the dispensing pharmacy for credit as allowed by IDAPA 27.01.01, "Rules of the Idaho Board of Pharmacy," or shall be disposed of in a manner that assures that it cannot be retrieved. A written record of all disposal of drugs shall be maintained in the facility and shall include: (3-17-04)

- a.** A description of the drug, including the amount; (3-10-00)
- b.** The resident for whom the medication was prescribed; (3-10-00)
- c.** The reason for disposal; (3-10-00)
- d.** The method of disposal; (3-17-04)
- e.** The date of disposal or return; and (3-17-04)
- f.** Signatures of responsible facility personnel and a witness. (3-10-00)

IDAPA 17 - INDUSTRIAL COMMISSION

17.07.01 - SAFETY RULES FOR ELEVATORS, ESCALATORS AND MOVING WALKS

DOCKET NO. 17-0701-0301

NOTICE OF RULEMAKING - EXPIRATION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5226(3), Idaho Code, notice is hereby given that the temporary rule adopted under this docket expired upon conclusion of the 2004 legislative session.

DESCRIPTIVE SUMMARY: In June 2003, the Industrial Commission adopted a temporary rule which gave owners until July 1, 2004 to obtain any periodic elevator inspection coming due from a Qualified Elevator Inspector (QEI) contractor and would extend their certificate to operate those elevators until they get the required inspection on until July 1, 2004, whichever occurs first. This additional temporary rule was necessary to address a deficiency in another current temporary and pending rule which changed the requirements for periodic elevator inspections, effective November 1, 2002. That rule obligated owners to contract for the services of a Qualified Elevator Inspector (QEI) to make that inspection. QEI contractors needed to be located and inspections scheduled to meet this new requirement. The logistics involved in meeting this new requirement would, in many cases, cause owners to exceed the time currently provided by rule for completing these inspections to cause the unintentional cancellation of the certificate to operate their elevators. This temporary rule was published in the Idaho Administrative Bulletin, April 2, 2003, Volume 03-4. This temporary rule was not submitted to the 2004 Legislature for review and extension, and did not remain in effect beyond the conclusion of the 2004 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact the undersigned.

DATED this 30th day of March, 2004.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of Administrative Rules
Department of Administration
PO Box 83720
Boise, ID 83720-0306
(208) 332-1820

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-0301

NOTICE OF RULEMAKING - EXPIRATION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5226(3), Idaho Code, notice is hereby given that the temporary rule adopted under this docket expired upon conclusion of the 2004 legislative session.

DESCRIPTIVE SUMMARY: In January 2003, the Board of Veterinary Medical Examiners (Board) adopted a temporary rule which was negotiated at the request of the Idaho Cattlemen's Association and was necessary to allow unlicensed individuals to extract and analyze bull semen under the indirect supervision of a licensed veterinarian. This temporary rule was published in the Idaho Administrative Bulletin, March 5, 2003, Volume 03-3. This temporary rule was not submitted to the 2004 Legislature for review and extension, and did not remain in effect beyond the conclusion of the 2004 session of the Idaho Legislature.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Sheila Jensen, Management Assistant, at (208) 332-8588.

DATED this 30th day of March, 2004.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of Administrative Rules
Department of Administration
PO Box 83720
Boise, ID 83720-0306
(208) 332-1820

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0304

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking. This rulemaking action is authorized by Sections 39-105 and 39-107, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this proposed rulemaking will be held as follows:

June 8, 2004, 5:15 p.m.
Department of Environmental Quality Conference Center
1410 N. Hilton, Boise, Idaho.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The U.S. Environmental Protection Agency has revised regulations in 40 CFR Part 52, governing the New Source Review programs mandated by Title I of the Clean Air Act. The Department of Environmental Quality (DEQ) has initiated this rulemaking to incorporate these changes into the Rules for the Control of Air Pollution in Idaho. Incorporation of the revisions to 40 CFR Part 52 into the Rules for the Control of Air Pollution in Idaho will include changes in New Source Review applicability requirements for modifications to allow sources of air emissions greater regulatory certainty, flexibility and permit streamlining while ensuring protection of public health and the environment. This rule was adopted by the Board of Environmental Quality as a temporary rule in February 2004 and is currently effective.

The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality for adoption of a pending rule. The pending rule will become final upon the conclusion of the 2005 session of the Idaho Legislature if approved by the Legislature.

IDAHO CODE, SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal law or regulations.

NEGOTIATED RULEMAKING: The text of the proposed rule has been drafted based on discussions held and concerns raised during a negotiation conducted pursuant to Idaho Code Section 67-5220 and IDAPA 04.11.01.812 - 815. The Notice of Negotiated Rulemaking was published in the Idaho Administrative Bulletin, November 5, 2003, Volume 03-11, page 89.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.state.id.us/deq.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208)373-0440, mbauer@deq.state.id.us, or Pat Nair at (208) 373-0447 or pnair@deq.state.id.us.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before June 9, 2004.

DATED this 15th day of March, 2004.

Paula J. Wilson
Environmental Quality Section
Attorney General's Office
1410 N. Hilton/Boise, Idaho 83706-1255
(208)373-0418/Fax No. (208)373-0481
pwilson@deq.state.id.us

Pursuant to Section 67-5221(1) this docket is being published as a Proposed Rule.

This docket has been previously published as a Temporary Rule.
The temporary effective date is February 5, 2004.

The original text of the Temporary Rule was published in the Idaho
Administrative Bulletin, Volume 04-3, March 3, 2004, pages 20 through 41.

THE FOLLOWING IS THE TEXT OF RULE DOCKET NO. 58-0101-0304

006. GENERAL DEFINITIONS.

Subsections 006.01 through 006.54 have no changes

- ~~55. Major Facility. (5-1-94)~~
- ~~a. A major facility is either: (4-5-00)~~
- ~~i. Any facility which emits, or has the potential to emit, one hundred (100) tons per year or more of any regulated air pollutant; or (4-5-00)~~
- ~~ii. Any physical change that would occur at a facility not qualifying under Subsection 006.55.a.i. as a major facility, if the change would constitute a new major facility by itself. (4-5-00)~~
- ~~b. A major facility that is major for volatile organic compounds shall be considered major for ozone. (4-5-00)~~
- ~~e. The fugitive emissions of a facility shall not be included in determining for any of the purposes of this Section whether it is a major facility, unless the source is a designated facility or the source belongs to a stationary source category which, as of August 7, 1980, is being regulated under Sections 111 or 112 of the Clean Air Act. (4-5-00)~~
- ~~56. Major Modification. (5-1-94)~~
- ~~a. Any physical change or change in the method of operation of a major facility that would result in a significant net emissions increase of any regulated air pollutant. (4-5-00)~~
- ~~b. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. (4-5-00)~~
- ~~e. A physical change or change in the method of operation shall not include: (4-5-00)~~

- ~~i. Routine maintenance, repair, and replacement; (4-5-00)~~
- ~~ii. Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; (4-5-00)~~
- ~~iii. Use of an alternative fuel by reason of an order or rule under Section 125 of the Clean Air Act; (4-5-00)~~
- ~~iv. Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste; (4-5-00)~~
- ~~v. Use of an alternative fuel or raw material by a facility which the facility was capable of accommodating before December 21, 1976 for facilities located in nonattainment areas or before January 6, 1975 for facilities located in attainment or unclassified areas, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976 for facilities located in nonattainment areas or before January 6, 1975 for facilities located in attainment or unclassified areas or under any permit issued by the Department or EPA; (4-5-00)~~
- ~~vi. An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 12, 1976 for facilities located in nonattainment areas or before January 6, 1975 for facilities located in attainment or unclassified areas; (4-5-00)~~
- ~~vii. Any change in ownership at a facility; (4-5-00)~~
- ~~viii. The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Department determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except when the Department has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that facility in the most recent air quality impact analysis in the area conducted for the purpose of Title I, if any, and the Department determines that the increase will cause or contribute to a violation of any national ambient air quality standard or prevention of significant deterioration (PSD) increment, or visibility limitation; (4-5-00)~~
- ~~ix. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the State Implementation Plan for the state in which the project is located, and other requirements necessary to maintain the national ambient air quality standard during the project and after it is terminated. (4-5-00)~~

575. Member Of The Public. For purposes of Subsection 006.92.a.xxi., a person located at any off-site point where there is a residence, school, business or office. (4-5-00)

586. Modification. Any physical change in, or change in the method of operation of, a stationary source or facility which increases the amount of any regulated air pollutant emitted by such stationary source or facility or which results in the emission of any regulated air pollutant not previously emitted except that routine maintenance, repair and replacement shall not be considered physical changes, and the following shall not be considered a change in the method of operation: (4-5-00)

- a.** An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit; (5-1-94)
- b.** An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and (5-1-94)
- c.** Use of an alternative fuel or raw material if the stationary source is specifically designed to

accommodate such fuel or raw material and use of such fuel or raw material is not specifically prohibited in a permit. (4-5-00)

597. Monitoring. Sampling and analysis, in a continuous or noncontinuous sequence, using techniques which will adequately measure emission levels and/or ambient air concentrations of air pollutants. (5-1-94)

6058. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned. (5-1-94)

6159. New Stationary Source Or Facility. (5-1-94)

a. Any stationary source or facility, the construction or modification of which is commenced after the original effective date of any applicable provision of this chapter; or (5-1-94)

b. The restart of a nonoperating facility shall be considered a new stationary source or facility if: (5-1-94)

i. The restart involves a modification to the facility; or (5-1-94)

ii. After the facility has been in a nonoperating status for a period of two (2) years, and the Department receives an application for a Permit to Construct in the area affected by the existing nonoperating facility, the Department will, within five (5) working days of receipt of the application notify the nonoperating facility of receipt of the application for a Permit to Construct. Upon receipt of this Departmental notification, the nonoperating facility will comply with the following restart schedule or be considered a new stationary source or facility when it does restart: Within thirty (30) working days after receipt of the Department's notification of the application for a Permit to Construct, the nonoperating facility shall provide the Department with a schedule detailing the restart of the facility. The restart must begin within sixty (60) days of the date the Department receives the restart schedule. (5-1-94)

620. Nonattainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. (5-1-94)

631. Noncondensibles. Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified. (5-1-94)

642. Odor. The sensation resulting from stimulation of the human sense of smell. (5-1-94)

653. Opacity. A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent. (5-1-94)

664. Open Burning. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney. (5-1-94)

675. Operating Permit. A permit issued by the Director pursuant to Sections 300 through 386 and/or 400 through 461. (4-5-00)

686. Particulate Matter. Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. (5-1-94)

697. Particulate Matter Emissions. All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157. (4-5-00)

7068. Permit to Construct. A permit issued by the Director pursuant to Sections 200 through 228.

(7-1-02)

~~7169.~~ **Person.** Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity. (5-1-94)

720. PM-10. All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (5-1-94)

~~731.~~ **PM-10 Emissions.** All particulate matter, including condensable particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157. (4-5-00)

742. Potential To Emit/Potential Emissions. The maximum capacity of a facility to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air pollutant, provided the limitation or its effect on emissions is state or federally enforceable, shall be treated as part of its design. Limitations may include, but are not limited to, air pollution control equipment, restrictions on hours of operation and restrictions on the type or amount of material combusted, stored or processed. This definition does not alter or affect the term "capacity factor" as defined in 42 U.S.C. Sections 7651 through 7651o. (4-5-00)

753. Portable Equipment. Equipment which is designed to be dismantled and transported from one (1) job site to another job site. (5-1-94)

764. PPM (parts per million). Parts of a gaseous contaminant per million parts of gas by volume. (5-1-94)

775. Prescribed Fire Management Burning. The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)

- a. Fire hazard reduction; (5-1-94)
- b. The control of pests, insects, or diseases; (5-1-94)
- c. The promotion of range forage improvements; (5-1-94)
- d. The perpetuation of natural ecosystems; (5-1-94)
- e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
- f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
- g. Other accepted natural resource management purposes. (5-1-94)

~~786.~~ **Primary Ambient Air Quality Standard.** That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health. (5-1-94)

797. Process Or Process Equipment. Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment. (5-1-94)

~~8078.~~ **Process Weight.** The total weight of all materials introduced into any source operation which may

cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight. (5-1-94)

879. Process Weight Rate. The rate established as follows: (5-1-94)

a. For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof; (4-5-00)

b. For cyclical or batch source operations, the total process weight for a period that covers a complete cycle of operation or an integral number of cycles, divided by the hours of actual process operation during such a period. Where the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply. (4-5-00)

820. Quantifiable. The Department must be able to determine the emissions impact of any SIP trading programs requirement(s) or emission limit(s). (4-5-00)

831. Radionuclide. A type of atom which spontaneously undergoes radioactive decay. (5-1-94)

842. Regulated Air Pollutant. The following air pollutants: (4-5-00)

a. Nitrogen oxides or any volatile organic compounds. (4-5-00)

b. Any pollutant for which a national ambient air quality standard has been promulgated. (4-5-00)

c. Any pollutant that is subject to any standard promulgated under 42 U.S.C. Section 7411. (4-5-00)

d. Any Class I or II substance subject to a standard promulgated under or established under 42 U.S.C. Sections 7671a(a) or 7671a(b). (4-5-00)

e. Any air pollutant subject to a standard promulgated under 42 U.S.C. Section 7412 or other requirements established under 42 U.S.C. Section 7412, including 42 U.S.C. Section 7412(g), (j), and (r), including the following: (4-5-00)

i. Any air pollutant subject to requirements under 42 U.S.C. Section 7412(j). If the EPA fails to promulgate a standard by the date established pursuant to 42 U.S.C. Section 7412(e), any air pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to 42 U.S.C. Section 7412(e); and (4-5-00)

ii. Any air pollutant for which the requirements of 42 U.S.C. Section 7412(g)(2) have been met, but only with respect to the individual source subject to 42 U.S.C. Section 7412(g)(2) requirement. (4-5-00)

f. Any air pollutant listed in Sections 585, 586, or subject to regulation pursuant to Section 161. Unless otherwise listed in Subsections 006.84.a. through 006.84.e., these pollutants do not constitute regulated air pollutants for purposes of Sections 300 through 399. (7-1-02)

853. Replicable. Any SIP procedures for applying emission trading shall be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions. (4-5-00)

864. Responsible Official. One (1) of the following: (5-1-94)

a. For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall

operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (5-1-94)

i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or (4-5-00)

ii. The delegation of authority to such representative is approved in advance by the Department. (5-1-94)

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively. (5-1-94)

c. For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 123, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA). (4-5-00)

d. For Phase II sources: (5-1-94)

i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and (5-1-94)

ii. The designated representative for any other purposes under 40 CFR Part 70. (5-1-94)

875. Safety Measure. Any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions. (4-5-00)

886. Salvage Operation. Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards. (5-1-94)

897. Scheduled Maintenance. Planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. (3-20-97)

908. Secondary Ambient Air Quality Standard. That ambient air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air. (5-1-94)

919. Shutdown. The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. (5-1-94)

920. Significant. A rate of regulated air pollutant emissions that would equal or exceed any of the following: (4-5-00)

a. Air pollutant emissions and rate: (5-1-94)

i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)

ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)

iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)

iv. Particulate matter, twenty-five (25) tons per year; (5-1-94)

- v. Ozone, forty (40) tons per year of volatile organic compounds as a measure of ozone; (5-1-94)
 - vi. Lead, six-tenths (0.6) of a ton per year; (5-1-94)
 - vii. Asbestos, seven-thousandths (0.007) of a ton per year; (5-1-94)
 - viii. Beryllium, four ten-thousandths (0.0004) of a ton per year; (5-1-94)
 - ix. Mercury, one-tenth (0.1) of a ton per year; (5-1-94)
 - x. Vinyl chloride, one (1) ton per year; (5-1-94)
 - xi. Fluorides, three (3) tons per year; (5-1-94)
 - xii. Sulfuric acid mist, seven (7) tons per year; (5-1-94)
 - xiii. Hydrogen sulfide (H₂S), ten (10) tons per year; (5-1-94)
 - xiv. Total reduced sulfur (including H₂S), ten (10) tons per year; (5-1-94)
 - xv. Reduced sulfur compounds (including H₂S), ten (10) tons per year; (5-1-94)
 - xvi. PM-10, fifteen (15) tons per year; (5-1-94)
 - xvii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year; (5-1-94)
 - xviii. Municipal waste combustor metals (measured as particulate matter), fifteen (15) tons per year; (5-1-94)
 - xix. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; (5-1-94)
 - xx. Municipal solid waste landfill emissions (measured as nonmethane organic compounds), fifty (50) tons per year; (4-5-00)
 - xxi. Radionuclides, a quantity of emissions, from source categories regulated by 40 CFR Part 61, Subpart H, that have been determined in accordance with 40 CFR Part 61, Appendix D and by Department approved methods, that would cause any member of the public to receive an annual effective dose equivalent of at least one tenth (0.1) mrem per year, if total facility-wide emissions contribute an effective dose equivalent of less than three (3) mrem per year; or any radionuclide emission rate, if total facility-wide radionuclide emissions contribute an effective dose equivalent of greater than or equal to three (3) mrem per year. (5-1-95)
- b.** In reference to a net emissions increase or the potential of a source or facility to emit a regulated air pollutant not listed in Subsection 006.92.a. above and not a toxic air pollutant, any emission rate; or (4-5-00)
- c.** For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted regulated air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more. (4-5-00)
- 931. Significant Contribution.** Any increase in ambient concentrations which would exceed the following: (5-1-94)
- a.** Sulfur dioxide: (5-1-94)
 - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)

- ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)
- iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average; (5-1-94)
- b.** Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average; (5-1-94)
- c.** Carbon monoxide: (5-1-94)
 - i. One-half (0.5) milligrams per cubic meter, eight (8) hour average; (5-1-94)
 - ii. Two (2) milligrams per cubic meter, one (1) hour average; (5-1-94)
- d.** PM-10: (5-1-94)
 - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)
 - ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average. (5-1-94)
- 942. Small Fire.** A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high. (5-1-94)
- 953. Smoke.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material. (5-1-94)
- 964. Smoke Management Plan.** A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)
- 975. Smoke Management Program.** A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)
- 986. Source.** A stationary source. (5-1-94)
- 997. Source Operation.** The last operation preceding the emission of air pollutants, when this operation:
 - a.** Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and (5-1-94)
 - b.** Is not an air cleaning device. (5-1-94)
- ~~1008.~~ **Stack.** Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares. (5-1-94)
- ~~1019.~~ **Standard Conditions.** Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of twenty degrees Celsius (20C) sixty-eight degrees Fahrenheit (68F) and a gas pressure of seven hundred sixty (760) millimeters of mercury (14.7 pounds per square inch) absolute. (4-5-00)
- 1020. Startup.** The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. (5-1-94)
- 1031. Stationary Source.** Any building, structure, emissions unit, or installation which emits or may emit any air pollutant. (4-5-00)
- 1042. Tier I Source.** Any of the following: (5-1-94)

- a.** Any source located at any major facility as defined in Section 008; (4-5-00)
- b.** Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60; (5-1-94)
- c.** Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r); (5-1-94)
- d.** Any Phase II source; and (5-1-94)
- e.** Any source in a source category designated by the Department. (5-1-94)
- 1053.** **Total Suspended Particulates.** Particulate matter as measured by the method described in 40 CFR 50 Appendix B. (4-5-00)
- 1064.** **Toxic Air Pollutant.** An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586. (5-1-94)
- 1075.** **Toxic Air Pollutant Carcinogenic Increments.** Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one (1) microgram per cubic meter (1 ug/m³) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586. (5-1-94)
- 1086.** **Toxic Air Pollutant Non-carcinogenic Increments.** Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585. (5-1-94)
- 1097.** **Toxic Substance.** Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation. (5-1-94)
- 1108.** **Trade Waste.** Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood. (5-1-94)
- 1109.** **TRS (Total Reduced Sulfur).** Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present. (5-1-94)
- 1120.** **Unclassifiable Area.** An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area. (5-1-94)
- 1131.** **Uncontrolled Emission.** An emission which has not been treated by control equipment. (5-1-94)
- 1142.** **Upset.** An unplanned disruption in the normal operations of any equipment or emissions unit which may cause excess emissions. (4-5-00)
- 1153.** **Wigwam Burner.** Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes. (5-1-94)
- 1164.** **Wood Stove Curtailment Advisory.** An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

200. PROCEDURES AND REQUIREMENTS FOR PERMITS TO CONSTRUCT.

The purposes of Sections 200 through 228 is to establish uniform procedures and requirements for the issuance of "Permits to Construct." As used throughout Sections 200 through 228 and 578 through 581, major facility shall be defined as major stationary source in 40 CFR 52.21(b), revised as of July 1, 2003, and supplemented by 67 Fed. Reg. 80,186 (December 31, 2002) (to be codified at 40 CFR 52.21(b)), and major modification shall be defined as in 40 CFR 52.21(b), revised as of July 1, 2003, and supplemented by 67 Fed. Reg. 80,186 (December 31, 2002) (to be codified at 40 CFR 52.21(b)). These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr. (7-1-02)()

(BREAK IN CONTINUITY OF SECTIONS)

202. APPLICATION PROCEDURES.

Application for a permit to construct must be made using forms furnished by the Department, or by other means prescribed by the Department. The application shall be certified by the responsible official in accordance with Section 123 and shall be accompanied by all information necessary to perform any analysis or make any determination required under Sections 200 through 228. (5-1-92)

01. Required Information. Depending upon the proposed size and location of the new or modified stationary source or facility, the application for a permit to construct shall include all of the information required by one or more of the following provisions: (5-1-94)

- a. For any new or modified stationary source or facility: (5-1-94)
 - i. Site information, plans, descriptions, specifications, and drawings showing the design of the stationary source, facility, or modification, the nature and amount of emissions (including secondary emissions), and the manner in which it will be operated and controlled. (5-1-94)
 - ii. A schedule for construction of the stationary source, facility, or modification. (5-1-94)
- b. For any new major facility or major modification in a nonattainment area which would be major for the nonattainment regulated air pollutant(s): (4-5-00)
 - i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the lowest achievable emission rate would be applied. (5-1-94)
 - ii. A description of the emission offsets proposed for the new major facility or major modification, including information on the stationary sources, mobile sources, or facilities providing the offsets, emission estimates, and other information necessary to determine that a net air quality benefit would result. (4-5-00)
 - iii. Certification that all other facilities in Idaho, owned or operated by (or under common ownership of) the proposed new major facility or major modification, are in compliance with all local, state or federal requirements or are on a schedule for compliance with such. (5-1-94)
 - iv. An analysis of alternative sites, sizes, production processes, and environmental control techniques which demonstrates that the benefits of the proposed major facility or major modification significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. (5-1-94)
 - v. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would impact (including the monitoring of visibility in any Class I area near the new major facility or major modification, if requested by the Department), *except for those new major facilities and major modifications*

~~exempted by Subsection 204.04.~~

~~(5-1-94)()~~

c. For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant, ~~except for those new major facilities and major modifications exempted under Subsection 205.04.~~

~~(4-5-00)()~~

i. A description of the system of continuous emission control proposed for the new major facility or major modification, emission estimates, and other information as necessary to determine that the best available control technology would be applied. (5-1-94)

ii. An analysis of the effect on air quality by the new major facility or major modification, including meteorological and topographical data necessary to estimate such effects. (5-1-94)

iii. An analysis of the effect on air quality projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new major facility or major modification. (5-1-94)

iv. A description of the nature, extent, and air quality effects of any or all general commercial, residential, industrial, and other growth which has occurred since August 7, 1977, in the area the new major facility or major modification would affect. (5-1-94)

v. An analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the new major facility or major modification and general commercial, residential, industrial, and other growth associated with establishment of the new major facility or major modification. The owner or operator need not provide an analysis of the impact on vegetation or soils having no significant commercial or recreational value. (5-1-94)

vi. An analysis of the impairment to visibility of any federal Class I area, Class I area designated by the Department, or integral vista of any mandatory federal Class I area that the new major facility or major modification would affect. (5-1-94)

vii. An analysis of the existing ambient air quality in the area that the new major facility or major modification would affect for each regulated air pollutant that a new major facility would emit in significant amounts or for which a major modification would result in a significant net emissions increase. (4-5-00)

viii. Ambient analyses as specified in Subsections 202.01c.vii., 202.01c.ix., 202.01c.x., and 202.01c.xii., may not be required if the projected increases in ambient concentrations or existing ambient concentrations of a particular regulated air pollutant in any area that the new major facility or major modification would affect are less than the following amounts, or the regulated air pollutant is not listed herein: carbon monoxide - five hundred and seventy-five (575) micrograms per cubic meter, eight (8) hour average; nitrogen dioxide - fourteen (14) micrograms per cubic meter, annual average; PM-10 - ten (10) micrograms per cubic meter, twenty-four (24) hour average; sulfur dioxide - thirteen (13) micrograms per cubic meter, twenty-four (24) hour average; ozone - any net increase of one hundred (100) tons per year or more of volatile organic compounds, as a measure of ozone; lead - one-tenth (0.1) of a microgram per cubic meter, calendar quarterly average; mercury - twenty-five hundredths (0.25) of a microgram per cubic meter, twenty-four (24) hour average; beryllium - one-thousandth (0.001) of a microgram per cubic meter, twenty-four (24) hour average; fluorides - twenty-five hundredths (0.25) of a microgram per cubic meter, twenty-four (24) hour average; vinyl chloride - fifteen (15) micrograms per cubic meter, twenty-four (24) hour average; hydrogen sulfide - two-tenths (0.2) of a microgram per cubic meter, one (1) hour average. (4-5-00)

ix. For any regulated air pollutant which has an ambient air quality standard, the analysis shall include continuous air monitoring data, gathered over the year preceding the submittal of the application, unless the Department determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter than one (1) year, but not less than four (4) months, which is adequate for determining whether the emissions of that regulated air pollutant would cause or contribute to a violation of the ambient air quality standard or any prevention of significant deterioration (PSD) increment. (4-5-00)

x. For any regulated air pollutant which does not have an ambient air quality standard, the analysis shall contain such air quality monitoring data that the Department determines is necessary to assess ambient air quality for that air pollutant in any area that the emissions of that air pollutant would affect. (4-5-00)

xi. If requested by the Department, monitoring of visibility in any Class I area the proposed new major facility or major modification would affect. (5-1-94)

xii. Operation of monitoring stations shall meet the requirements of Appendix B to 40 CFR Part 58 or such other requirements as extensive as those set forth in Appendix B as may be approved by the Department. (5-1-94)

02. Estimates Of Ambient Concentrations. All estimates of ambient concentrations shall be based on the applicable air quality models, data bases, and other requirements specified in 40 CFR 51, Appendix W (Guideline on Air Quality Models). (4-5-00)

a. Where an air quality model specified in the "Guideline on Air Quality Models", is inappropriate, the model may be modified or another model substituted, subject to written approval of the Administrator of the U.S. Environmental Protection Agency and public comment pursuant to Subsection 209.01.c.; provided that modifications and substitutions of models used for toxic air pollutants will be reviewed by the Department. (4-5-00)

b. Methods like those outlined in the U.S. Environmental Protection Agency's "Interim Procedures for Evaluating Air Quality Models (Revised)" (September 1984) should be used to determine the comparability of air quality models. (5-1-94)

03. Additional Information. Any additional information, plans, specifications, evidence or documents that the Department may require to make the determinations required under Sections 200 through 225 shall be furnished upon request. (5-1-94)

(BREAK IN CONTINUITY OF SECTIONS)

204. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN NONATTAINMENT AREAS AND IN THE FORMER PM-10 NORTHERN ADA COUNTY NONATTAINMENT AREA (AS DEFINED IN SECTION 582).

The provision specifically referencing the former PM-10 northern Ada County nonattainment area in Section 204 shall expire by its terms and without further action when the EPA designates the former nonattainment area as either attainment or nonattainment. No permit to construct shall be granted for a new major facility or major modification which is proposed for location in a nonattainment area or in the former PM-10 northern Ada County nonattainment area and which would be major for the nonattainment regulated air pollutant(s) unless the applicant shows to the satisfaction of the Department all of the following: are considered nonattainment new source review (NSR) actions and are subject to the requirements in Section 204. Section 202 contains application requirements and Section 209 contains processing requirements for nonattainment NSR permitting actions. The intent of Section 204 is to incorporate the federal nonattainment NSR rule requirements. (3-30-01)()

01. Incorporated Federal Program Requirements. Requirements contained in the following subparts of 40 CFR 51.165, revised as of July 1, 2003, and supplemented by 68 Fed. Reg. 63,021 (November 7, 2003) (to be codified at 40 CFR 51.165), are hereby incorporated by reference. Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2003, and supplemented by 67 Fed. Reg. 80,186 (December 31, 2002) and 68 Fed. Reg. 63,021 (November 7, 2003) (to be codified at 40 CFR 52.21), are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 51.165(a)(1)	Definitions
40 CFR 51.165(a)(2)(ii)(A) - (J)	Applicability Provisions
40 CFR 51.165(a)(6)(i) - (v)	Applicability Provisions

<u>40 CFR Reference</u>	<u>40 CFR Reference Title</u>
<u>40 CFR 51.165(c)</u>	<u>Clean Unit Test for Emission Units that are Subject to LAER</u>
<u>40 CFR 51.165(d)</u>	<u>Clean Unit Provisions for Emission Units that Achieve an Emission Limitation Comparable to LAER</u>
<u>40 CFR 52.21(z)(1) - (3) and (6)</u>	<u>PCP Exclusion Procedural Requirements</u>
<u>40 CFR 52.21(aa)</u>	<u>Actual PALs</u>

()

02. Additional Requirements. The applicant must demonstrate to the satisfaction of the Department the following: ()

~~01a.~~ LAER. Except as otherwise provided in Section 204, the new major facility or major modification would be operated at the lowest achievable emission rate (LAER) for the nonattainment regulated air pollutant, specifically: (4-5-00)()

~~a.i.~~ A new major facility would meet the lowest achievable emission rate at each new emissions unit which emits the nonattainment regulated air pollutant; and (4-5-00)

~~b.ii.~~ A major modification would meet the lowest achievable emission rate at each new or modified emissions unit which has a net emissions increase of the nonattainment regulated air pollutant. (4-5-00)

~~02b.~~ Required offsets. Allowable emissions from the new major facility or major modification are offset by reductions in actual emissions from stationary sources, facilities, and/or mobile sources in the nonattainment area so as to represent reasonable further progress. All offsetting emission reductions must satisfy the requirements for emission reduction credits (Section 460) and provide for a net air quality benefit which satisfies the requirements of Section 208. If the offsets are provided by other stationary sources or facilities, a permit to construct shall not be issued for the new major facility or major modification until the offsetting reductions are made enforceable through the issuance of operating permits. The new major facility or major modification may not commence operation, and an operating permit for the new major facility or major modification shall not be effective before the date the offsetting reductions are achieved. (4-5-00)

~~03c.~~ Compliance status. All other sources in the State owned or operated by the applicant, or by any entity controlling, controlled by or under common control with such person, are in compliance with all applicable emission limitations and standards or subject to an enforceable compliance schedule. (5-1-94)

~~04d.~~ Effect on visibility. The effect on visibility of any federal Class I area, Class I area designated by the Department, or integral vista of a mandatory federal Class I area, by the new major facility or major modification is consistent with making reasonable progress toward remedying existing and preventing future visibility impairment; ~~except that:~~ (5-1-94)

~~a.~~ *New major facilities, or major modifications to major facilities, which are not designated facilities and which do not emit or have the potential to emit two hundred fifty (250) tons per year, or more, of any regulated air pollutant are exempt.* (4-5-00)

~~b.~~ Any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the criteria adopted pursuant to 40 CFR Part 51.304(a), may be exempted from Section 204 by the Department. (5-1-94)()

03. Nonmajor Requirements. If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 51.165 or 40 CFR 52.21 incorporated in Section 204, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. ()

~~05. **Definition Of “Nonattainment Regulated Air Pollutant(s)”.** For the purposes of Section 204, the term “nonattainment regulated air pollutant(s)” shall be defined to include the pollutant PM-10 in the former northern Ada County nonattainment area.~~ (3-30-01)

205. PERMIT REQUIREMENTS FOR NEW MAJOR FACILITIES OR MAJOR MODIFICATIONS IN ATTAINMENT OR UNCLASSIFIABLE AREAS.

The prevention of significant deterioration (PSD) program is a construction permitting program for new major facilities and major modifications to existing major facilities located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. Section 202 contains application requirements and Section 209 contains processing requirements for PSD permit actions. The intent of Section 205 is to incorporate the federal PSD rule requirements. ()

01. Requirements For Issuance Of Permit. No permit to construct shall be granted for a new major facility or major modification which is proposed for location in an attainment or unclassifiable area for any regulated air pollutant, unless the applicant shows to the satisfaction of the Department that: **Incorporated Federal Program Requirements.** Requirements contained in the following subparts of 40 CFR 52.21, revised as of July 1, 2003, and supplemented by 67 Fed. Reg. 80,186 (December 31, 2002) and 68 Fed. Reg. 63,021 (November 7, 2003) (to be codified at 40 CFR 52.21), are hereby incorporated by reference. These CFR sections have been codified in the electronic CFR which is available at www.gpoaccess.gov/ecfr.

40 CFR Reference	40 CFR Reference Title
40 CFR 52.21(a)(2)	Applicability Procedures
40 CFR 52.21(b)	Definitions
40 CFR 52.21(i)	Review of Major Stationary Sources and Major Modifications - Source Applicability and Exempting
40 CFR 52.21(j)	Control Technology Review
40 CFR 52.21(k)	Source Impact Analysis
40 CFR 52.21(r)	Source Obligation
40 CFR 52.21(v)	Innovative Control Technology
40 CFR 52.21(w)	Permit Rescission
40 CFR 52.21(x)	Clean Unit Test
40 CFR 52.21(y)	Clean Unit Provisions for Emissions Units that Achieve an Emission Limit Comparable to BACT
40 CFR 52.21(z)(1) - (3) and (6)	PCP Exclusion Procedural Requirements
40 CFR 52.21(aa)	Actual PALS

(4-5-00)()

~~a. The new major facility or major modification would use the best available control technology (BACT).~~ (5-1-94)

~~i. For each regulated air pollutant for which a new major facility would have the potential to emit in excess of the significant rates as defined in Section 006; and~~ (4-5-00)

~~ii. At each new or modified emissions unit which has a net emissions increase of each regulated air pollutant for which a major modification has a significant net emissions increase.~~ (4-5-00)

~~b. The allowable emission increases from the new major facility or major modification, in conjunction~~

~~with all other applicable emissions increases or reductions, including secondary emissions, would not:~~ (5-1-94)

- ~~i. Cause or significantly contribute to violations of any ambient air quality standard; and~~ (5-1-94)
- ~~ii. Cause or contribute to violations of any applicable prevention of significant deterioration (PSD) increment;~~ (5-1-94)

~~e. The emission increases from the new major facility or major modification would not have an adverse impact on the air quality related values, including visibility, of any federal Class I area or Class I area designated by the Department, and any effect on visibility of any integral vista of a mandatory federal Class I area would be consistent with making reasonable progress toward remedying existing and preventing future visibility impairment. However, any integral vista which the Federal Land Manager has not identified at least six (6) months prior to the submittal of a complete application, or which the Department determines was not identified in accordance with the required identification criteria, may be exempted by the Department.~~ (4-5-00)

~~02. **Phased Construction Projects.** For phased construction projects, the determination of best available control technology shall be reviewed and modified as appropriate at least eighteen (18) months prior to commencement of each independent phase of the project.~~ (5-1-94)

~~032. **Innovative Control Technology.** If requested by the owner or operator of the new major facility or major modification, the Department may, with the consent of the Governor of any other affected state, approve a system of innovative control technology. **Exception to Incorporation by Reference of 40 CFR 52.21.** Every use of the word Administrator in 40 CFR 52.21 means the Department except for the following:~~ (5-1-94)(____)

~~a. A proposed system of innovative control technology may be approved if: In 40 CFR 52.21(b)(17), the definition of federally enforceable, Administrator means the EPA Administrator.~~ (5-1-94)(____)

~~i. The proposed control system would not cause or contribute to an unreasonable risk to public health, welfare, or safety in its operation or function;~~ (5-1-94)

~~ii. The owner or operator agrees to achieve a level of continuous emissions control equivalent to that which would have been required for BACT by a date specified by the Department, but not later than four (4) years from the time of start-up or seven (7) years from permit issuance;~~ (5-1-94)

~~iii. The allowable emissions from the facility employing the system of innovative control technology satisfy all other applicable requirements;~~ (4-5-00)

~~iv. Prior to the date established pursuant to Subsection 205.03.a.ii., the new major facility or major modification would not cause or significantly contribute to any violation of an ambient air quality standard, impact any Class I area, or impact any area where a prevention of significant deterioration (PSD) increment is known to be violated.~~ (4-5-00)

~~b. The Department shall withdraw its approval to employ a system of innovative control technology if: In 40 CFR 52.21(1)(2), air quality models, Administrator means the EPA Administrator.~~ (5-1-94)(____)

~~i. The proposed system fails by the specified date to achieve the required continuous emission control;~~ (5-1-94)

~~ii. The proposed system fails before the specified date so as to contribute to an unreasonable risk to public health, welfare, or safety; or~~ (5-1-94)

~~iii. The Department decides that the proposed system is unlikely to achieve the required level of control or to protect the public health, welfare, or safety.~~ (5-1-94)

~~c. If the system of innovative control technology fails to meet the required level of continuous emission control or if approval for the system is withdrawn by the Department, the Department may allow the new major facility or major modification up to three (3) years from the date of withdrawal to meet the requirement for the~~

~~application of BACT through the use of a demonstrated system of control. In 40 CFR 52.21(b)(43), permit program approved by the Administrator. Administrator means the EPA Administrator. (5-1-94)(____)~~

~~d. In 40 CFR 52.21(b)(48)(ii)(c), MACT standard that is proposed or promulgated by the Administrator. Administrator means the EPA Administrator. (____)~~

~~e. In 40 CFR 52.21(b)(50)(i), regulated NSR pollutant as defined by Administrator. Administrator means the EPA Administrator. (____)~~

~~f. In 40 CFR 52.21(y)(4)(i), Administrator for BACT, LAER and RACT clearinghouse. Administrator means the EPA Administrator. (____)~~

~~**043. Exemptions Nonmajor Requirements.** If the proposed action meets the requirements of an exemption or exclusion under the provisions of 40 CFR 52.21 incorporated in Section 205, the nonmajor facility or stationary source permitting requirements of Sections 200 through 228 apply, including the exemptions in Sections 220 through 223. (5-1-94)(____)~~

~~**a.** New major facilities, or major modifications to major facilities, which are not designated facilities and which do not emit or have the potential to emit two hundred fifty (250) tons per year, or more, of any regulated air pollutant are exempt from complying with the conditions of Subsections 205.01.a., 205.01.b.ii., and 205.01.c., for obtaining a permit to construct. (4-5-00)~~

~~**b.** Temporary emissions (one (1) year or less in duration unless otherwise approved by the Department) from a new major facility or major modification that would not impact a Class I area or area where an applicable prevention of significant deterioration (PSD) increment is known to be violated are exempt from complying with the conditions of Subsections 205.01.b. and 205.01.c. for obtaining a permit to construct. (4-5-00)~~

206. OPTIONAL OFFSETS FOR PERMITS TO CONSTRUCT.

The owner or operator of any proposed new or modified stationary source, new major facility, or major modification, which cannot meet the requirements of Subsections ~~202.01.c.vi., 203.02, 203.03, 204.042.d., 205.01.b. (40 CFR 52.21(k)) or 205.01.c., and 209.02.b.vi.,~~ may propose the use of an emission offset in order to meet those requirements and thereby obtain a permit to construct. Any proposed emission offset must satisfy the requirements for emission reduction credits, Section 460, and demonstrate, through appropriate dispersion modeling, that the offset will reduce ambient concentrations sufficiently to meet the requirements at all modeled receptors which could not otherwise have met the requirements. (6-30-95)(____)

(BREAK IN CONTINUITY OF SECTIONS)

209. PROCEDURE FOR ISSUING PERMITS.

01. General Procedures. General procedures for permits to construct. (5-1-94)

a. Within thirty (30) days after receipt of the application for a permit to construct, the Department shall determine whether the application is complete or whether more information must be submitted and shall notify the applicant of its findings in writing. (5-1-94)

b. Within sixty (60) days after the application is determined to be complete the Department shall: (5-1-94)

i. Upon written request of the applicant, provide a draft permit for applicant review. Agency action on the permit under this Section may be delayed if deemed necessary to respond to applicant comments. (4-5-00)

ii. Notify the applicant in writing of the approval, conditional approval, or denial of the application if an opportunity for public comment is not required pursuant to Subsection 209.01.c. The Department shall set forth

reasons for any denial; or (5-1-94)

iii. Issue a proposed approval, proposed conditional approval, or proposed denial. (5-1-94)

c. An opportunity for public comment will be provided on all applications requiring a permit to construct. Public comment shall be provided on an application for any new major facility or major modification, any new facility or modification which would affect any Class I area, any application which uses fluid modeling or a field study to establish a good engineering practice stack height pursuant to Sections 510 through 516, any application which uses an interpollutant trade pursuant to Subsection 210.17, any application which the Director determines an opportunity for public comment should be provided, and any application upon which the applicant so requests. (5-3-03)

i. The Department's proposed action, together with the information submitted by the applicant and the Department's analysis of the information, shall be made available to the public in at least one (1) location in the region in which the stationary source or facility is to be located. (5-1-94)

ii. The availability of such materials shall be made known by notice published in a newspaper of general circulation in the county(ies) in which the stationary source or facility is to be located. (5-1-94)

iii. A copy of such notice shall be sent to the applicant and to appropriate federal, state and local agencies. (5-1-94)

iv. There shall be a thirty (30) day period after initial publication for comment on the Department's proposed action, such comment to be made in writing to the Department. (5-1-94)

v. After consideration of comments and any additional information submitted during the comment period, and within forty-five (45) days after initial publication of the notice, or notice of public hearing if one is requested under Subsections 209.02.b.iv. or 209.02.a.ii., unless the Director deems that additional time is required to evaluate comments and information received, the Department shall notify the applicant in writing of approval, conditional approval, or denial of the permit. The Department shall set forth the reasons for any denial. (5-1-94)

vi. All comments and additional information received during the comment period, together with the Department's final determination, shall be made available to the public at the same location as the preliminary determination. (5-1-94)

d. A copy of each permit will be sent to the U.S. Environmental Protection Agency. (5-1-94)

02. Additional Procedures For Specified Sources. (5-1-94)

a. For any new major facility or major modification in an attainment or unclassifiable area for any regulated air pollutant, ~~except for those new major facilities and major modifications exempted under Subsection 205.04.~~ (4-5-00)(____)

i. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the degree of increment consumption that is expected from the new major facility or major modification; and (5-1-94)

ii. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effects of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period, whichever is later. (3-23-98)

b. For any new major facility or major modification which would affect a federal Class I area or an integral vista of a mandatory federal Class I area. (5-1-94)

i. If the Department is notified of the intent to apply for a permit to construct, it shall notify the appropriate Federal Land Manager within thirty (30) days; (5-1-94)

ii. A copy of the permit application and all relevant information, including an analysis of the anticipated effects on visibility in any federal Class I area, shall be sent to the Administrator of the U.S. Environmental Protection Agency and the Federal Land Manager within thirty (30) days of receipt of a complete application and at least sixty (60) days prior to any public hearing on the application; (5-1-94)

iii. Notice of every action related to the consideration of the permit shall be sent to the Administrator of the U.S. Environmental Protection Agency; (5-1-94)

iv. The public notice issued pursuant to Subsection 209.01.c.ii. shall indicate the opportunity for a public hearing for interested persons to appear and submit written or oral comments on the air quality effect of the new major facility or major modification, alternatives to it, the control technology required, and other appropriate considerations. All requests for public hearings during a comment period with an opportunity for a hearing must be requested in writing by interested persons within fourteen (14) days of the publication of the legal notice of the proposed permit to construct or within fourteen (14) days prior to the end of the comment period, whichever is later. (3-23-98)

v. The notice of public hearing, if required, shall explain any differences between the Department's preliminary determination and any visibility analysis performed by the Federal Land Manager and provided to the Department within thirty (30) days of the notification pursuant to Subsection 209.02.b.ii. (5-1-94)

vi. Upon a sufficient showing by the Federal Land Manager that a proposed new major facility or major modification will have an adverse impact upon the air quality related values (including visibility) of any federal mandatory Class I area, the Director may deny the application notwithstanding the fact that the concentrations of regulated air pollutants would not exceed the maximum allowable increases for a Class I area. (4-5-00)

03. Establishing A Good Engineering Stack Height. The Department will notify the public of the availability of any fluid model or field study used to establish a good engineering practice stack height and provide an opportunity for a public hearing before issuing a permit or setting an emission standard based thereon. (5-1-94)

04. Revisions Of Permits To Construct. The Director may approve a revision of any permit to construct provided the stationary source or facility continues to meet all applicable requirements of Sections 200 through 228. Revised permits will be issued pursuant to procedures for issuing permits (Section 209), except that the requirements of Subsections 209.01.c., 209.02.a., and 209.02.b., shall only apply if the permit revision results in an increase in emissions authorized by the permit or if deemed appropriate by the Director. (7-1-02)

05. Permit To Construct Procedures For Tier I Sources. For Tier I sources that require a permit to construct, the owner or operator shall either: (5-1-94)

a. Submit only the information required by Sections 200 through 219 for a permit to construct, in which case: (3-23-98)

i. A permit to construct or denial will be issued in accordance with Subsections 209.01.a. and 209.01.b. (5-1-94)

ii. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (3-23-98)

iii. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02. (4-5-00)

iv. Unless a different time is prescribed by these rules, the applicable requirements contained in a permit to construct will be incorporated into the Tier I operating permit during renewal (Section 269). Where an existing Tier I permit would prohibit such construction or change in operation, the source must obtain a permit

revision before commencing operation. Tier I sources required to meet the requirements under Section 112(g) of the Clean Air Act (Section 214), or to have a permit under the preconstruction review program approved into the applicable implementation plan under Part C (Section 205) or Part D (Section 204) of Title I of the Clean Air Act, shall file a complete application to obtain a Tier I permit revision within twelve (12) months after commencing operation. (3-19-99)

v. The application or minor or significant permit modification request shall be processed in accordance with timelines: Section 361 and Subsections 367.02 through 367.05. (3-19-99)

vi. The final Tier I operating permit action shall incorporate the relevant terms and conditions from the permit to construct; or (4-5-00)

b. Submit all information required by Sections 200 through 219 for a permit to construct and Sections 300 through 386 for a Tier I operating permit, or Tier I operating permit modification, in which case: (4-5-00)

i. Completeness of the application shall be determined within thirty (30) days. (5-1-94)

ii. The Department shall prepare a proposed permit to construct or denial in accordance with Sections 200 through 219 and a draft Tier I operating permit or Tier I operating permit modification in accordance with Sections 300 through 386 within sixty (60) days. (4-5-00)

iii. The Department shall provide for public comment and affected state review in accordance with Sections 209, 364 and 365 on the proposed permit to construct or denial and draft Tier I operating permit or Tier I operating permit modification. (4-5-00)

iv. Except as otherwise provided by these rules, the Department shall prepare and issue to the owner or operator a final permit to construct or denial within fifteen (15) days of the close of the public comment period. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (4-5-00)

v. The final permit to construct will be sent to EPA, along with the proposed Tier I operating permit or modification. The proposed Tier I operating permit or modification shall be sent for review in accordance with Section 366. (4-5-00)

vi. The Tier I operating permit, or Tier I operating permit modification, will be issued in accordance with Section 367. The owner or operator may operate the source after permit to construct issuance so long as it does not violate any terms or conditions of the existing Tier I operating permit and complies with Subsection 380.02; or (4-5-00)

c. Submit all information required by Sections 200 through 219 for a permit to construct and Sections 300 through 381 for a Tier I operating permit, or Tier I operating permit modification, in which case: (4-5-00)

i. Completeness of the application shall be determined within thirty (30) days. (4-5-00)

ii. The Department shall prepare a draft permit to construct or denial in accordance with Sections 200 through 219 and that also meets the requirements of Sections 300 through 381 within sixty (60) days. (4-5-00)

iii. The Department shall provide for public comment and affected state review in accordance with Sections 209, 364, and 365 on the draft permit to construct or denial. (4-5-00)

iv. The Department shall prepare and send a proposed permit to construct or denial to EPA for review in accordance with Section 366. EPA review of the proposed permit to construct or denial in accordance with Section 366 can occur concurrently with public comment and affected state review of the draft permit, as provided in Subsection 209.05.c.iii. above, except that if the draft permit or denial is revised in response to public comment or affected state review, the Department must send the revised proposed permit to construct or denial to EPA for review in accordance with Section 366. (4-5-00)

v. Except as otherwise provided by these rules, the Department shall prepare and issue to the owner or operator a final permit to construct or denial in accordance with Section 367. The owner or operator may construct the source after permit to construct issuance or in accordance with Subsection 213.02.c. (4-5-00)

vi. The permittee may, at any time after issuance, request that the permit to construct requirements be incorporated into the Tier I operating permit through an administrative amendment in accordance with Section 381. The owner or operator may operate the source or modification upon submittal of the request for an administrative amendment. (4-5-00)

(BREAK IN CONTINUITY OF SECTIONS)

225. PERMIT TO CONSTRUCT PROCESSING FEE.

A permit to construct processing fee, calculated by the Department pursuant to the categories provided in the following table, shall be paid to the Department by the person receiving the permit. The applicable processing fee category shall be determined by adding together the amount of increases of regulated pollutant emissions and subtracting any decreases of regulated pollutant emissions as identified in the permit to construct. The fee calculation shall not include fugitive emissions.

PERMIT TO CONSTRUCT CATEGORY	FEE
General permit, no facility-specific requirements (Defined as a source category specific permit for which the Department has developed standard emission limitations, operating requirements, monitoring and recordkeeping requirements, and that require minimal engineering analysis. General permit facilities may include portable concrete batch plants, portable hot-mix asphalt plants and portable rock crushing plants.)	\$500
New source or modification to existing source with increase of emissions of less than one (1) ton per year	\$1,000
New source or modification to existing source with increase of emissions of one (1) to less than ten (10) tons per year	\$2,500
New source or modification to existing source with increase of emissions of ten (10) to less than one hundred (100) tons per year	\$5,000
Nonmajor New source or modification to existing source with increase of emissions of one hundred (100) tons per year or more exempt under Subsection 205.04	\$7,500
New major facility or major modification not exempt under Subsection 205.04.	\$10,000
Permit modifications where no engineering analysis is required	\$250
Application submittals for exemption applicability determinations, typographical errors, and name and ownership changes as described in Subsections 224.01, 224.02, 224.03	\$0.00

(7-1-02)()

(BREAK IN CONTINUITY OF SECTIONS)

401. TIER II OPERATING PERMIT.

01. Optional Tier II Operating Permits. The owner or operator of any stationary source or facility which is not subject to (or wishes to accept limitations on the facility's potential to emit so as to not be subject to)

Sections 300 through 399 may apply to the Department for an operating permit to: (7-1-02)

- a.** Authorize the use of alternative emission limits (bubbles) pursuant to Section 440; (5-1-94)
- b.** Authorize the use of an emission offset pursuant to Sections 204,02.b. or 206; (~~5-1-94~~)()
- c.** Authorize the use of a potential to emit limitation, an emission reduction or netting transaction to exempt a facility or modification from certain requirements for a permit to construct; (4-5-00)
- d.** Authorize the use of a potential to emit limitation to exempt the facility from Tier I permitting requirements. (4-5-00)
- e.** Bank an emission reduction credit pursuant to Section 461; (5-1-94)

02. Required Tier II Operating Permits. A Tier II operating permit is required for any stationary source or facility which is not subject to Sections 300 through 399 with a permit to construct which establishes any emission standard different from those in these rules. (7-1-02)

03. Tier II Operating Permits Required By The Department. The Director may require or revise a Tier II operating permit for any stationary source or facility whenever the Department determines that: (5-1-94)

- a.** Emission rate reductions are necessary to attain or maintain any ambient air quality standard or applicable prevention of significant deterioration (PSD) increment; or (4-5-00)
- b.** Specific emission standards, or requirements on operation or maintenance are necessary to ensure compliance with any applicable emission standard or rule. (5-1-94)

04. Multiple Tier II Operating Permits. Subject to approval by EPA, the Director may issue one (1) or more Tier II operating permits to a facility which allow any specific stationary source or emissions unit within that facility a future compliance date of up to three (3) years beyond the compliance date of any provision of these rules, provided the Director has reasonable cause to believe such a future compliance date is warranted. (4-5-00)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0303

NOTICE OF RULEMAKING - EXPIRATION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5226(3), Idaho Code, notice is hereby given that the temporary rule adopted under this docket expired upon conclusion of the 2004 legislative session.

DESCRIPTIVE SUMMARY: In June 2003, the Board of Environmental Quality (Board) adopted a temporary rule revising the standards by which fees will be imposed for operator applications, certification exams, certification renewals, and course evaluations for continuing education units. Idaho Administrative Bulletin, August 5, 2003, Volume 03-8. In November 2003, the Board adopted comprehensive revisions to the drinking water operator certification rules, which also include fee standards (Docket No. 58-0108-0301). Docket No. 58-0108-0301 was submitted to the 2003 session of the Idaho Legislature for review and was approved as a final rule with an effective date of March 16, 2004. The temporary rule did not remain in effect beyond the conclusion of the 2004 session of the Idaho Legislature.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at www.deq.state.id.us.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact the undersigned.

DATED this 25th day of March, 2004.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of Administrative Rules
Department of Administration
PO Box 83720
Boise, ID 83720-0306
(208) 332-1820

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LEGAL NOTICE

Summary of Proposed Rulemakings

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 08 - STATE BOARD OF EDUCATION PO Box 83720, Boise, ID 83720-0037

08-0202-0402, Rules Governing Uniformity. Allows for alternative routes for teacher certification in compliance with the No Child Left Behind Act and establishes the certification process and program requirements. Comment by: 5/26/04.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0304-0401, Rules Governing the Food Stamp Program in Idaho. Implements options to simplify household reporting requirements thereby reducing staff and homeless shelter deduction; requires certification periods to be based on a household's circumstances and the reporting group in which it is assigned at application or recertification; eliminates need for annual amendment due to cost-of-living and other similar annual changes required by law; and clarifies program requirements. Comment by: 5/26/04.

16-0309-0401, Rules Governing the Medical Assistance Program. Allows some legend drug medications that have been reclassified as non-legend drug products that meet appropriate Department criteria to be prescribed by physicians to help contain Medicaid Program expenditures; and allows Department some discretion to exempt drugs from prior authorization. Comment by: 5/26/04.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, ID 83706-1255

58-0101-0304, Rules for the Control of Air Pollution in Idaho. Incorporates by reference changes to 40 CFR Part 52 that include changes in New Source Review applicability requirements for modifications to allow sources of air emissions greater regulatory certainty, flexibility and permit streamlining while ensuring protection of the public health and the environment. Comment by: 6/9/04.

Please refer to the Idaho Administrative Bulletin, **May 5, 2004, Volume 04-5** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted on purchases over \$50.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address:
<http://www2.state.id.us/adm/adminrules/>

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK YOU HAVE
TO BE CONNECTED TO THE INTERNET**

**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
and includes negotiated, temporary, proposed, pending
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