

# 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 04-1 refers to the first Bulletin issued in calendar year 2004; Bulletin 05-1 refers to the first Bulletin issued in calendar year 2005. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 04-1 refers to January 2004; Volume No. 05-2 refers to February 2005; and so forth. Example: The Bulletin published in January of 2005 is cited as Volume 05-1. The December 2004 Bulletin is cited as Volume 04-12.*

## **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.*



## 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 "-", (38-0501-0501). 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. 38-0501-0501"

"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**).

"0501" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2005.

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  
38.04.04, "Rules Governing Capitol Mall Parking."

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
05-1	January 2005	<b>*November 19, 2004</b>	January 5, 2005	January 26, 2005
05-2	February 2005	January 5, 2005	February 2, 2005	February 23, 2005
05-3	March 2005	February 2, 2005	March 2, 2005	March 23, 2005
05-4	April 2005	March 2, 2005	April 6, 2005	April 27, 2005
05-5	May 2005	April 1, 2005	May 4, 2005	May 25, 2005
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05-9	September 2005	August 3, 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	October 5, 2005	November 2, 2005	November 23, 2005
05-12	December 2005	November 2, 2005	December 7, 2005	December 28, 2005

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2006**

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06-1	January 2006	<b>*November 16, 2005</b>	January 4, 2006	January 25, 2006
06-2	February 2006	January 4, 2006	February 1, 2006	February 22, 2006
06-3	March 2006	February 1, 2006	March 1, 2006	March 22, 2006
06-4	April 2006	March 1, 2006	April 5, 2006	April 26, 2006
06-5	May 2006	April 5, 2006	May 3, 2006	May 24, 2006
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06-11	November 2006	October 4, 2006	November 1, 2006	November 22, 2006
06-12	December 2006	November 1, 2006	December 6, 2006	December 27, 2006

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

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

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<b>IDAPA 29</b>	<b>Potato Commission, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 59</b>	<b>Public Employee Retirement System of Idaho - PERSI</b>	<b>VOLUME 9</b>
<b>IDAPA 41</b>	<b>Public Health Districts</b>	<b>VOLUME 8</b>
<b>IDAPA 31</b>	<b>Public Utilities Commission</b>	<b>VOLUME 7</b>
<b>IDAPA 56</b>	<b>Rangeland Resources Commission, Idaho</b>	<b>VOLUME 9</b>
<b>IDAPA 33</b>	<b>Real Estate Commission, Idaho</b>	<b>VOLUME 7</b>
<b>IDAPA 34</b>	<b>Secretary of State, Office of the</b>	<b>VOLUME 7</b>
<b>IDAPA 49</b>	<b>Shorthand Reporters, Board of Certified</b>	<b>VOLUME 8</b>
<b>IDAPA 36</b>	<b>Tax Appeals, Board of</b>	<b>VOLUME 7</b>
<b>IDAPA 35</b>	<b>Tax Commission, State</b>	<b>VOLUME 7</b>
<b>IDAPA 54</b>	<b>Treasurer, Office of the State</b>	<b>VOLUME 8</b>
<b>IDAPA 21</b>	<b>Veterans Services, Division of</b>	<b>VOLUME 6</b>
<b>IDAPA 46</b>	<b>Veterinary Medical Examiners, Board of</b>	<b>VOLUME 8</b>
<b>IDAPA 55</b>	<b>Vocational and Technical Education, Division of</b>	<b>VOLUME 9</b>
<b>IDAPA 47</b>	<b>Vocational Rehabilitation, Division of</b>	<b>VOLUME 8</b>
<b>IDAPA 37</b>	<b>Water Resources, Department of</b>	<b>VOLUME 8</b>
<b>IDAPA 42</b>	<b>Wheat Commission</b>	<b>VOLUME 8</b>

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2005-21**

**AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT**

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WHEREAS, on September 3, 2005, in Disaster Proclamation ID-06-2005 I, DIRK KEMPTHORNE, Governor of the State of Idaho declared a state of disaster emergency for the State of Idaho to support victims of Hurricane Katrina throughout the United States in accordance with title 46, section 1008 of the Idaho Code; and

WHEREAS, the State of Idaho and the United States in support of the Emergency Management Assistance Compact (EMAC) is mobilizing state resources to support the preservation of life, health and safety of victims, evacuees and others impacted by Hurricane Katrina; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46 section, 1005(a) of the Idaho Code, have or soon will be expended; and

WHEREAS, General Fund monies are available for transfer to the Disaster Emergency Account under the requirements set forth in title 46, section 1005A(2)(b) of the Idaho Code; and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any monies transferred from the General Fund up to the limits provided below would not be required to support the current year's appropriation of these funds.

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 the following:

1. The State Controller is directed to transfer money from the General Fund to the Disaster Emergency Account in such amount and at such times as directed by me or my designee, the Administrator of the Division of Financial Management. In no event shall more than two hundred fifty thousand dollars (\$250,000) be transferred for the purposes of this Executive Order from the General Fund to the Disaster Emergency Account during the current fiscal year.

2. In no event may funds made available under this Executive Order exceed, during any fiscal year, one percent (1%) of the annual appropriation of the General Fund Account moneys for the fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 20th day of September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

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DIRK KEMPTHORNE  
GOVERNOR

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BEN YSURSA  
SECRETARY OF STATE

**IDAPA 02 - DEPARTMENT OF AGRICULTURE**

**02.02.09 - RULES REQUIRING THE INSPECTION OF POTATOES INTENDED FOR SALE  
OR OFFERED FOR SALE IN RETAIL OUTLETS**

**DOCKET NO. 02-0209-0501**

**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is October 1, 2005.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section(s) 22-901, 22-911 and 22-2006, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting a temporary rule:

This change is needed to update and clarify the requirements under the current rule and list specific exotic pests of concern to the Idaho Potato Industry for which a zero tolerance will be specified.

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

This rule change is necessary to protect the public health, safety and welfare.

**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:

There is no fee associated with this rule change as the work is already being performed by Federal-State inspectors inspecting Idaho-grown potatoes packed for resale to retail outlets.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Lee Stacey, Bureau Chief at (208) 332-8670 or Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 6th day of October, 2005.

Mike Everett, Deputy Director  
Idaho State Department of Agriculture  
2270 Old Penitentiary Road  
P.O. Box 790, Boise, Idaho 83701  
Phone: (208) 332-8503  
Fax: (208) 334-2170

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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0209-0501**

**02.02.09 - RULES REQUIRING THE INSPECTION OF POTATOES INTENDED FOR SALE  
OR OFFERED FOR SALE IN RETAIL OUTLETS**  
*(Chapter 9, Title 22, Idaho Code, Section 22-911)*

**000. LEGAL AUTHORITY.**

This chapter is adopted under the legal authority of sections 22-901, 22-911 and 22-2006, Idaho Code. (10-1-05)T

**001. TITLE AND SCOPE.**

**01. Title.** The title of this chapter is IDAPA 02.02.09, "Rules Requiring the Inspection of Potatoes Intended for Sale or Offered for Sale in Retail Outlets". (10-1-05)T

**02. Scope.** These rules specify the general requirements for the inspection, grading, marking and retail sales of potatoes in the state of Idaho. (10-1-05)T

**002. WRITTEN INTERPRETATIONS.**

There are no written interpretations of these rules. (10-1-05)T

**003. ADMINISTRATIVE APPEAL.**

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (10-1-05)T

**004. INCORPORATION BY REFERENCE.**

IDAPA 02.02.09 incorporates by reference: Federal Marketing Order Number 945 – U.S.D.A. Handling Regulations May 4, 2000 Until Revised. Copies of this document may be obtained from the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, P.O. Box 790, Boise, Idaho 83701. (10-1-05)T

**005. ADDRESS, OFFICE HOURS, TELEPHONE AND FAX NUMBERS.**

**01. Physical Address.** The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (10-1-05)T

**02. Office Hours.** Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-05)T

**03. Mailing Address.** The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (10-1-05)T

**04. Telephone Number.** The telephone number of the central office is (208) 332-8500. (10-1-05)T

**05. Fax Number.** The fax number of the central office is (208) 334-2170. (10-1-05)T

**006. PUBLIC RECORDS ACT COMPLIANCE.**

These rules are public records and are available for inspection and copying at the Idaho State Department of Agriculture. (10-1-05)T

**007. -- 099. (RESERVED).**

**100. ~~COMPULSORY INSPECTIONS, —WHOLESALE LEVEL— TIME VALIDITY OF CERTIFICATE DECLARED RESTRICTIONS, AND IDENTIFICATION REQUIRED.~~**

~~*All potatoes packed for resale to retail outlets in Idaho shall be inspected and have a Federal-State Certificate issued as to marked grade of the container. Accountable lots: A packer of potatoes packing for sale to retail outlets in Idaho may if he so desires, establish a designated lot for inspection that may be later divided into several sales. Simple identity of the lot will be maintained to the satisfaction of the inspector. The original Federal-State certificate will be valid for a period of seventy-two (72) hours. All potatoes packed for resale to retail outlets in Idaho shall be inspected as outlined in Section 100.02 and shall meet the requirements of Federal Marketing Order number 945-USDA and the conditions outlined below:*~~ (10-1-05)T  
(~~3-20-77~~)

**01. Certification and Markings.** Each shipment packed for resale to retail outlets in Idaho shall be accompanied by a valid inspection certificate, numbered note sheet or be marked with a positive lot identification



number (PLI) number. (10-1-05)T

**02. Inspections.** For other than Idaho or Oregon, inspections may be performed by any person or persons authorized under the USDA Agricultural Marketing Services Federal—State Service inspection program to inspect potatoes. (10-1-05)T

**03. Restrictions.** All potatoes packed for resale to retail outlets in Idaho under the provision of this rule shall be inspected as outlined in Section 100.02 and found free from: (10-1-05)T

**a.** Potato Tuberworm (*Phthorimaea operculella* (Zeller)). (10-1-05)T

**b.** Potato Wart (*Synchytrium endobioticum*). (10-1-05)T

**c.** Bacterial Ring Rot (*Clavibacter michiganense* subsp. *Sepedonicus*). (10-1-05)T

**101. LOTS TAGGED NOT FOR SALE -- REMOVAL THEREOF.**

Retail outlets ~~will~~ may be periodically checked by the Bureau of Market Inspections Idaho State Department of Agriculture. Lots found failing to grade as marked or otherwise found out of compliance with the provisions of this rule will be tagged “Not For Sale” until removed from display and regraded, destroyed or remarked to a lower grade if feasible.

~~(3-20-77)~~(10-1-05)T

**102. COMPLIANCE OR NON-COMPLIANCE CERTIFICATE.**

Each inspection at the retail outlet will be acknowledged by an ~~certificate~~ inspection report showing compliance or non-compliance.

~~(3-20-77)~~(10-1-05)T

**103. SECOND NOTICE ACTION -- NON-COMPLIANCE.**

A second inspection showing evidence of non-compliance in any calendar year will constitute sufficient grounds to proceed with prosecution in accordance with Section 108 of this rule.

~~(3-20-77)~~(10-1-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**105. BULK LOTS LABELED NOT FOR SALE -- REMOVAL THEREOF.**

Bulk potatoes failing to meet the grade shown or otherwise found out of compliance with the provisions of this rule shall be labeled “Not For Sale” until removed. They may be regraded, destroyed or re-marked to a lower grade if feasible.

~~(3-20-77)~~(10-1-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**108. PENALTIES FOR VIOLATIONS.**

Any person violating the provisions of these rules shall be subject to the penalty provisions of Section 22-2020, Idaho Code. (10-1-05)T

**1089. -- 999. (RESERVED).**

## **IDAPA 07 - DIVISION OF BUILDING SAFETY**

### **07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE DIVISION OF BUILDING SAFETY**

**DOCKET NO. 07-0203-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

**AUTHORITY:** In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-2606(3)(a) and 54-2606(3)(b), 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 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 30 through 32.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2606(3)(a), Idaho Code. The pending rule will reduce the permit fee paid by plumbing contractors installing sewer and water service lines in a one- or two-family residence from fifty dollars (\$50) to sixteen dollars (\$16).

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Ted Hogander, Plumbing Bureau Chief, (208) 332-7154.

DATED this 29th day of September, 2005.

Stephen L. Keys, Bureau Chief  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, ID 83642  
Phone: (208) 332-8986  
Fax: (208) 855-2164

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### **IDAPA 07, TITLE 02, CHAPTER 03**

#### **RULES GOVERNING PERMIT FEE SCHEDULE DIVISION OF 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 05-9, September 7, 2005, pages 30 through 32.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 08 - STATE BOARD OF EDUCATION**

### **08.03.01 - RULES GOVERNING THE CHARTER SCHOOL COMMISSION**

**DOCKET NO. 08-0301-0501**

#### **NOTICE OF RULEMAKING**

#### **ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is September 1, 2005. This pending rule has been adopted by the agency and is now pending review by the 2006 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 and amended a temporary rule. The action is authorized pursuant to Section 33-5213, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary 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 Commission adopted an initial set of rules governing the Public Charter School Commission at their July 2004 meeting. Since that time, the Commission has found that further clarification and information is needed in the rules.

These rules clarify the petition submission process, information needed by the Commission for compliance monitoring and oversight, how public hearings before the Commission will be conducted, and the format of all petitions that are submitted to the Commission.

Amendments have been made from the initial proposed rule based on written and verbal comments.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the temporary and proposed rule was published in the May 4, 2005 Idaho Administrative Bulletin, Vol. 05-5, pages 83 through 89.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Karen Echeverria at (208) 332-1567.

DATED this 1st day of September, 2005.

Karen L. Echeverria  
Policy and Governmental Affairs Officer  
Office of the State Board of Education  
650 West State Street, Rm. 307  
Boise, Idaho 83720  
(208) 332-1567  
Fax: (208) 334-2632

IDAPA 08, TITLE 03, CHAPTER 01

RULES GOVERNING THE CHARTER SCHOOL COMMISSION

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 05-5, May 4, 2005, pages 83 through 89.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0301-0501

*Subsections 300.07, 300.08*

**300. PETITION -- SUBMISSION.**

**07. School District Comments.** If applicable, petitioners school districts may provide comments of the school district where the public charter school will be physically located. ~~(3-3-05)F~~(9-1-05)T

~~**08. Workshop Attendance.** Petitioners shall submit proof of attendance at the State Department of Education workshop, which is required by IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsections 200.01 and 200.02.~~ ~~(3-3-05)F~~

*Subsections 301.09, 301.12, and 301.15*

**301. COMPLIANCE MONITORING.**

The Commission shall be responsible for ensuring the public charter school operates in accordance with all of the terms and conditions of the approved charter, including compliance with all applicable federal and state education standards and all applicable state and federal laws, rules and regulations, and policies. See IDAPA 08.02.04, "Rules Governing Public Charter Schools," Subsection 301.01. Commission staff will make a site visit and verify the existence of the following documents after the charter is granted: (3-3-05)T

**09. Insurance Binders.** Copies of ~~the initial~~ insurance binders from a company authorized to do business in Idaho for a liability policy, a property loss policy, worker's compensation insurance, ~~and~~ unemployment insurance, and health insurance no later than thirty (30) days prior to the opening of school and thereafter, thirty (30) days before the expiration of the insurance policies; ~~(3-3-05)F~~(9-1-05)T

**12. Programmatic Operations Audit.** An audit of the programmatic operations of the public charter school as required by Section 33-5205(3)(~~k~~), Idaho Code, must be submitted no later than October 15th for the previous school year. See Section 33-5206(7), Idaho Code; ~~(3-3-05)F~~(9-1-05)T

**15. Criminal History Checks.** A copy of the criminal history checks for all employees as required by Sections 33-130 and 33-5210(4)(d), Idaho Code, no later than thirty (30) days prior to the first day of school; ~~(3-3-05)F~~(9-1-05)T

***Section 400 and Subsection 400.04***

**400. PETITION -- PUBLIC HEARING.**

A ~~meeting open to the~~ public hearing, as required by Section 33-5205(2), Idaho Code, for consideration of a petition on its merits shall be conducted by the Commission ~~as follows. See Section 67-5242, Idaho Code.~~ The Commission will: ~~(3-3-05)F~~(9-1-05)T

**04. School District Comment.** ~~Hear~~ Consider any oral or written comments of an authorized representative of the school district in which the proposed public charter school would be physically located. ~~(3-3-05)F~~(9-1-05)T

***Subsections 401.01, 401.02, 401.05, 401.07, 401.08, 401.09, and 401.12***

**401. PETITION -- FORMAT.**

All petitions submitted to the Commission must be in the following format. Information will only be considered if it is located in the correct Section. (3-3-05)T

- 01. Cover Page.** The cover page must include the following information: (3-3-05)T
  - a.** Name of proposed charter school; (3-3-05)T
  - b.** School year petitioning to open the school; (3-3-05)T
  - c.** Name of the school district affected by the attendance area; (9-1-05)T
  - i.** ~~Where~~ Where the public charter school building will be physically located; or ~~whether~~ (9-1-05)T
  - ii.** If it is a virtual school and the physical location of the main office; and ~~(3-3-05)F~~(9-1-05)T
  - d.** Name, address, telephone number, fax number, and e-mail address of the petitioner's authorized representative. (3-3-05)T
- 02. Table of Contents.** The second page shall be the beginning of the table of contents. ~~(3-3-05)F~~(9-1-05)T

***BREAK IN SUBSECTION***

- 05. Tab 3.** (3-3-05)T
  - a.** A description of the public charter school's educational program and goals, including how each of the educational thoroughness standards, as defined in Section 33-1612, Idaho Code, shall be fulfilled. See Section 33-

5205(3)(a), Idaho Code.

(3-3-05)T

**b.** A description of what it means to be an “educated person” in the twenty-first century, and how learning best occurs. See Section 33-5205(3)(a), Idaho Code. (3-3-05)T

**c.** The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal Individuals with Disabilities Education Act. See Section 33-5205(3)(q), Idaho Code. (3-3-05)T

**d.** The ~~manner by which eligible plan for working with parents who have~~ students ~~from the public charter school shall be allowed to participate in dual enrollment in non-charter schools within the same district as the public charter school, as provided for in~~ who are dually enrolled pursuant to Section 33-203(7), Idaho Code. See Section 33-5205(3)(r), Idaho Code. ~~(3-3-05)T(9-1-05)T~~

### **BREAK IN SUBSECTION**

**07. Tab 5.**

(3-3-05)T

**a.** A description of the governance structure of the public charter school including, but not limited to, the persons or entity who shall be legally accountable for the operation of the public charter school. See Section 33-5205(3)(f), Idaho Code. (3-3-05)T

**b.** The process to be followed by the public charter school to ensure parental involvement. See Section 33-5205(3)(f), Idaho Code. (3-3-05)T

**c.** The manner in which an annual audit of the financial and programmatic operations of the public charter school will be conducted. See Section 33-5205(3)(~~k~~), Idaho Code. ~~(3-3-05)T(9-1-05)T~~

~~**d.** The procedures to be followed by the public charter school and the authorizing chartering entity to resolve disputes relating to provisions of the charter. See Section 33-5205(3)(p), Idaho Code. Recommended provision regarding dispute resolution is as follows: The Public Charter School Commission and [Name of School] will resolve disputes relating to provisions of the charter following the procedures set forth in Section 33-5209, Idaho Code, and the applicable rules of the State Board of Education for notice of defect and submission of a corrective action plan. (3-3-05)T~~

**08. Tab 6.**

(3-3-05)T

**a.** The qualifications to be met by individuals employed by the public charter school. This should include a requirement for all staff members to submit to a criminal history check, as required by Section 33-130, Idaho Code, and that all instructional staff shall be certified teachers, as required by the Board. See Section 33-5205(3)(g), Idaho Code. (3-3-05)T

**b.** The procedures that the public charter school will follow to ensure the health and safety of students and staff. See Section 33-5205(3)(h), Idaho Code. (3-3-05)T

**c.** A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, ~~and~~ worker's compensation insurance, and health insurance. See Section 33-5205(3)(~~m~~), Idaho Code. ~~(3-3-05)T(9-1-05)T~~

**d.** A description of the transfer rights of any employee choosing to work in a public charter school authorized by the Commission and the rights of such employees to return to any ~~non-charter~~ public school in the school district after employment at ~~a~~ such public charter school. See Section 33-5205(3)(~~n~~), Idaho Code. ~~(3-3-05)T(9-1-05)T~~

**e.** A provision that ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining. See Section 33-5205(3)(~~o~~), Idaho Code. ~~(3-3-05)T(9-1-05)T~~

**f.** A statement that all teachers and administrators will be on written contract as required by Section 33-5206(4), Idaho Code. (3-3-05)T

**09. Tab 7.** (3-3-05)T

**a.** Admission procedures, including provision for over enrollment. See Section 33-5205(3)(j), Idaho Code, and IDAPA 08.02.04, "Rules Governing Public Charter Schools." Section 203. ~~(3-3-05)T~~(9-1-05)T

**b.** The disciplinary procedures that the public charter school will utilize, including the procedure by which students, including special education students, may be suspended, expelled, and reenrolled. See Section 33-5205(3)(k), Idaho Code. ~~(3-3-05)T~~(9-1-05)T

**c.** The procedures required by Section 33-210, Idaho Code, for students using or under the influence of alcohol or controlled substances. (3-3-05)T

**d.** The public school attendance alternative for students residing within the school district who choose not to attend the public charter school. See Section 33-5205(3)(m), Idaho Code. ~~(3-3-05)T~~(9-1-05)T

**e.** The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school. See Section 33-5205(3)(s), Idaho Code. (3-3-05)T

**f.** A plan for the requirements of Section 33-205, Idaho Code, for the denial of school attendance. See Section 33-5205(3)(i), Idaho Code. (9-1-05)T

**fg.** The student handbook that describes the school rules and the procedure ensuring a student's parent or guardian has access to this handbook. (3-3-05)T

***BREAK IN SUBSECTION***

**12. Tab 10.** (3-3-05)T

**a.** A description of any business arrangements or partnerships with other schools, educational programs, businesses, or nonprofit organizations, and copies of any contracts or lease agreements. (3-3-05)T

**b.** Additional information the petitioners want the authorizing chartering entity to consider as part of the petition. (3-3-05)T

**c.** A plan for termination of the charter by the board of the public charter school, including: ~~(3-3-05)T~~(9-1-05)T

*i.* ~~Identification of who is responsible for the dissolution of the corporation.~~ (3-3-05)T

*ii.* ~~A plan for the disposal of the public charter school's assets.~~ (3-3-05)T

*iii.* ~~A description on how payment to creditors will be handled.~~ (3-3-05)T

*iv.* ~~A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school.~~ (3-3-05)T

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**DOCKET NO. 09-0104-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 96 and 97.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 x 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 04**

**RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**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 05-8, August 3, 2005, pages 96 and 97.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**DOCKET NO. 09-0104-0502**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 67 and 68.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 x 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 04**

**RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**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 05-09, September 7, 2005, pages 67 and 68.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.04 - RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**DOCKET NO. 09-0104-0503**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 69 and 70.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 x 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 04**

**RULES OF THE BENEFIT PAYMENT CONTROL BUREAU**

**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 05-09, September 7, 2005, pages 69 and 70.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

# **IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

## **09.01.06 - RULES OF THE APPEALS BUREAU**

**DOCKET NO. 09-0106-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 71 through 73.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: This is a federally funded program and there is no financial impact on the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Joe Karpach, Appeals Bureau Chief, (208) 332-3570 ext. 3572.

DATED this 5th day of October, 2005.

Joe Karpach  
Appeals Bureau, Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
(208) 332-3570 ext. 3572  
(208) 334-6440 fax

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## **IDAPA 09, TITLE 01, CHAPTER 06**

### **RULES OF THE APPEALS BUREAU**

**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 05-09, September 7, 2005, pages 71 through 73.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

# **IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

## **09.01.06 - RULES OF THE APPEALS BUREAU**

**DOCKET NO. 09-0106-0502**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 74 through 76.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: This is a federally funded program and there is no financial impact on the state general fund.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Joe Karpach, Appeals Bureau Chief, (208) 332-3570 ext. 3572.

DATED this 5th day of October, 2005.

Joe Karpach  
Appeals Bureau, Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
(208) 332-3570 ext. 3572  
(208) 334-6440 fax

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## **IDAPA 09, TITLE 01, CHAPTER 06**

### **RULES OF THE APPEALS BUREAU**

**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 05-09, September 7, 2005, pages 74 through 76.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 98 and 99.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 98 and 99.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

### **09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0502**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 100 through 106.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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### **IDAPA 09, TITLE 01, CHAPTER 30**

#### **RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 100 through 106.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0503**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 107 through 113.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street, Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 107 through 113.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0504**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 114 through 118

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 114 through 118.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0505**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 119 through 121.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 119 through 121.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0506**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 122 through 128.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 122 through 128.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.30 - RULES OF THE BENEFITS BUREAU**

**DOCKET NO. 09-0130-0507**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 129 through 132.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Bureau Chief, 332-3570 x 3233.

DATED this 5th day of October, 2005.

Roger Holmes  
UI Benefits Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3233  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 30**

**RULES OF THE BENEFITS BUREAU**

**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 05-8, August 3, 2005, pages 129 through 132.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 133 and 134.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 133 and 134.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0502**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 135 and 136.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 135 and 136.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0503**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 137 through 143.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 137 through 143.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0504**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 144 and 145.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 144 and 145.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0506**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 150 and 151.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 150 and 151.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0505**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 146 through 149.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 146 through 149.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0507**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 152 and 153.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 152 and 153.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0508**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 154 and 155.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-8, August 3, 2005, pages 154 and 155.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

**09.01.35 - RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**DOCKET NO. 09-0135-0509**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 77 through 79.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Don Arnold, Tax & Benefit Control Bureau Chief, 332-3570 x 3258.

DATED this 5th day of October, 2005.

Don Arnold  
Tax & Benefit Control Bureau Chief  
Department of Commerce and Labor  
317 W. Main Street  
Boise, ID 83735  
332-3570 ext. 3258  
334-6301 fax

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**IDAPA 09, TITLE 01, CHAPTER 35**

**RULES OF THE EMPLOYER ACCOUNTS BUREAU**

**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 05-9, September 7, 2005, pages 77 through 79.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**  
**09.02.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**  
**DOCKET NO. 09-0201-0501**  
**NOTICE OF RULEMAKING**  
**ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the amendment to the temporary rule is September 1, 2005. This pending rule has been adopted by the agency and is now pending review by the 2006 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 Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending and temporary rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is a concise explanatory statement of the reasons for adopting the pending rule and amending the temporary 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 proposed and adopted changes to IDAPA 09.02.01 eliminate inaccurate or redundant language and application requirements, change the point values for ranking applications, remove biases against some types of project applications, encourage applications for preferred types of projects, allow for teleconferencing and the electronic submission of information, and require applicants to follow state and federal procurement standards. Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the proposed/temporary rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department of Commerce and Labor has amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed/temporary text are printed in this bulletin. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 156 through 182.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Dianna Clough, Community Development Manager, (208) 334-2650 ext. 2140.

DATED this 5th day of October, 2005.

Dianna Clough  
Community Development Manager  
Department of Commerce and Labor  
State Street Office  
700 W. State Street  
Boise, ID 83720-0093  
334-2650 ext. 2140  
334-2631 fax

IDAPA 09, TITLE 02, CHAPTER 01

IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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 05-8, August 3, 2005, pages 156 through 182.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

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THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 09-0201-0501

*Section 084 - (Remainder of Section Unchanged)*

**084. PROGRAM IMPACT.**

Three hundred twenty (320) points. Some or all of the points may be granted in each subcategory. The local financing factors, which represents the largest portion of the total number of points each applicant may receive, is intended ~~are~~ to ensure that the best overall proposals are selected for funding. The score on this factor is determined by evaluating how effectively local funds are used in comparison with other applicants. The Department may require an applicant to provide supplemental financial information to clarify the local ability to finance all or a portion of a proposed ICDBG project. The applicant should provide evidence or documentation of the nature, amount and/or value of match committed to the project. Housing projects should (if match is not committed) provide the names of the agency, staff person and program(s) which may provide match, a description of the program and a time table for the match approval process. ~~(7-6-94)(9-1-05)T~~

**(BREAK IN CONTINUITY OF SECTIONS)**

*Subsection 090.01.a. - (Remainder of Section Unchanged)*

**090. PROJECT CATEGORIES.**

Two hundred and twenty (220) points. PFH Applications shall address each of the categories below. The project description and its benefits should be discussed in previous sections. This section is a measure of the preparedness of the project and the community to undertake the project. To earn points, the applicant must demonstrate that the appropriate actions, procedures, agencies, permits, financing and inspections to initiate and complete the project were discovered and show how much has been completed. The object is to have well thought out projects which will then be quickly executed if funded. The items identified in the following categories must be related to each other.

(3-30-01)

**01. Planning, Previous Actions and Schedule (one hundred and eighty (180) points).** According to the categories listed below, the applicant shall describe and document the process used to plan the project and

describe the components of the project. The completeness of the process and project detail earn more points.

(9-1-05)T

**a.** Design Professional (twenty (20) points). A maximum of twenty (20) points will be awarded if the applicant has issued an RFP and completed a design professional selection process. The process must have met state and federal procurement requirements as described in the most recent ICDBG Administration manual. A copy of the RFP, proof of published notice if ~~over twenty five thousand dollars (\$25,000)~~ applicable, and completed evaluation rating sheets must be submitted to receive full points.

~~(9-1-05)T~~(9-1-05)T

## **IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR**

### **09.02.03 - RULES OF THE IDAHO REGIONAL TRAVEL AND CONVENTION GRANT PROGRAM**

**DOCKET NO. 09-0203-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 67-4702, 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.

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 3, 2005, Idaho Administrative Bulletin, Volume 05-8, pages 183 through 185.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact ReNea Nelson, Grant Analyst, (208)334-2650 ext. 2153.

DATED this 5th day of October, 2005.

ReNea Nelson, Grant Analyst  
Idaho Department of Commerce and Labor  
State Street Office  
700 West State Street  
Boise, ID 83720-0093  
(208)334-2650 ext. 2153  
(208)334-2631 fax

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### **IDAPA 09, TITLE 02, CHAPTER 03**

#### **RULES OF THE IDAHO REGIONAL TRAVEL AND CONVENTION GRANT 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 05-8, August 3, 2005, pages 183 through 185.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



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

**10.01.01 - RULES OF PROCEDURE**

**DOCKET NO. 10-0101-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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 original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, pages 81 through 84.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: There will be no impact to the State General Fund or the agency dedicated funds.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact David L. Curtis, P.E., Executive Director, at (208) 373-7210.

DATED this 29th day of September, 2005.

David L. Curtis, P.E., Executive Director  
Idaho Board of Registration of Professional  
Engineers and Professional Land Surveyors  
5535 W. Overland Road  
Boise, Idaho 83705-2728  
Phone (208) 373-7210/Fax 373-7213

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

**RULES OF PROCEDURE**

**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 05-9, September 7, 2005, pages 81 through 84.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 13 - DEPARTMENT OF FISH AND GAME**

**13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS IN THE STATE OF IDAHO**

**DOCKET NO. 13-0109-0502P**

**NOTICE OF PROPOSED PROCLAMATION**

**AUTHORITY:** In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation the 2005 Waterfowl Seasons establishing seasons and limits for waterfowl hunting in Idaho.

**PUBLIC HEARING SCHEDULE:** A number of public hearings and open houses have already occurred. The next public hearing before the Fish and Game Commission will be on:

**November 16, 2005 at 7 p.m.  
Magic Valley Region Office  
Idaho Department of Fish and Game  
319 South 417 East, Jerome, Idaho**

Individuals with disabilities may request meeting accommodations by contacting the Director's office at the Idaho Department of Fish and Game directly at 208-287-2766 or through the Idaho Relay Service at 1-800-377-2529 (TDD).

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed proclamation, contact W. Dallas Burkhalter at 208-334-3715.

DATED this 19th day of October, 2005.

W. Dallas Burkhalter  
Deputy Attorney General  
Natural Resources Division/Fish and Game  
600 S. Walnut  
P.O. Box 25  
Boise, Idaho 83707  
(208) 334-3715 Fax (208) 334-2148

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**

**16.03.05 - RULES GOVERNING ELIGIBILITY FOR AID TO THE  
AGED, BLIND, AND DISABLED (AABD)**

**DOCKET NO. 16-0305-0502**

**NOTICE OF PUBLIC HEARING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 56-202 and 56-214, Idaho Code.

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

**Thursday, November 10, 2005  
7:00 - 9:00 p.m.  
DHW - Region IV Office  
1720 Westgate Dr.  
Suite D, Room 119  
Boise, ID**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** This hearing is being held because of requests received on proposed rule Docket No. 16-0305-0502 that published in the October Idaho Administrative Bulletin Volume 05-10, dated October 5, 2005 pages 239 through 246. Written comments will also be received until November 10, 2005.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Peggy Cook at (208) 334-5969.

Anyone may submit written comments regarding this rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 10, 2005.

DATED this 19th day of October, 2005.

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) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

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

**DOCKET NO. 16-0309-0503**

**NOTICE OF PUBLIC HEARING**

**AUTHORITY:** In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing and extended the period of public comment. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code, and House Bill No. 190 passed by the 2005 Legislature now codified in Section 56-118, Idaho Code.

**PUBLIC HEARING SCHEDULE:** A Public hearing concerning this rulemaking will be held as follows:

**Date:** Wednesday, November 9, 2005  
**Time:** 10:00 a.m. - 12:00 noon  
**Place:** Division of Medicaid  
Conference Room D-East and West  
3232 Elder Street  
Boise, Idaho

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

**DESCRIPTIVE SUMMARY:** This public hearing is being conducted after receiving a request that met Section 67-5222, Idaho Code. The subject matter implements House Bill No. 190, passed by the 2005 Idaho Legislature, requiring the Department to discuss reimbursement rates annually with Medicaid mental health and developmental disability providers and prepare an annual report to the Legislature. The full text of this action is found in Idaho Administrative Bulletin Vol. 05-10, dated October 5, 2005, pages 254 through 256.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Sheila Pugatch at (208) 364-1817.

DATED this 13th day of October, 2005.

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) 334-6558 fax  
kovachs@idhw.state.id.us e-mail

## **IDAPA 20 - DEPARTMENT OF LANDS**

### **20.03.08 - EASEMENTS ON STATE OWNED LANDS**

**DOCKET NO. 20-0308-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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 initiated proposed rulemaking procedures. The action is authorized pursuant to Section 58-104, 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.

Major section, Section 002, Written Interpretations, which is required to be in each rule chapter, is being added to provide the information regarding where to obtain copies of the Department's informal written interpretations, i.e., operations manuals and procedures manuals.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the July 6, 2005, Idaho Administrative Bulletin, Volume 05-7, pages 59 through 64.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 58-601, 58-602, and 58-603, Idaho Code. The proposed changes will update the costs for the application and amendment fees from \$50 to \$100. The minimum compensation fee will be increased from \$250 to \$500. Appraisal fees will be established, and the maximum appraisal fee will be raised to \$1,000 from \$500. The Director's level of authority for approving easements will also increase to \$25,000 from \$10,000.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Keith O'Connor, Right-of-Way Specialist at (208) 334-0200.

DATED this 14th day of September, 2005.

Winston A Wiggins, Director  
Idaho Department of Lands  
954 W. Jefferson St.  
P.O. Box 83720, Boise, Idaho 83720  
Phone (208) 334-0200 / Fax (208) 334-2339

**IDAPA 20**  
**TITLE 03**  
**CHAPTER 08**

**EASEMENTS ON STATE OWNED LANDS**

**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 05-7, July 6, 2005, pages 59 through 64.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

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**THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 20-0308-0501**

**002. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS.**

Pursuant to Idaho Code Section 67-5201(19)(b)(iv), the Department maintains operations manuals and written procedures which pertain to the interpretation of the rules of this chapter. Copies of these documents are available for public inspection and copying at the Department of Lands, 954 West Jefferson Street, Boise, Idaho 83702-0050.

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## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.01 - RULES GOVERNING RESIDENCY AND MAINTENANCE CHARGES IN IDAHO VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE**

**DOCKET NO. 21-0101-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 65-202, 65-204, and 66-907, 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 7, 2005 Idaho Administrative Bulletin, Volume 05-9, pages 235 and 236.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

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

DATED this 5th day of October, 2005.

Joseph S. Bleymaier  
Division Administrator  
Idaho Division of Veterans Services  
320 Collins Road, Boise, Idaho 83702  
208-334-3513 and fax (208)334-2627

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

#### **RULES GOVERNING RESIDENCY AND MAINTENANCE CHARGES IN IDAHO VETERANS HOMES AND DIVISION OF VETERANS SERVICES ADMINISTRATIVE PROCEDURE**

**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 05-9, September 7, 2005, pages 235 and 236.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 21 - DIVISION OF VETERANS SERVICES**  
**21.01.02 - RULES GOVERNING EMERGENCY RELIEF FOR VETERANS**  
**DOCKET NO. 21-0102-0501**  
**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 65-203, 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 September 7, 2005 Idaho Administrative Bulletin, Volume 05-9, page 237.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

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

DATED this 5th day of October, 2005.

Joseph S. Bleymaier  
Division Administrator  
Idaho Division of Veterans Services  
320 Collins Road  
Boise, Idaho 83702  
208-334-3513 and 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 05-9, September 7, 2005, page 237.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**



**IDAPA 21 - DIVISION OF VETERANS SERVICES**  
**21.01.03 - RULES GOVERNING MEDICAID QUALIFIED UNITS**  
**IN IDAHO STATE VETERANS HOMES**

**DOCKET NO. 21-0103-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 65-202, 65-204, and 65-907, 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 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 238 and 239.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

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

DATED this 5th day of October, 2005.

Joseph S. Bleymaier  
Division Administrator  
Idaho Division of Veterans Services  
320 Collins Road  
Boise, Idaho 83702  
208-334-3513 and fax (208)334-2627

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**IDAPA 21, TITLE 01, CHAPTER 03**

**RULES GOVERNING MEDICAID QUALIFIED UNITS IN IDAHO STATE VETERANS HOMES**

**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 05-9, September 7, 2005, pages 238 and 239.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 21 - DIVISION OF VETERANS SERVICES**

### **21.01.04 - RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY**

**DOCKET NO. 21-0104-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. 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) 65-202, 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 7, 2005, Idaho Administrative Bulletin, Volume 05-9, pages 240 and 241.

**FEE SUMMARY:** The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 65-202, Idaho Code. In most cases, VA pays the Veterans Cemetery interment fee of \$300 unless the interment is in an area of the cemetery where there are no pre-placed crypts. The additional fee of \$300 for interments in areas of the Veterans Cemetery that do not have pre-placed crypts must be paid by the individual requesting those sites.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Joseph S. Bleymaier, 208-334-3513.

DATED this 5th day of October, 2005.

Joseph S. Bleymaier  
Division Administrator  
Idaho Division of Veterans Services  
20 Collins Road  
Boise, Idaho 83702  
(208) 334-3513 or fax (208) 334-2627

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### **IDAPA 21, TITLE 01, CHAPTER 04**

#### **RULES GOVERNING THE IDAHO STATE VETERANS CEMETERY**

**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 05-9, September 7, 2005, pages 240 and 241.](#)**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

## **IDAPA 36 - BOARD OF TAX APPEALS**

### **36.01.01 - IDAHO BOARD OF TAX APPEALS RULES**

#### **DOCKET NO. 36-0101-0501**

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

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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 Section 63-3808 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. Rule 30 no longer allows third party non-attorney representation before the Board through a Board approved power of attorney. The Attorney General has advised the Board that this rule conflicts with Sections 3-401 and 3-420, Idaho Code, the unauthorized practice of law. Rule 45 references third party representatives and a power of attorney, conflicting with Sections 3-401 and 3-420, Idaho Code, the unauthorized practice of law. No changes were made between the text of the proposed rule and the text of the pending rule. One public comment was received, however after consideration and advice of the Board's legal council, no changes in text were made. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 3, 2005 Idaho Administrative Bulletin, Volume 05-8, pages 304 and 305.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There is no fiscal impact.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this pending rule, contact Susan Renfro at 208-334-3354.

DATED this 19th day September, 2005.

Susan Renfro  
Director and Clerk to the Board  
Board of Tax Appeals  
3380 Americana Terrace, Suite 110  
P.O. Box 83720, Boise, ID 83720-0088  
Phone 208/334-3354/Fax 208/334-406

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### **IDAPA 36, TITLE 01, CHAPTER 01**

#### **IDAHO BOARD OF TAX APPEALS 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 05-8, August 3, 2005, pages 304 and 305.**

**This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.**

**IDAPA 38 - DEPARTMENT OF ADMINISTRATION**

**38.06.02 - RULES GOVERNING THE IDAHO EMERGENCY  
COMMUNICATIONS COMMISSION GRANTS**

**DOCKET NO. 38-0602-0501**

**NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE**

**EFFECTIVE DATE:** This rule has been adopted by the agency and is now pending review by the 2006 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) 31-4816(9), 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.

Pursuant to Section 31-4818, Idaho Code, the Commission is directed to distribute moneys in the Idaho Emergency Communications Fund to eligible entities. These rules will govern the grant process. The pending rule has been amended to reflect comments received from the Legislative Services Office.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the September 7, 2005 Idaho Administrative Bulletin, Vol. 05-9, pages 302 through 307.

**FISCAL IMPACT:** The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: None

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the pending rule, contact Joanna L. Guilfooy, Deputy Attorney General, Department of Administration, at (208) 332-1832.

DATED this 7th day of October, 2005.

Joanna L. Guilfooy  
Deputy Attorney General  
Department of Administration  
650 W. State Street  
P.O. Box 83720, Boise, Idaho 83720-0003  
Telephone: (208) 332-1832 / Fax: (208) 334-2307

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**IDAPA 38, TITLE 06, CHAPTER 02**

**RULES GOVERNING THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION GRANTS**

**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 05-9, September 7, 2005, pages 302 through 307.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2006 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 38-0602-0501

*Subsections 011.06 and 011.07*

**011. DEFINITIONS.**

**06. Grant Cycle.** The period between July 1 through *the following* June 30 for grant application distribution, submission, award notice and disbursement in accordance with dates established in Section 021 of these rules. ( )

**07. Taxing District.** A fire protection district created pursuant to Section 31-1402, Idaho Code, an ambulance *service* created pursuant to Section 31-3901, Idaho Code, or an ambulance service district created pursuant to Section 31-3908, Idaho Code. ( )

*Subsection 021.01 - (Remainder of Section Unchanged)*

**021. GRANT CYCLE.**

**01. Application Availability.** The Commission shall make an application and guidance available no later than *July* 1 of each year. ( )

*Subsections 047.03.c. and 047.04.*

**047. WITHDRAWAL, DISCONTINUANCE, ASSIGNMENT.**

**03. Discontinuance.** The Commission may discontinue the grant award or approval process if any of the following occurs: ( )

**a.** The chief administrative official of the Applicant or his designee submits a notice of withdrawal in written form to the Commission. ( )

**b.** The Applicant does not provide required documentation during the award or approval process. ( )

**c.** *The Commission determines the Applicant is* out of compliance with any award eligibility requirements. ( )

**04. No Right of Assignment.** The Applicant may not assign any award to another Applicant or another Consolidated Emergency Communications Center. ( )

## **IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DOCKET NO. 58-0000-0507**

### **NOTICE OF FINAL DECISION ON THE CAMAS CREEK TMDL**

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

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Camas Creek 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 Camas Creek TMDL (Hydrologic Unit Code 17040220) addresses twelve (12) waterbodies and their associated assessment units on Idaho's 1998 Section 303(d) list and one (1) additional waterbody not on the 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/water/data\\_reports/surface\\_water/tmdls/camas\\_creek/camas\\_creek.cfm](http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/camas_creek/camas_creek.cfm) or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, [marti.bridges@deq.idaho.gov](mailto:marti.bridges@deq.idaho.gov).

DATED this 14th day of September, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

**IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DOCKET NO. 58-0000-0508**

**NOTICE OF FINAL DECISION ON THE LITTLE WOOD RIVER TMDL**

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

**DESCRIPTIVE SUMMARY:** The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Little Wood River 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 Little Wood River TMDL (Hydrologic Unit Code 17040221) addresses nine (9) waterbody segments and their associated assessment units on Idaho's 1998 Section 303(d) list and two (2) additional waterbodies in the Little Wood River Subbasin. 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/water/data\\_reports/surface\\_water/tmdls/little\\_wood\\_river/little\\_wood\\_river.cfm](http://www.deq.idaho.gov/water/data_reports/surface_water/tmdls/little_wood_river/little_wood_river.cfm) or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, [marti.bridges@deq.idaho.gov](mailto:marti.bridges@deq.idaho.gov).

DATED this 14th day of September, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
[paula.wilson@deq.idaho.gov](mailto:paula.wilson@deq.idaho.gov)

## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0509

### NOTICE OF PUBLIC HEARING ON THE PROPOSED REVISION TO THE IDAHO STATE IMPLEMENTATION PLAN, CHANGES TO SECTION 39-115, IDAHO CODE

**AUTHORITY:** In accordance with 40 CFR 51.102, notice is hereby given that this agency proposes to hold a public hearing on a proposed revision to the State Implementation Plan (SIP).

**PUBLIC HEARING SCHEDULE:** A public hearing on the proposed revision to the SIP will be held as follows:

**December 5, 2005, 3:00 p.m.**  
**Department of Environmental Quality Conference Room B**  
**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 Department of Environmental Quality (DEQ) hereby gives notice that it intends to hold a public hearing on a proposed SIP revision that it intends to submit to the Environmental Protection Agency (EPA). The revision includes a change made to Section 39-115, Idaho Code, of the Environmental Protection and Health Act pursuant to HB 230 and its trailer bill, Senate Bill 1228, passed by the 2005 Idaho Legislature and signed by the Governor. This statute change directs DEQ to develop rules that 1) define the term regulated air pollutant as it applies to the various federal Clean Air Act programs; and 2) ensure fugitive emissions are only included in permit applicability determinations as required by federal law. Rule Docket No. 58-0101-0503 contains the proposed rule changes developed as a result of the legislation.

**AVAILABILITY OF THE REVISED STATUTE:** A copy of Section 39-115, Idaho Code, is available at <http://www3.state.id.us/cgi-bin/newidst?sctid=390010015.K>, or by contacting the undersigned.

DATED this 17th day of October, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208) 373-0418/Fax No. (208) 373-0481  
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## IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

### 58.01.02 - WATER QUALITY STANDARDS AND WASTEWATER TREATMENT REQUIREMENTS

DOCKET NO. 58-0102-0505

#### NOTICE OF INTENT TO PROMULGATE RULES - NEGOTIATED RULEMAKING

**AUTHORITY:** In compliance with Section 67-5220, Idaho Code, and IDAPA 58.01.23, "Rules of Administrative Procedure Before the Board of Environmental Quality," Sections 810 through 815, notice is hereby given that this agency intends to promulgate a rule and desires public participation before publishing a proposed rule. This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

**MEETING SCHEDULE:** Those interested in participating in the negotiated rulemaking process are encouraged to attend the following meeting. Additional meetings may be scheduled if necessary. For information regarding additional meetings, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

**November 18, 2005, 9 a.m. to 12 noon**  
**Department of Environmental Quality**  
**Conference Room B**  
**1410 N. Hilton, Boise, Idaho**

**PRELIMINARY DRAFT:** A preliminary draft of the rule can be obtained at [http://www.deq.idaho.gov/rules/water/58\\_0102\\_0505\\_negotiated.cfm](http://www.deq.idaho.gov/rules/water/58_0102_0505_negotiated.cfm) or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

**DESCRIPTIVE SUMMARY:** In this rulemaking, the Department of Environmental Quality (DEQ) proposes to add language to Section 053, Beneficial Use Support Status, that codifies support for an existing policy which allows consideration of frequency of exceedance of numeric criteria for certain water quality parameters (pH, turbidity, DO, and temperature) in assessing achievement of water quality objectives and support of beneficial uses. DEQ also proposes to revise several definitions to improve clarity and utility and to make other miscellaneous corrections and clarifications. Everyone with an interest in the quality of surface water in Idaho likely has an interest in this rulemaking. In particular, those concerned with how DEQ judges support of beneficial uses may be affected.

Upon conclusion of negotiations, DEQ intends to publish a proposed rule for public comment in the summer of 2005 and then present the final proposal to the Board of Environmental Quality for adoption of a pending rule in the fall of 2006.

**GENERAL INFORMATION:** For more information about DEQ's programs and activities, visit DEQ's web site at [www.deq.idaho.gov](http://www.deq.idaho.gov).

**ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS:** For assistance on questions concerning the negotiated rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208) 373-0119.

Anyone may submit written comments during this negotiated rulemaking by mail, fax or e-mail at the address below. Written comments on the preliminary draft must be received by November 23, 2005. For information regarding submission of written comments on subsequent drafts of the negotiated rule, and to receive the most recent version of the draft negotiated rule, contact the undersigned.

DATED this 11th day of October, 2005.

Paula J. Wilson  
Hearing Coordinator  
Department of Environmental Quality  
1410 N. Hilton  
Boise, Idaho 83706-1255  
(208)373-0418/Fax No. (208)373-0481  
paula.wilson@deq.idaho.gov

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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.

*There are no Proposed Rulemakings being promulgated in the November issue of the Idaho Administrative Bulletin.*

Please refer to the Idaho Administrative Bulletin, **November 2, 2005, Volume 05-11** 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.*

To view the Bulletin or Code, or for information on purchasing the Bulletin and other rules publications, visit our website at [www2.state.id.us/adm/adminrules/](http://www2.state.id.us/adm/adminrules/) or call (208) 332-1820 or write the Dept. of Administration, Office of Administrative Rules, 650 W. State St., Room 100, Boise, ID 83720-0306. Visa and MasterCard accepted for most purchases.

**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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