

# IDAHO ADMINISTRATIVE BULLETIN

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November 3, 2004 -- Volume 04-11

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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.*

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### **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 83720-00306, telephone (208) 332-1820.*

*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 RuleMaking Dockets**, are specific portions of the Bulletin and Administrative Code produced on demand.*

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

*<http://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 38.07.01.200.02.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"*

*"**200**." refers to Major Section 200, "Content of the Invitation to Bid"*

*"**02**." refers to Subsection 200.02.*

*"**c**." refers to Subsection 200.02.c.*

*"**ii**." refers to Subsection 200.02.c.ii.*

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## 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, "Rules 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	<b>*November 19, 2003</b>	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
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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	<b>**August 25, 2004</b>	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	<b>*November 17, 2004</b>	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
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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	<b>**August 24, 2005</b>	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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**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2004-04**

**ESTABLISHMENT OF THE CAMPAIGN LEADERSHIP TEAM FOR THE IDAHO  
STATE EMPLOYEES CHARITABLE GIVING CAMPAIGN REPEALING  
AND REPLACING EXECUTIVE ORDER NO. 2000-08**

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*WHEREAS, Idaho state employees desire help to improve their communities; and*

*WHEREAS, Idaho state employees have traditionally been very generous in contributing to help those most vulnerable; and*

*WHEREAS, the State of Idaho has an interest in establishing a single state employee charitable campaign which minimizes workplace distraction and administrative costs to Idaho's taxpayers, as well as ensuring the voluntary nature of employee participation; and*

*WHEREAS, a workplace charitable giving campaign can build morale by providing an opportunity for Idaho state employees to contribute positively to their communities as state employees; and*

*WHEREAS, Idaho state employees should have the ability to choose to give to any health and human service tax exempt 501(c)(3) organization.*

*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 as follows:*

*There is hereby created a Campaign Leadership Team comprised of state employees and appointed by the Governor, which shall include a chair and co-chair, in order to establish policy and govern the Idaho state employee charitable giving campaign.*

*Each Idaho state Department Head shall appoint a Campaign Coordinator representing each Department in order to provide leadership in planning and completing the Idaho state employee charitable giving campaign for their Department.*

*The Campaign Leadership Team shall annually provide a report of the statewide results to the Governor.*

*The Executive Order repeals and replaces Executive Order 2000-08.*



*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 third day of September in the year of our Lord two thousand and four and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.*

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*DIRK KEMPTHORNE  
GOVERNOR*

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*BEN YSURSA  
SECRETARY OF STATE*

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2004-05**

**IDAHO CODE OF FAIR EMPLOYMENT PRACTICES,  
REPLACING EXECUTIVE ORDER NO. 00-09**

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*WHEREAS, the United States through its Constitution, laws, executive orders, and regulations has declared that all persons are to be treated fairly and equally; and the State of Idaho is committed to fulfilling that federal mandate; and*

*WHEREAS, the Legislature of the State of Idaho by Title 44, Chapter 17, and Title 67, Chapter 59, of the Idaho Code has declared that employment discrimination based upon race, color, national origin, religion, disability, sex, or age is illegal; by Title 56, Chapter 7, that the disabled shall be free from employment discrimination in public service; and by Title 65, Chapter 5, that veterans are to be given preference by public employers; and*

*WHEREAS, every Idahoan should be provided the opportunity to fully develop and use his/her talents. When we allow race, color, religion, national origin, sex, age, and disability to prevent anyone from reaching full potential, we fail that person, our state, and our country. In accordance with the principles of fair employment practices, we must strive to recognize and advance the abilities and talents of all people, while denying no individual his/her rightful opportunities; and*

*WHEREAS, we must assume our citizen-granted role of leadership in the protection of freedom for all citizens; and we must serve in that leadership role as a model for government, business, industry, labor, and education in this regard;*

*NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, in that spirit and to that purpose, do hereby proclaim the following Idaho Code of Fair Employment Practices shall continue to be the governing policy throughout every department of the Executive Branch of Government of the State of Idaho.*

*ARTICLE I--Employment Policies of State Agencies*

*State employees shall be recruited, appointed, assigned, and promoted upon the basis of individual merit, in accordance with the principles of fair treatment and non-discrimination on the basis of race, color, sex, religion, national origin, age, or disability. Veterans are to be given preference in accordance with applicable state and federal laws and regulations.*

*All state departments, commissions, and boards are directed to review their present Human Resource policies and practices regarding recruitment, appointment, promotion, demotion, transfer, retention, discipline, separation, training, and compensation to assure compliance with this Executive Order. They shall regularly review present state and federal laws and regulations and implement procedures to assure equal opportunity for minorities and women, and to comply with affirmative action obligations for individuals with disabilities, and qualified veterans within the state workforce.*

*The Division of Human Resources shall take positive steps to ensure that the entire examination process; oral, written, and ratings, shall be free from either conscious or inadvertent bias. State agencies shall give wide distribution of notice of employment opportunities so that all citizens may be fully advised of career opportunities in state government. Employment announcements issued by state agencies shall include a statement such as, "The State of Idaho is an Equal Opportunity Employer. In addition, preference may be given to veterans who qualify under state and federal laws and regulations."*

*ARTICLE II--State Action*

*All services of every state agency shall be performed without discrimination based on race, color, religion, national*

*origin, sex, age, or disability. No state facility shall be used in furtherance of any discriminatory practice nor shall any state agency become a party to any agreement, arrangement, plan, contract, or subcontract which has the effect of sanctioning such practices.*

*ARTICLE III--State Financial Assistance*

*Race, color, religion, national origin, sex, age, or disability shall not be considered in state-administered or sponsored programs involving the distribution of funds to qualified recipients for benefits authorized by law; and state agencies shall not provide grants, loans, or other financial assistance to public agencies, private institutions, or organizations which engage in discriminatory practices.*

*ARTICLE IV--State Employment Services*

*All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers, shall accept job orders and applications on a non-discriminatory basis. They shall refuse to fill any job order designed, either consciously or inadvertently, to exclude any person from employment because of race, color, religion, national origin, sex, age, or disability except where a bona fide occupational qualification has been established.*

*ARTICLE V--State Education, Counseling, and Training Program*

*All educational counseling and vocational guidance programs, employment and training programs, policy declarations and staff services of state agencies or those in which state agencies participate, shall be open to all qualified persons, without regard to race, color, religion, national origin, sex, age, or disability.*

*ARTICLE VI--Cooperation with Idaho Human Rights Commission*

*All state departments shall cooperate fully with the Idaho Human Rights Commission if state employees or applicants for state employment file complaints with the Commission. They shall also utilize the services of the Commission when needing technical advice regarding compliance with the equal employment opportunity provisions of Title 67, Chapter 59, Idaho Code. The Commission shall act as a referral agency for information or complaints concerning discrimination in certain protected classes not covered by Title 67, Chapter 59, Idaho Code.*

*ARTICLE VII--Enforcement by Appointing Authorities*

*The head of each state executive department shall be responsible for carrying out the policies of this Idaho Code of Fair Employment Practices and shall inform and educate all commission and board supervisory personnel regarding its intent and spirit. They shall establish clearly written directions to carry out this policy. Upon a showing of credible evidence to the appropriate appointing authority that any officer or employee of the state has violated any of the provisions of this Executive Order or any applicable state or federal law or regulation, the appointing authority shall take appropriate disciplinary action.*

*Every appointing authority shall be responsible for the development of a complaint procedure to be used by employees and recipients of state services who believe they have been subjected to harassment. This policy shall include at least the following: (1) a statement defining and forbidding harassment of any nature, (2) an investigative procedure designed to protect the confidentiality of participants wherever possible and to effect a timely and fair resolution of the allegation, and (3) a statement advising employees and service recipients of their rights to raise this issue with appropriate governmental agencies and the courts. The Idaho Human Rights Commission and the Division of Human Resources shall assist in the development of these policies.*

*ARTICLE VIII-- Fair Employment/Affirmative Action Oversight*

*The agency charged with overseeing the review of the state's Equal Employment and Affirmative Action planning shall be the Division of Human Resources under the Executive Office of the Governor. The Division will consult with appointing authorities and report to the Governor on the State's fair employment practices, including Equal Employment Opportunity and Affirmative Action compliance efforts on an annual basis.*

*This Executive Order repeals and replaces Executive Order No 00-09.*

*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 at the Capitol in Boise on the 6th day of October in the year of our Lord two thousand and four and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred-fifteenth.*

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*DIRK KEMPTHORNE*  
*GOVERNOR*

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*BEN YSURSA*  
*SECRETARY OF STATE*

# **IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY**

## **01.01.01 - IDAHO ACCOUNTANCY RULES**

### **DOCKET NO. 01-0101-0401**

#### **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 March 1, 2005, 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 54-204(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 complete text of the proposed rule was published in the January 7, 2004 Idaho Administrative Bulletin, Volume 04-1, pages 16 and 17.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Barbara R. Porter, Executive Director, at 208-334-2490.

DATED this 28th day of September, 2004.

Barbara R. Porter, Executive Director  
Idaho State Board of Accountancy  
1109 Main Street  
Owyhee Plaza Suite 470  
PO Box 83720  
Boise, Idaho 83720-0002  
Phone: 208-334-2490  
Fax: 208-334-2615  
E-mail: bporter@boa.state.id.us

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### **IDAPA 01, TITLE 01, CHAPTER 01**

#### **Idaho Accountancy Rules**

**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 04-1, January 7, 2004, pages 16 and 17.](#)**

**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 02 - DEPARTMENT OF AGRICULTURE**

### **02.02.14 - RULES FOR WEIGHTS AND MEASURES**

**DOCKET NO. 02-0214-0401**

#### **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 71-111, 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 complete text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Vol. 04-8, pages 17 and 18. No comments were received by the department on the proposed rule. The pending rule is being adopted as proposed.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tom Schafer, Bureau Chief at (208) 332-8690.

DATED this 13th day of September, 2004.

Patrick A Takasugi, Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Rd.  
PO Box 790  
Boise, ID 83701  
(208)332-8500 Phone  
(208)334-2170 FAX

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### **IDAPA 02, TITLE 02, CHAPTER 14**

#### **RULES FOR WEIGHTS AND MEASURES**

**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 04-8, August 4, 2004, pages 17 and 18.](#)**

**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 02 - DEPARTMENT OF AGRICULTURE**

### **02.04.03 - RULES GOVERNING ANIMAL INDUSTRY**

**DOCKET NO. 02-0403-0401**

#### **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(s) 22-101, and 25-207, 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 department received no public comments on this rule and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 1, 2004, Idaho Administrative Bulletin, Vol. 04-9, pages 24 through 26.

The proposed rule updated and clarified the rules regulating the disease Trichomoniasis, and made technical corrections.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator, (208) 332-8540.

DATED this 14th day of October, 2004.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500, Fax (208) 334-4062

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### **IDAPA 02, TITLE 04, CHAPTER 03**

#### **RULES GOVERNING ANIMAL INDUSTRY**

**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 04-9, September 1, 2004, pages 24 through 26.](#)**

**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 02 - DEPARTMENT OF AGRICULTURE**  
**02.04.26 - RULES GOVERNING LIVESTOCK MARKETING**  
**DOCKET NO. 02-0426-0401**  
**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(s) 25-207, 25-305, 25-601, 25-1723, and 25-3520, 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 department received no public comments on this rule and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 1, 2004, Idaho Administrative Bulletin, Vol. 04-9, pages 33 through 39.

This rule details the requirements for Public Livestock Markets. It is a modification of a rule that was rejected by the 2004 Legislature. The rule was modified when it was published as a proposed rule in the September 2004 Administrative Bulletin to reflect the recommendations of the germane legislative committees.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact John Chatburn, Deputy Administrator, (208) 332-8540.

DATED this 14th day of October, 2004.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701-0790  
(208) 332-8500, Fax (208) 334-4062

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**IDAPA 02, TITLE 04, CHAPTER 26**

**RULES GOVERNING LIVESTOCK MARKETING**

**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 04-9, September 1, 2004, pages 33 through 39.](#)**

**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**

### **07.03.06 - RULES GOVERNING THE USE OF THE INTERNATIONAL BUILDING CODE**

#### **DOCKET NO. 07-0306-0401 (FEE RULE)**

#### **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 Sections 39-4107, 39-4112 and 39-4113(2), Idaho Code.

**PUBLIC HEARING SCHEDULE:** Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 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 nontechnical explanation of the substance and purpose of the proposed rulemaking:

The proposed rule is necessary to enable the Building Bureau to charge building permit and plan review fees at a level that will adequately cover the program costs associated with performing building inspections and plan review services. Effective July 1, 2005, the proposed rule will adopt the building permit fee schedule published in the 1997 edition of the Uniform Building Code in order to raise permit and plan review fees an estimated 55% above current levels. Plan review fees will continue to be 65% of building permit fees per IDAPA 07.03.06.013.04.

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

The proposed rule would adopt the building permit fee schedule published in the 1997 edition of the Uniform Building Code in order to raise permit and plan review fees an estimated 55% above current levels. Sections 39-4112 and 39-4113(2), Idaho Code authorize the fees.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted as raising fees to the 1997 level is necessary to allow the Building Bureau to continue to provide basic code enforcement services, as authorized in Sections 39-4103 and 39-4104, Idaho Code.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Jack Rayne, Building Bureau Chief, 208-332-7151.

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 November 24, 2004.

DATED this 6th day of October, 2004.

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

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0306-0401**

**011. BUILDING PERMIT FEES.**

The building permit fee for each permit shall be as set forth in Section ~~304b~~ 107.2 and Table 31-A of the Uniform Building Code, ~~1985~~ 1997 edition, as seen in the following table. The determination of value or valuation shall be made by the administrator and shall be the total value of all construction work for which a permit is issued.

<b>TABLE 3-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation In Dollars</b>	<b>Fee</b>
\$1 to \$500	\$15
Over \$500 to \$2,000	\$15 for the first \$500 plus \$2 for each additional \$100 or fraction thereof, to and including \$2,000
Over \$2,000 to \$25,000	\$45 for the first \$2,000 plus \$9 for each additional \$1,000 or fraction thereof, to and including \$25,000
Over \$25,000 to \$50,000	\$252 for the first \$25,000 plus \$6.50 for each additional \$1,000 or fraction thereof, to and including \$50,000
Over \$50,000 to \$100,000	\$414.50 for the first \$50,000 plus \$4.50 for each additional \$1,000 or fraction thereof, to and including \$100,000
Over \$100,000 to \$500,000	\$639.50 for the first \$100,000 plus \$3.50 for each additional \$1,000 or fraction thereof, to and including \$500,000
Over \$500,000 to \$1,000,000	\$2,039.50 for the first \$500,000 plus \$3 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
Over \$1,000,000	\$3,539.50 for the first \$1,000,000 plus \$2 for each additional \$1,000 or fraction thereof

<b>TABLE 1-A - BUILDING PERMIT FEES</b>	
<b>Total Valuation</b>	<b>Fee</b>
\$1 to \$500	≡ \$23.50
\$501 to \$2,000	≡ \$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	≡ \$69.25 for the first \$2,000 plus \$14 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	≡ \$391.75 for the first \$25,000 plus \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	≡ \$643.75 for the first \$50,000 plus \$7 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	≡ \$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	≡ \$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	≡ \$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1,000, or fraction thereof

(5-3-03)(7-1-05)

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

**10.01.02 - RULES OF PROFESSIONAL RESPONSIBILITY**

**DOCKET NO. 10-0102-0401**

**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 adoption. 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 54-1208, 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 complete text of the proposed rule was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 132 and 133.

The proposed rule required that registrants be complete, objective and truthful in all communications with clients.

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

DATED this 20th day of September, 2004.

David L. Curtis, 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

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**IDAPA 10, TITLE 01, CHAPTER 02**

**RULES OF PROFESSIONAL RESPONSIBILITY**

**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 04-8, August 4, 2004, pages 132 and 133.**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.02.01 - HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM**  
**DOCKET NO. 16-0201-0401 (CHAPTER REPEAL)**  
**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 Title 39, Chapter 59, 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 entire chapter of this rule was proposed for deletion in the September 1, 2004, Idaho Administrative Bulletin, Volume 04-9, page 97. This pending rule adopts the repeal of this chapter in its entirety.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Mary Sheridan at (208) 332-7212.

DATED this 6th day of October, 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

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**IDAPA 16, TITLE 02, CHAPTER 01**

**HEALTH PROFESSIONAL LOAN REPAYMENT PROGRAM**

**There are no substantive changes from the proposed rule.**

**The notice of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 04-9, September 1, 2004, page 97.](#)**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE**

## **16.02.23 - RULES GOVERNING INDOOR SMOKING**

**DOCKET NO. 16-0223-0401**

### **NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This pending 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 39-5508, 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 text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Only the sections that have changes to the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the August Administrative Bulletin, Volume 04-8, pages 151 through 158.

The Department held six regional public hearings and received many comments concerning the law and the rules. After taking into consideration the written comments received and those received during the hearings, the Department determined that changes should be made.

Changes were made to the Department's website information in Section 005; the definition of "Bar Within A Restaurant," was amended in Subsection 010.02; Section 100, "Smoking Status of Bar Establishments," was deleted; Section 200 "Posting of Signs," new Subsections 200.01 through 200.03 in the proposed rule have been deleted; and Section 300.03 was amended to correct an agency name.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Elke Shaw-Tulloch at (208) 334-5950.

DATED this 6th day of October, 2004.

Sherri Kovach, Program Supervisor  
Administrative Procedures Section  
Department of Health and Welfare  
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

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**IDAPA 16, TITLE 02, CHAPTER 23**

**RULES GOVERNING INDOOR SMOKING**



There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 04-8, August 4, 2004, pages 151 through 158.

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.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 16-0223-0401

*Subsection 005.05.a.*

**005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE.**

- 05. Internet Websites and E-Mail Address.** ( )
- a.** Department Internet address is: "<http://www.healthandwelfare.idaho.gov>". ( )
- b.** Division of Health Internet address is: "<http://www.idahohealth.org>". ( )
- c.** Bureau of Community and Environmental Health e-mail address is: "[bceh@idhw.state.id.us](mailto:bceh@idhw.state.id.us)". ( )

*Subsection 010.02*

**0510. DEFINITIONS.**

For the purpose of this chapter, the following terms *are used, as defined herein:* apply. (12-31-91)( )

**032. Bar Within a Restaurant.** *Any establishment or portion of an establishment where the primary function is the serving and consuming of alcoholic beverages, excluding any establishment or portion of an establishment defined as a restaurant (Subsection 050.16). Alcoholic beverages include, but are not limited to, alcoholic liquor, beer and wine. A single establishment may contain both bar and restaurant portions, according to the primary function of each portion. A bar is considered to be "within a restaurant," and cannot allow smoking if it does not meet all of the following requirements:* (12-31-91)( )

- a.** It must be physically isolated from all parts of the restaurant by solid floor to ceiling walls; ( )
- b.** It must have a separate outside public entrance that is not shared with the restaurant; ( )
- c.** It must not have any windows *that can be opened*, or doorways connecting it to the restaurant, either directly or through any indoor public place including lobbies, hallways or passageways that the public uses. The bar may be connected to the restaurant through kitchens, private offices, hallways or storerooms that are not available for public use; *and* ( )

d. It must not be necessary for restaurant patrons to pass through the bar or any indoor public place connected to the bar to access restrooms or other facilities or accommodations of the restaurant. (\_\_\_\_)

**Section 100**

~~051. -- 099.~~ (RESERVED).

~~100. SMOKING PROHIBITED.~~

~~No person shall smoke in a public place or at a public meeting except in designated smoking areas. No person shall smoke in an elevator or a nonchartered bus.~~ (11-15-87)

~~101. -- 149.~~ (RESERVED).

**Section 200**

**200. POSTING OF SIGNS ~~DESIGNATING SMOKING AND NONSMOKING AREAS.~~**

~~01. Responsibility Of Proprietor. The proprietor or other person in charge of a public place shall make reasonable efforts to prevent smoking in a public place by posting appropriate signs designating smoking and nonsmoking areas. The posting of appropriate signs is required to designate smoking areas.~~ (1-1-86)

~~02. Posting Of Appropriate Signs.~~ (1-1-86)

~~a. Public places which are designated smoking areas in their entirety shall be posted with a sign at each entrance which includes the statement, "This establishment is a smoking area" or a similar statement.~~ (1-1-86)

~~b. Public places or public meetings which are not designated smoking areas in any part shall be posted with a sign at each entrance which includes the statement, "This establishment is a no smoking area" or a similar statement.~~ (1-1-86)

~~c. Entire rooms within a public place that are designated smoking areas shall be posted with a sign at each entrance to the room or inside the room which includes the statement, "This room is a smoking area" or a similar statement.~~ (1-1-86)

~~d. Entire rooms within a public place that are not designated smoking areas in any part shall be posted with a sign at each entrance to the room or inside the room which includes the statement, "This is a no smoking area" or a similar statement.~~ (1-1-86)

~~e. Any portion of a room within a public place that is a designated smoking area shall be posted with a sign which includes the statement, "Smoking permitted in this area" or a similar statement.~~ (1-1-86)

~~f. Any portion of a room within a public place that is not a designated smoking area shall be posted with a sign which includes the statement, "No smoking in this area" or a similar statement.~~ (1-1-86)

~~g. Restaurants or other public places which have controlled seating (an employee directs patrons to seating or waiting areas) in which all patrons are directed or escorted to designated smoking areas or no smoking areas according to each patron's seated preference, may utilize a single sign at the entrance or waiting area which advises the public of the controlled seating mechanism and includes the statement, "Both smoking and no smoking areas are available, according to patron preference" or a similar statement. A restaurant or other public place which has controlled seating and posts the appropriate sign shall not be required to post those signs required by Subsections 200.02.a. through 200.02.f.~~ (12-31-91)

~~h. Each entry, exit, ticket and registration area, restroom, corridor, hallway and any similar area shall be posted with a sign which includes the statement, "No Smoking" or a similar statement in any public place which has both designated smoking areas and no smoking areas.~~ (1-1-86)

~~i. Each elevator generally accessible to the public shall be posted with a sign in the enclosed passenger area and each entrance to the elevator or bank of elevators which includes the statement, "No Smoking" or a similar statement. (1-1-86)~~

~~03. **Sign Location, Size, Visibility.** Signs shall must be appropriately sized, conspicuous, legible, unobscured, and placed at a height and location so as to be easily seen and read by persons entering or within the posted area. Signs may contain information in addition to the required statement, such as the international smoking and no smoking symbols and references to the Idaho Clean Indoor Air Act, Title 39, Chapter 55, Idaho Code or the Act. The additional information shall not obscure the required statement. The letters on the signs must be at least one (1) inch in height. (12-31-91)( )~~

**Subsection 300.03**

**300. VIOLATIONS AND PENALTIES.**

Any person who violates any provision of these rules is subject to the penalty provided in Section 39-5507, Idaho Code. ~~Any violation may be reported to a law enforcement officer. (1-1-86)( )~~

~~03. **Employer Who Discriminates Against an Employee.** Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department of Health and Welfare or the Department of Commerce and Labor under IDAPA 16.02.23, or Section 39-5507, Idaho Code, will be subject to a civil penalty of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each violation. ( )~~

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

**DOCKET NO. 16-0309-0401**

**NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This pending 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. 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 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 rules are being adopted as proposed. The original text of the proposed rules was published in the May 5, 2004 Idaho Administrative Bulletin, Volume 04-5, pages 109 through 111.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Paul Leary at (208) 364-1840.

DATED this 6th day of October, 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

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**IDAPA 16, TITLE 03, CHAPTER 09**

**RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**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 04-5, May 5, 2004, pages 109 through 111.](#)**

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

**DOCKET NO. 16-0309-0402**

**NOTICE OF RULEMAKING - PENDING RULE**

**EFFECTIVE DATE:** This pending 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule. 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 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 rules are being adopted as proposed. The original text of the proposed rules was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 159 through 161.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Paul Leary at (208) 364-1840.

DATED this 6th day of October, 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

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**IDAPA 16, TITLE 03, CHAPTER 09**

**RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**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 04-8, August 4, 2004, pages 159 through 161.](#)**

**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 16 - DEPARTMENT OF HEALTH AND WELFARE

### 16.06.14 - RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS

DOCKET NO. 16-0614-0401

#### NOTICE OF RULEMAKING - PENDING RULE

**EFFECTIVE DATE:** This pending 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 Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Title 39, Chapter 57, 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 rules are being adopted as proposed. The original text of the proposed rules was published in the August 4, 2004 Idaho Administrative Bulletin, Volume 04-8, pages 163 through 169.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Terry Pappin at (208) 334-6542.

DATED this 6th day of October, 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

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#### IDAPA 16, TITLE 06, CHAPTER 14

#### RULES GOVERNING THE PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS

**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 04-8, August 4, 2004, pages 159 through 161.**

**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 21 - DIVISION OF VETERANS SERVICES**

### **21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**

**DOCKET NO. 21-0102-0401**

#### **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(s) 65-201, 65-202, 65-203, 65-204, and 65-207, 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 complete text of the proposed rule was published in the August 4, 2004, Idaho Administrative Bulletin, Volume 04-8, pages 170 and 171.

The proposed rulemaking was in response to input from veterans service organizations and legislators regarding the current requirement that applicants for Division's Emergency Grant list Idaho as their Home of Record during their wartime service. The proposed rule change gives the Division Administrator the authority to waive the Home of Record requirement if the veteran applying for the grant resided in Idaho for at least five (5) years.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Tina Basel at (208) 334-3513.

DATED this 20th day of September, 2004.

Richard W. Jones, Division Administrator  
Idaho Division of Veterans Services  
320 Collins Road  
Boise, Idaho 83702  
(208) 334-3513 / Fax (208) 334-2627

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### **IDAPA 21, TITLE 01, CHAPTER 02**

#### **RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**

**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 04-8, August 4, 2004, pages 170 and 171.**

**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 23 - IDAHO STATE BOARD OF NURSING**

### **23.01.01 - RULES OF THE IDAHO BOARD OF NURSING**

**DOCKET NO. 23-0101-0401**

#### **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 54-1404, 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 complete text of the proposed rule was published in the September 1, 2004 Idaho Administrative Bulletin, Volume 04-9, pages 175 through 187.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Sandy Evans, MAEd., R.N., Executive Director, at (208) 334-3110.

DATED this 23rd day of September, 2004.

Sandy Evans, MAEd., R.N.  
Executive Director  
Idaho State Board of Nursing  
280 N. 8<sup>th</sup> St. (8<sup>th</sup> & Bannock), Ste. 210  
P. O. Box 83720  
Boise, ID 83720-0061  
Phone: (208) 334-3110  
Fax: (208) 334-3262

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### **IDAPA 23, TITLE 01, CHAPTER 01**

#### **RULES OF THE IDAHO BOARD OF NURSING**

**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 04-9, September 1, 2004, pages 175 and 187.](#)**

**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 33 - REAL ESTATE COMMISSION**

### **33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION**

#### **DOCKET NO. 33-0101-0401 (FEE RULE)**

#### **NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is April 1, 2004.

**AUTHORITY:** In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-2007, Idaho Code.

**PUBLIC HEARING:** Public hearing concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a non-technical explanation of the substance and purpose of the proposed rulemaking:

This rule reduces the individual licensing fee by twenty dollars (\$20) per bi-annual licensing period. The Commission decided to reduce the fee amount after conducting an analysis of its budget and the impact of this rule change.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Sections 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

This rulemaking confers a benefit, by reducing the individual licensing fee.

**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:

No new fee or charge is being imposed. Rather, this rule reduces the fee amount by twenty dollars (\$20) per bi-annual licensing period.

**NEGOTIATED RULEMAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the need for temporary rulemaking. Additionally, the rule change is welcomed by all interested persons.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OR WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Donna Jones, (208) 334-3285 ext. 232.

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 November 24, 2004.

DATED this 7th day of October, 2004.

Donna M. Jones  
Executive Director  
Agency: Idaho Real Estate Commission  
Physical Address: 633 N. Fourth St., Boise, ID 83702  
PO Box 83720, Boise, ID 83720-0077  
(208) 334-3285; (208) 334-2050 (fax)

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 33-0101-0401**

**100. LICENCE FEES.**

License fees are established as follows.

(3-15-02)

**01. Fees For Licensed Individuals.** The fees for an initial or renewing license for broker, associate broker, or salesperson shall be two hundred ~~twenty~~ dollars (\$~~200~~) per license period, which fees include the twenty dollar (\$20) fee prescribed in Section 54-2070, Idaho Code. ~~(3-15-02)~~(4-1-04)T

**02. Fees For Licensed Legal Business Entities.** The fee for an initial or renewing license for each legal business entity shall be one hundred dollars (\$100) per license period. (3-15-02)

**IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT**  
**39.03.17 - RULES GOVERNING PERMITS FOR MANUFACTURED HOMES,**  
**MODULAR BUILDINGS, AND OFFICE TRAILERS**

**DOCKET NO. 39-0317-0401**

**NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 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 rule-making procedures have been initiated. The action is authorized pursuant to Section(s) 40-312 and 49-1004, 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 November 17, 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 the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rule-making:

This rulemaking removes the restriction on the depth of eaves on manufactured homes and office trailers being towed and on manufactured homes, modular buildings or offices being hauled, as long as the eighteen foot maximum overall width limitation is not exceeded. This results in a positive and immediate economic impact on the industry in being able to contract to build manufactured homes that meet subdivision requirements for the depth of eaves. The previously set eave depth placed an unnecessary restriction on the transport of these structures which inhibited their sale and delivery.

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

This rulemaking confers a benefit on the manufacturer, seller, transporter and buyer of the manufactured structures governed by this rule.

**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 RULE-MAKING:** Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this change is being promulgated at the request of the industry with whom it would be negotiated.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary and proposed rule, contact Alan Frew, Port of Entry Manager, 334-8694.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 24, 2004.

DATED this 30th day of September, 2004.

Linda L. Emry, Management Assistant  
Budget, Policy, and Intergovernmental Relations  
3311 West State Street  
PO Box 7129, Boise ID 83707-1129  
Phone – 208-334-8810 / FAX – 208-334-8195

**THE FOLLOWING IS THE TEXT OF DOCKET NO. 39-0317-0401**

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations for this chapter. (10-1-04)T

**003. ADMINISTRATIVE APPEALS.**

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general. IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General". (10-1-04)T

**004. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter. (10-1-04)T

**005. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONE NUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (10-1-04)T

**02. Office Hours.** Daily office hours are 7:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (10-1-04)T

**03. Telephone and Fax Numbers.** The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419. (10-1-04)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (10-1-04)T

**0027.--009. (RESERVED).**

**(BREAK IN CONTINUITY OF SECTIONS)**

**200. MANUFACTURED HOMES AND OFFICE TRAILERS BEING TOWED.**

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

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

**03. Width.** Shall be limited to a maximum of sixteen (16) feet at the base and shall not exceed eighteen (18) feet overall width including the eaves. (3-23-98)

\*\* Determination of manufactured home or office trailer width shall be exclusive of such appurtenances as clearance lights, door handles, window fasteners, door and window trim, moldings and load securement devices up to but not in excess of three (3) inches on each side of load. (3-23-98)

**04. Eaves.** ~~The eaves may extend up to sixteen (16) inches~~ No restrictions on eaves as long as the eighteen (18) feet maximum overall width limitation is not exceeded. ~~(3-23-98)~~(10-1-04)T

**05. Weight.** The maximum allowable load for any vehicle tire operated on any public highway shall be in accordance with Code of Federal Regulations, Title 24, Chapter 20, Office of Assistant Secretary for Housing - Federal Housing Commissioner, Department of Housing and Urban Development, Part 3280, Subpart J, (CFR Title 24). (3-23-98)

**06. Running Gear Assembly - General.** The entire system (frame, drawbar, and coupling mechanism, running gear assembly including brake systems, axles and lights) shall be in accordance with CFR Title 24, for the year the manufactured home was built. In addition thereto, all tires used in transportation of manufactured homes under this category shall be in accordance with Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

**07. Construction.** Construction shall be in accordance with CFR Title 24, for the year the manufactured home was built. (3-23-98)

**08. Axles.** All axles shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have a minimum of four (4) axles. (3-23-98)

**09. Brakes.** Brakes shall be in accordance with CFR Title 24, for the year the manufactured home was built, except that sixteen (16) foot wide (at the base) manufactured homes shall be required to have brakes on a minimum of three (3) axles. (3-23-98)

**10. Lights.** The unit shall have stop lights, turn signals and tail lights that meet the requirements of Federal Motor Carrier Safety Regulations, part 393. (3-23-98)

**11. Safety Chains.** Two (2) safety chains shall be used, one (1) each on right and left sides of, but separate from, the coupling mechanism connecting the tow vehicle and the manufactured home while in transit. Chain shall be three-eighths (3/8) inch diameter steel. Chains shall be strongly fastened at each end to connect the tow vehicle and manufactured home and assure that in the event of a coupling failure the manufactured home will track behind the tow vehicle. (3-23-98)

**(BREAK IN CONTINUITY OF SECTIONS)**

**300. MANUFACTURED HOME, MODULAR BUILDING, OR OFFICES BEING HAULED.**

**01. Length.** Not in excess of eighty (80) feet. (10-2-89)

**02. Width.** Not in excess of sixteen (16) feet at the base and eighteen (18) feet overall. (3-23-98)

**03. Eaves.** ~~The eaves may extend up to sixteen (16) inches~~ No restrictions on eaves as long as the eighteen (18) foot maximum overall width limitation is not exceeded. ~~(3-23-98)~~(10-1-04)T

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0408

### NOTICE OF FINAL DECISION ON THE IDAHO FALLS TMDL

**AUTHORITY:** In compliance with Section 39-3611, Idaho Code, notice is hereby given that this agency has issued a final decision on the Idaho Falls Total Maximum Daily Load (TMDL).

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Idaho Falls TMDL. The final decision may be appealed to the Board of Environmental Quality by initiating a contested case in accordance with Sections 39-107(5), 67-5240 et seq., Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality". The petition initiating a contested case must be filed with the undersigned hearing coordinator within thirty-five (35) days of the publication date of this notice in the Idaho Administrative Bulletin.

The area covered by the Idaho Falls TMDL (Hydrologic Unit Code 17040201, Snake River) addresses three (3) water body segments within the Snake River subbasin on Idaho's 1998 Section 303(d) list. DEQ has submitted this TMDL to the U.S. Environmental Protection Agency for approval under the Clean Water Act.

**AVAILABILITY OF THE TMDL:** Electronic copy of the TMDL can be obtained at <http://www.deq.idaho.gov/info/idaho-falls-tmdl> or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, [mbridges@deq.state.id.us](mailto:mbridges@deq.state.id.us).

Dated this 12th day of October, 2004.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
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## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

#### **IDAPA 07 - DIVISION OF BUILDING SAFETY 1090 E. Watertower St., Meridian, ID 83642**

07-0306-0401, Rules Governing the Use of the International Building Code. Increases fees for building permits and plans review to cover program costs for providing these services. Comment by: 11/24/04.

#### **IDAPA 33 - IDAHO REAL ESTATE COMMISSION PO Box 83720, Boise, ID 83720-0077**

33-0101-0401, Rules of the Idaho Real Estate Commission. Reduces individual licensing fee by \$20 per bi-annual licensing period. Comment by: 11/24/04.

#### **IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT PO Box 7129, Boise ID 83707-1129**

39-0317-0401, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers. Removes the restriction on the depth of eaves on manufactured homes and office trailers being towed and on manufactured homes, modular buildings or offices being hauled, as long as the 18 foot maximum overall width limitation is not exceeded. Comment by: 11/24/04.

Please refer to the Idaho Administrative Bulletin, **November 3, 2004, Volume 04-11** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

**Issues of the Idaho Administrative Bulletin can be viewed at the county law libraries or online.**

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**CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

**FOR THE ABOVE LINK TO WORK YOU HAVE  
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**This index tracks the history of all agency rulemakings from 1993 to the present.  
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