

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 05-1 refers to the first Bulletin issued in calendar year 2005; Bulletin 06-1 refers to the first Bulletin issued in calendar year 2006. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 05-1 refers to January 2005; Volume No. 05-2 refers to February 2005; and so forth. Example: The Bulletin published in January of 2006 is cited as Volume 06-1. The December 2005 Bulletin is cited as Volume 05-12.

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 Rulemaking Index of Idaho Administrative Rules**, printed in each Bulletin.*

TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN

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

NEGOTIATED RULEMAKING

Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.

PROPOSED RULEMAKING

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

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;
- c) the text of the proposed rule prepared in legislative format;
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;
- f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and
- g) the deadline for public (written) comments on the proposed rule.

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

TEMPORARY RULEMAKING

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

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

If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.

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

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

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

PENDING RULEMAKING

A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.

When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending 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://adm.idaho.gov/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 2006

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
06-1	January 2006	*November 19, 2005	January 4, 2006	January 25, 2006
06-2	February 2006	January 5, 2006	February 1, 2006	February 22, 2006
06-3	March 2006	February 3, 2006	March 1, 2006	March 22, 2006
06-4	April 2006	March 3, 2006	April 5, 2006	April 26, 2006
06-5	May 2006	March 31, 2006	May 3, 2006	May 24, 2006
06-6	June 2006	May 5, 2006	June 7, 2006	June 28, 2006
06-7	July 2006	June 2, 2006	July 5, 2006	July 26, 2006
06-8	August 2006	June 30, 2006	August 2, 2006	August 23, 2006
06-9	September 2006	August 4, 2006	September 6, 2006	September 27, 2006
06-10	October 2006	**August 23, 2006	October 4, 2006	October 25, 2006
06-11	November 2006	October 6, 2006	November 1, 2006	November 22, 2006
06-12	December 2006	November 3, 2006	December 6, 2006	December 27, 2006

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2007

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
07-1	January 2007	*November 15, 2006	January 3, 2007	January 24, 2007
07-2	February 2007	January 5, 2007	February 7, 2007	February 28, 2007
07-3	March 2007	February 2, 2007	March 7, 2007	March 28, 2007
07-4	April 2007	March 2, 2007	April 4, 2007	April 26, 2007
07-5	May 2007	April 6, 2007	May 2, 2007	May 24, 2007
07-6	June 2007	May 4, 2007	June 6, 2007	June 28, 2007
07-7	July 2007	June 1, 2007	July 4, 2007	July 26, 2007
07-8	August 2007	June 29, 2007	August 1, 2007	August 23, 2007
07-9	September 2007	August 3, 2007	September 5, 2007	September 27, 2007
07-10	October 2007	**August 22, 2007	October 3, 2007	October 25, 2007
07-11	November 2007	October 5, 2007	November 7, 2007	November 22, 2007
07-12	December 2007	November 2, 2007	December 5, 2007	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.***

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBER AND THE CURRENT ADMINISTRATIVE CODE VOLUME NUMBERS		
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IDAPA 44	Administrative Rules Coordinator, Office of the	VOULME 8
IDAPA 02	Agriculture, Idaho Department of	VOLUME 1
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IDAPA 10	Engineers and Land Surveyors, Board of Professional	VOLUME 2
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IDAPA 12	Finance, Department of	VOLUME 3
IDAPA 13	Fish and Game, Department of	VOLUME 3
IDAPA 14	Geologists, Board of Registration of Professional	VOLUME 3

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IDAPA 20	Lands , Department of	VOLUME 6
IDAPA 52	Lottery Commission , Idaho State	VOLUME 9
IDAPA 22	Medicine , Board of	VOLUME 6
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IDAPA 50	Pardons and Parole, Commission for	VOLUME 9
IDAPA 26	Parks and Recreation, Department of	VOLUME 6 & 7
IDAPA 27	Pharmacy, Board of	VOLUME 7
IDAPA 29	Potato Commission, Idaho	VOLUME 7
IDAPA 59	Public Employee Retirement System of Idaho - PERSI	VOLUME 9
IDAPA 41	Public Health Districts	VOLUME 8
IDAPA 31	Public Utilities Commission	VOLUME 7
IDAPA 56	Rangeland Resources Commission, Idaho	VOLUME 9
IDAPA 33	Real Estate Commission, Idaho	VOLUME 7
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IDAPA 35	Tax Commission, State	VOLUME 7
IDAPA 54	Treasurer, Office of the State	VOLUME 8
IDAPA 21	Veterans Services, Division of	VOLUME 6
IDAPA 46	Veterinary Medical Examiners, Board of	VOLUME 8
IDAPA 55	Vocational and Technical Education, Division of	VOLUME 9
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IDAPA 37	Water Resources, Department of	VOLUME 8
IDAPA 42	Wheat Commission	VOLUME 8

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

**ADMINISTRATIVE RULES REVIEWED BY THE FIFTY-EIGHTH
LEGISLATURE OF THE STATE OF IDAHO
SECOND REGULAR SESSION - 2006**

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

AUTHORITY: In compliance with Sections 67-5224(5), 67-5224(7), 67-5226(3), and 67-5291, Idaho Code, notice is hereby given by the Office of the Administrative Rules Coordinator that the Fifty-eighth Legislature in the Second Regular Session - 2006, has reviewed all pending rules and approved them as final and has extended temporary rules. The docket numbers of the affected rulemakings and their effective dates are listed below.

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

The following lists of final and temporary rules include those rules that were reviewed as pending and temporary rules during the 2006 Second Regular Session of the Fifty-eighth Legislature of the state of Idaho. The pending rules reviewed by the legislature that were not rejected in whole or in part have been approved and adopted and are now final rules. Pursuant to Section 67-5226, Idaho Code, all temporary rules were extended or rejected in whole or in part by Senate Concurrent Resolution 129. Pursuant to Section 67-5224, Idaho Code, all pending fee rules were approved or rejected in whole or in part by Senate Concurrent Resolution 128 and are now final rules.

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

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
01-0101-0501	05-12	05-10	(4-11-06)	---	---
02-0303-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
02-0420-0501	06-1	05-10	(4-11-06)	---	---
02-0421-0501	06-1	05-10	(4-11-06)	---	---
02-0424-0501	06-1	05-10	(4-11-06)	---	---
02-0427-0501	06-1	05-10	(4-11-06)	---	---
02-0601-0501	06-1	05-8	(3-30-06)	---	Fee Approved by SCR 128
02-0602-0502	06-1	05-9	(4-11-06)	---	---
02-0612-0501	06-1	05-9	(4-11-06)	---	---
02-0617-0501	06-1	05-10	(4-11-06)	---	---
02-0626-0501	06-1	05-10	(4-11-06)	---	---
02-0641-0501	06-1	05-9	(4-11-06)	---	---
07-0102-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
07-0104-0501	06-1	05-10	(4-11-06)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
07-0104-0502	06-1	05-10	Rejected	Entire Docket	Rejected by HCR 055
07-0106-0501	05-8	05-6	(4-11-06)	---	---
07-0203-0501	05-11	05-9	(3-30-06)	---	Fee Approved by SCR 128
07-0206-0501	05-8	05-6	(4-11-06)	---	---
07-0301-0501	05-12	05-10	(4-11-06)	---	---
07-0301-0502	05-12	05-10	(3-30-06)	---	Fee Approved by SCR 128
07-0302-0501	05-12	05-10	(4-11-06)	---	---
07-0303-0501	05-12	05-10	(4-11-06)	---	---
07-0305-0501	05-12	05-10	(4-11-06)	---	---
07-0306-0501	05-12	05-10	(4-11-06)	---	---
07-0308-0501	05-12	05-10	(4-11-06)	---	---
07-0501-0501	05-12	05-10	(4-11-06)	---	---
07-0701-0501	05-8	05-6	(4-11-06)	---	---
07-0701-0502	05-12	05-10	(4-11-06)	---	---
08-0202-0501	06-1	05-5	(4-11-06)	---	---
08-0202-0502	05-10	05-5	(4-11-06)	---	---
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08-0204-0502	05-10	05-5	(4-11-06)	---	---
08-0301-0401	05-5	04-10	(4-11-06)	---	---
08-0301-0501	05-11	05-5	(4-11-06)	---	---
09-0104-0501	05-11	05-8	(4-11-06)	---	---
09-0104-0502	05-11	05-9	(4-11-06)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
09-0104-0503	05-11	05-9	(4-11-06)	---	---
09-0106-0501	05-11	05-9	(4-11-06)	---	---
09-0106-0502	05-11	05-9	(4-11-06)	---	---
09-0130-0501	05-11	05-8	(4-11-06)	---	---
09-0130-0502	05-11	05-8	(4-11-06)	---	---
09-0130-0503	05-11	05-8	(4-11-06)	---	---
09-0130-0504	05-11	05-8	(4-11-06)	---	---
09-0130-0505	05-11	05-8	(4-11-06)	---	---
09-0130-0506	05-11	05-8	(4-11-06)	---	---
09-0130-0507	05-11	05-8	(4-11-06)	---	---
09-0135-0501	05-11	05-8	(4-11-06)	---	---
09-0135-0502	05-11	05-8	(4-11-06)	---	---
09-0135-0503	05-11	05-8	(4-11-06)	---	---
09-0135-0504	05-11	05-8	(4-11-06)	---	---
09-0135-0505	05-11	05-8	(4-11-06)	---	---
09-0135-0506	05-11	05-8	(4-11-06)	---	---
09-0135-0507	05-11	05-8	(4-11-06)	---	---
09-0135-0508	05-11	05-8	(4-11-06)	---	---
09-0135-0509	05-11	05-9	(4-11-06)	---	---
09-0201-0501	05-11	05-8	(4-11-06)	---	---
09-0203-0501	05-11	05-8	(4-11-06)	---	---
10-0101-0501	05-11	05-9	(4-11-06)	---	---
11-0201-0501	05-10	05-1	(3-30-06)	---	Fee Approved by SCR 128
11-1003-0501	05-12	05-10	(4-11-06)	---	---
11-1101-0501	05-12	05-9	(4-11-06)	---	---
11-1102-0501	05-12	05-9	(4-11-06)	---	---
11-1104-0501	06-1	05-9	(4-11-06)	---	---
12-0108-0501	05-12	05-10	(4-11-06)	---	---
12-0110-0501	05-10	05-8	(3-30-06)	---	Fee Approved by SCR 128
13-0104-0501	05-12	05-10	(4-11-06)	---	---
13-0108-0501	05-12	05-10	(4-11-06)	---	---
13-0110-0501	05-12	05-10	Rejected	Entire Docket	Rejected by HCR 59

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
13-0117-0501	05-12	05-10	(4-11-06)	---	---
16-0203-0501	06-1	05-8	(4-11-06)	---	---
16-0210-0501	06-1	05-9	(4-11-06)	---	---
16-0224-0501	06-1	05-10	(4-11-06)	---	---
16-0301-0501	06-1	05-10	(4-11-06)	---	---
16-0304-0501	06-1	05-10	(4-11-06)	---	---
16-0305-0501	05-10	05-7	(4-11-06)	---	---
16-0305-0502	06-1	05-10	(4-11-06)	---	---
16-0305-0503	06-1	05-10	(4-11-06)	---	---
16-0309-0502	05-10	05-7	(4-11-06)	---	---
16-0309-0503	06-1	05-10	Rejected	Entire Docket	Rejected by SCR 126
16-0316-0501	06-1	05-5	(4-11-06)	---	---
16-0319-0501	06-1	05-10	(4-11-06)	---	---
16-0319-0502	06-1	05-10	(4-11-06)	---	---
16-0322-0501	06-1	05-10	(4-11-06)	---	---
16-0322-0502	06-1	05-10	(3-30-06)	009; 011.15; 011.28; 055; 220.03; 250.13; 250.14; 260.05.b.; 451.01.b.; 705.05; 730.01.i.	Partial Rejection SCR 128
16-0411-0501	06-1	05-8	(7-1-06)	---	---
16-0411-0502	06-1	05-8	(7-1-06)	---	---
16-0503-0501	06-1	05-10	(4-11-06)	---	---
16-0505-0501	05-10	05-8	(4-11-06)	---	---
16-0601-0501	06-1	05-9	(4-11-06)	---	---
16-0602-0501	06-1	05-10	(4-11-06)	---	---
16-0608-0501	06-1	05-8	(4-11-06)	---	---
16-0612-0501	05-12	05-9	(4-11-06)	---	---
18-0109-0501	06-1	05-8	(4-11-06)	---	---
18-0110-0501	06-1	05-8	(4-11-06)	---	---
18-0118-0501	06-1	05-8	(4-11-06)	---	---
18-0154-0501	06-1	05-7	(4-11-06)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
18-0173-0501	06-1	05-9	(4-11-06)	---	---
19-0101-0501	05-9	05-7	(4-11-06)	---	---
19-0101-0502	05-12	05-9	(4-11-06)	---	---
19-0101-0503	05-12	05-9	Rejected	Entire Docket	Rejected by SCR 125
20-0201-0501	06-1	05-9	(4-11-06)	---	---
20-0302-0502	06-1	05-10	(3-30-06)	160.01	Partial Rjection SCR 128
20-0308-0501	05-11	05-7	(3-30-06)	---	Fee Approved by SCR 128
21-0101-0501	05-11	05-9	(4-11-06)	---	---
21-0102-0501	05-11	05-9	(4-11-06)	---	---
21-0103-0501	05-11	05-9	(4-11-06)	---	---
21-0104-0501	05-11	05-9	(3-30-06)	---	Fee Approved by SCR 128
22-0101-0501	05-12	05-10	(3-30-06)	---	Fee Approved by SCR 128
22-0105-0501	06-1	05-10	(4-11-06)	---	---
22-0111-0501	06-1	05-10	(4-11-06)	---	---
23-0101-0501	05-7	05-5	(3-30-06)	---	Fee Approved by SCR 128
24-0101-0501	06-1	05-10	(4-11-06)	---	---
24-0301-0501	06-1	05-10	(4-11-06)	---	---
24-0501-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
24-0601-0501	06-1	05-10	(4-11-06)	---	---
24-0801-0501	06-1	05-10	(4-11-06)	---	---
24-1101-0501	06-1	05-10	(4-11-06)	---	---
24-1401-0501	06-1	05-10	(4-11-06)	---	---
24-1501-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
24-1801-0501	05-10	05-1	(8-20-04)	---	---
24-1801-0502	06-1	05-10	(4-11-06)	---	---
24-1901-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
24-2101-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
24-2201-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
24-2301-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128
25-0101-0501	05-12	05-9	(4-11-06)	---	---
26-0120-0501	06-1	05-10	(3-30-06)	---	Fee Approved by SCR 128

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
26-0131-0501	06-1	05-10	(4-11-06)	---	---
26-0137-0501	06-1	05-10	(4-11-06)	---	---
27-0101-0501	05-12	05-10	(4-11-06)	---	---
27-0101-0502	05-12	05-10	(4-11-06)	---	---
31-1101-0501	06-1	05-10	(4-11-06)	---	---
31-2101-0402	06-1	05-10	(4-11-06)	---	---
31-6101-0501	05-12	05-9	(4-11-06)	---	---
31-7103-0501	06-1	05-10	(4-11-06)	---	---
33-0101-0401	05-10	04-11	(3-30-06)	---	Fee Approved by SCR 128
33-0101-0501	05-12	05-10	(4-11-06)	---	---
33-0101-0502	05-12	05-10	(10-1-05)	---	Fee Approved by SCR 128
35-0101-0501	05-12	05-10	(4-11-06)	---	---
35-0101-0502	05-12	05-10	(4-11-06)	---	---
35-0101-0503	05-12	05-10	(4-11-06)	---	---
35-0102-0501	05-12	05-10	(4-11-06)	---	---
35-0102-0502	05-12	05-10	(4-11-06)	---	---
35-0102-0503	05-12	05-10	(4-11-06)	---	---
35-0103-0501	05-12	05-10	(4-11-06)	---	---
35-0103-0502	05-12	05-8	(4-11-06)	---	---
35-0103-0503	05-12	05-10	(4-11-06)	---	---
35-0105-0501	05-12	05-10	(4-11-06)	---	---
35-0110-0501	05-12	05-10	(4-11-06)	---	---
35-0111-0501	05-12	05-10	(4-11-06)	---	---
35-0201-0501	05-12	05-10	(4-11-06)	---	---
36-0101-0501	05-11	05-8	(4-11-06)	---	---
38-0601-0401	05-9	04-12	(4-11-06)	---	---
38-0602-0501	05-11	05-9	(4-11-06)	---	---
39-0241-0401	05-9	04-12	(4-11-06)	---	---
39-0311-0501	05-9	05-7	Rejected	Entire Docket	Rejected by HCR 56
39-0317-0401	05-9	04-11	(4-11-06)	---	---
39-0345-0501	05-9	05-7	Rejected	Entire Docket	Rejected by HCR 56
39-0402-0501	05-12	05-10	(4-11-06)	---	---

RULES APPROVED AS FINAL OR REJECTED BY THE 2006 IDAHO LEGISLATURE					
Docket Number	Bulletin Vol. Number: Pending	Bulletin Vol. Number: Proposed	Final Rule Effective Date	Rejected Sections Or Subsections	Action Taken By Concurrent Resolution
54-0201-0501	05-8	05-6	(4-11-06)	---	---
57-0101-0501	06-1	05-9	(4-11-06)	---	---
58-0101-0501	05-12	05-7	(4-11-06)	---	---
58-0101-0503	06-1	05-8	(4-11-06)	---	---
58-0101-0504	06-1	05-9	(4-11-06)	---	---
58-0101-0505	06-1	05-8	(4-11-06)	---	---
58-0101-0506	05-12	05-8	(4-11-06)	---	---
58-0101-0507	06-1	05-9	(4-11-06)	---	---
58-0101-0508	06-1	05-10	(4-11-06)	---	---
58-0102-0501	05-12	05-7	(4-11-06)	---	---
58-0102-0502	05-12	05-7	(4-11-06)	---	---
58-0102-0503	06-1	05-9	(4-11-06)	---	---
58-0102-0504	06-1	05-9	(4-11-06)	---	---
58-0105-0501	05-12	05-8	(4-11-06)	---	---
58-0108-0501	06-1	05-9	(4-11-06)	---	---
58-0113-0501	06-1	05-8	(4-11-06)	---	---
58-0113-0502	06-1	05-9	(3-30-06)	---	Fee Approved by SCR 128
58-0116-0501	06-1	05-9	(4-11-06)	---	---
58-0117-0501	05-12	05-8	(4-11-06)	---	---
58-0117-0502	05-12	05-8	(4-11-06)	---	---
59-0106-0501	06-1	05-10	(4-11-06)	---	---

TEMPORARY RULES EXTENDED OR REJECTED BY SENATE CONCURRENT RESOLUTION 129				
Docket Number	Bulletin Vol. Number	Temporary Effective Date	Action Taken By Concurrent Resolution	Rejected Sections
02-0209-0501	05-11	(10-1-05)T	---	---
02-0606-0501	05-6	(4-1-05)T	---	---
11-0201-0502	05-12	(10-1-05)T	---	---
11-1301-0601	06-1	(10-3-05)T	---	---

TEMPORARY RULES EXTENDED OR REJECTED BY SENATE CONCURRENT RESOLUTION 129				
Docket Number	Bulletin Vol. Number	Temporary Effective Date	Action Taken By Concurrent Resolution	Rejected Sections
16-0305-0601	06-1	(1-1-06)T	---	---
16-0309-0506	05-12	(4-7-05)T	---	---
16-0309-0601	06-1	(5-1-06)T	---	---
17-0208-0501	06-1	NA	Rejection	Entire Rulemaking Rejected
37-0307-0201	02-12	(9-23-02)T	---	---
59-0103-0601	06-1	(2-1-06)T	---	---

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

DATED this 7th day of April, 2006.

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

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

**HISTORY NOTES INDEX OF ADMINISTRATIVE RULES REVIEWED AND APPROVED
FOR FINAL ADOPTION DURING THE 2006 LEGISLATIVE SESSION**

The following table is a Sections-affected, History Notes Index for those chapters of rules that were reviewed by the 2006 Second Regular Session of the Fifty-eighth Legislature of the State of Idaho. The table lists those Sections of individual rule chapters that were affected by rulemakings that were submitted for review and acted upon by the legislature. The table includes the docket number of affected chapters, the amended section numbers, the Bulletin publication volumes, and the final effective date of the rule.

Effective dates for the pending rules reviewed and approved as final by the 2006 Idaho Legislature are as follows:

Pending Fee Rules approved or rejected by SCR 128; Effective dates: October 1, 2005 (10-1-05) and March 30, 2006 (3-30-06);

All other Pending Rules - Effective date: April 11, 2006 (4-11-06) - Legislature adjournment date (Sine die).

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY				
01.01.01, Idaho Accountancy Rules				
01-0101-0501	004	05-10	05-12	4-11-06
IDAPA 02 - DEPARTMENT OF AGRICULTURE				
02.03.03, Rules Governing Pesticide and Chemigation Use and Application				
02-0303-0501	200	05-10	06-1	3-30-06
02.04.20, Rules Governing Brucellosis				
02-0420-0501	004, 101-103	05-10	06-1	4-11-06
02.04.21, Rules Governing the Importation of Animals				
02-0421-0501	004, 201, 210, 240	05-10	06-1	4-11-06
02.04.24, Rules Governing Tuberculosis				
02-0424-0501	004, 250	05-10	06-1	4-11-06
02.04.27, Rules Governing Deleterious Exotic Animals				
02-0427-0501	004, 010, 151, 200, 300, 302, 310, 400, 800-810	05-10	06-1	4-11-06
02.06.01, Rules Governing the Pure Seed Law				
02-0601-0501	000, 002, 004-006, 010, 012, 500-502, 600	05-8	06-1	3-30-06
02.06.02, Rules Pertaining to the Idaho Commercial Feed Law				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
02-0602-0502	004	05-9	06-1	4-11-06
02.06.12, Rules Pertaining to the Idaho Commercial Fertilizer Law				
02-0612-0501	004	05-9	06-1	4-11-06
02.06.17, Rules Governing the Disposal of Cull Onions and Potatoes				
02-0617-0501	060, 070-071, 074	05-10	06-1	4-11-06
02.06.26, Rules Governing Seed Potato Crop Management Areas				
02-0626-0501	020	05-10	06-1	4-11-06
02.06.41, Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001				
02-0641-0501	004	05-9	06-1	4-11-06
IDAPA 07 - DIVISION OF BUILDING SAFETY				
07.01.02, Rules Governing Fees for Electrical Inspections Division of Building Safety				
07-0102-0501	011	05-10	06-1	3-30-06
07.01.04, Rules Governing Electrical Specialty Licensing				
07-0104-0501	014	05-10	06-1	4-11-06
07.01.06, Rules Governing the Use of National Electrical Code - Division of Building Safety				
07-0106-0501	011	05-6	05-8	4-11-06
07.02.03, Rules Governing Permit Fee Schedule - Division of Building Safety				
07-0203-0501	011	05-9	05-11	3-30-06
07.02.06, Rules Concerning Uniform Plumbing Code				
07-0206-0501	011	05-6	05-8	4-11-06
07.03.01, Rules of Building Safety - General				
07-0301-0501	Chapter Repeal	05-10	05-12	4-11-06
07-0301-0502	Chapter Rewrite (000-999)	05-10	05-12	3-30-06
07.03.02, Rules of the Idaho Building Code Board				
07-0302-0501	Chapter Repeal	05-10	05-12	4-11-06
07.03.03, Rules Governing Modular Buildings				
07-0303-0501	Chapter Repeal	05-10	05-12	4-11-06
07.03.05, Rules Governing Manufactured Homes				
07-0305-0501	Chapter Repeal	05-10	05-12	4-11-06
07.03.06, Rules Governing the Use of the International Building Code				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
07-0306-0501	Chapter Repeal	05-10	05-12	4-11-06
07.03.08, Rules Governing Commercial Coaches				
07-0308-0501	Chapter Repeal	05-10	05-12	4-11-06
07.05.01, Rules of the Public Works Contractors License Board				
07-0501-0501	110-111, 202	05-10	05-12	4-11-06
07.07.01, Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems				
07-0701-0501	000, 004-013, 020, 023-026	05-6	05-8	4-11-06
07-0701-0502	021-024	05-10	05-12	4-11-06
IDAPA 08 - DEPARTMENT OF EDUCATION				
08.02.02, Rules Governing Uniformity				
08-0202-0501	004, 230	05-5	06-1	4-11-06
08-0202-0503	004	05-9	05-12	4-11-06
08-0202-0505	022-024	05-9	05-12	4-11-06
08-0202-0506	076-077	05-9	05-12	4-11-06
08-0202-0507	031	05-9	05-12	4-11-06
08-0202-0508	028-030	05-9	05-12	4-11-06
08.02.03, Rules Governing Thoroughness				
08-0203-0504	128	05-9	05-12	4-11-06
IDAPA 08 - STATE BOARD OF EDUCATION				
08.02.02, Rules Governing Uniformity				
08-0202-0502	045	05-5	05-10	4-11-06
08.02.03, Rules Governing Thoroughness				
08-0203-0502	111	05-8	06-1	4-11-06
08-0203-0503	111	05-8	06-1	4-11-06
08-0203-0506	007-009, 103-107	05-10	06-1	4-11-06
08.02.04, Rules Governing Charter Schools				
08-0204-0501	Chapter Repeal	05-5	05-10	4-11-06
08-0204-0502	Chapter Rewrite (000-999)	05-5	05-10	4-11-06
08.03.01, Rules Governing the Charter School Commission				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
08-0301-0401	New Chapter (000-999)	04-10	05-5	4-11-06
08-0301-0501	300-301, 400-401	05-5	05-11	4-11-06
IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR				
09.01.04, Rules of the Benefit Payment Control Bureau				
09-0104-0501	000-002	05-8	05-11	4-11-06
09-0104-0502	040	05-9	05-11	4-11-06
09-0104-0503	010-011, 041	05-9	05-11	4-11-06
09.01.06, Rules of the Appeals Bureau				
09-0106-0501	026	05-9	05-11	4-11-06
09-0106-0502	026	05-9	05-11	4-11-06
09.01.30, Rules of the Benefits Bureau				
09-0130-0501	001	05-8	05-11	4-11-06
09-0130-0502	425, 575	05-8	05-11	4-11-06
09-0130-0503	000, 425, 575	05-8	05-11	4-11-06
09-0130-0504	425	05-8	05-11	4-11-06
09-0130-0505	010	05-8	05-11	4-11-06
09-0130-0506	010, 250, 425	05-8	05-11	4-11-06
09-0130-0507	175	05-8	05-11	4-11-06
09.01.35, Rules of the Employer Accounts Bureau				
09-0135-0501	040	05-8	05-11	4-11-06
09-0135-0502	134	05-8	05-11	4-11-06
09-0135-0503	000-002, 011, 106, 132, 166, 186, 231, 241, 275	05-8	05-11	4-11-06
09-0135-0504	056	05-8	05-11	4-11-06
09-0135-0506	096	05-8	05-11	4-11-06
09-0135-0507	081	05-8	05-11	4-11-06
09-0135-0508	221	05-8	05-11	4-11-06
09-0135-0509	112	05-9	05-11	4-11-06
09.02.01, Idaho Community Development Block Grant Program				
09-0201-0501	016, 053, 065-067, 072-074, 084, 090-092, 094, 096-098, 101, 106-107, 118-119, 153, 161-163	05-8	05-11	4-11-06

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS				
10.01.01, Rules of Procedure				
10-0101-0501	004, 017	05-9	05-11	4-11-06
IDAPA 11 - IDAHO STATE POLICE				
11.10.03, Rules Governing the Sex Offender Registry				
11-1003-0501	004-006, 011-012	05-10	05-12	4-11-06
11.11.01, Rules of the Idaho Peace Officer Standards and Training Council				
11-1101-0501	005, 092, 133, 171, 202, 210-213, 220, 222-225, 231, 232, 237-242, 321-335, 341, 351	05-9	05-12	4-11-06
11.11.02, Rules of the Idaho Peace Officer Standards and Training Council for Juvenile Detention Officers				
11-1102-0501	010, 033-034	05-9	05-12	4-11-06
11.11.04, Rules of the Idaho Peace Officer Standards and Training Council for Correction Officers and Adult Probation and Parole Officers				
11-1104-0501	New Chapter (000-999)	05-9	06-1	4-11-06
IDAPA 12 - DEPARTMENT OF FINANCE				
12.01.08, Rules Pursuant to the Uniform Securities Act				
12-0108-0501	020, 052-053, 059, 080, 083, 089-090	05-10	05-12	4-11-06
12.01.10, Rules Pursuant to the Idaho Residential Mortgage Practices Act				
12-0110-0501	002, 005-006, 010-012, 040, 050, 060, 070, 090, 100	05-8	05-10	3-30-06
IDAPA 13 - DEPARTMENT OF FISH AND GAME				
13.01.04, Rules Governing Licensing				
13-0104-0501	602	05-10	05-12	4-11-06
13.01.08, Rules Governing the Taking of Big Game				
13-0108-0501	260-261, 410, 412, 800	05-10	05-12	4-11-06
13.01.17, Rules Governing the Use of Bait for Taking Big Game Animals				
13-0117-0501	100	05-10	05-12	4-11-06

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE				
16.02.03, Rules Governing Emergency Medical Services				
16-0203-0501	010, 405, 415, 420, 425, 430, 435	05-8	06-1	4-11-06
16.02.10, Idaho Reportable Diseases				
16-0210-0501	000-007, 010-011, 020, 025, 997	05-9	06-1	4-11-06
16.02.24, Clandestine Drug Laboratory Cleanup				
16-0224-0501	New Chapter (000-999)	05-10	06-1	4-11-06
16.03.01, Eligibility for Health Care Assistance for Families and Children				
16-0301-0501	100, 300, 331, 352-362, 386, 506-5*07, 603	05-10	06-1	4-11-06
16.03.04, Rules Governing the Food Stamp Program in Idaho				
16-0304-0501	000-006, 010-014, 110, 115, 120, 126, 133, 135-136, 147, 202, 219, 222, 227, 249, 302-304, 321, 323, 363, 389, 405, 502, 508, 532-535, 542-543, 549, 572-575, 601, 613-619, 621, 623, 631-633, 646, 675, 734-735, 781, 850,	05-10	06-1	4-11-06
16.03.05, Rules Governing Eligibility for Aid to the Aged Blind and Disabled (AABD)				
16-0305-0501	782	05-7	05-10	4-11-06
16-0305-0503	004, 222, 234-236, 268, 300, 316, 324, 333-334, 338, 502, 873	05-10	06-1	4-11-06
16.03.09, Rules Governing the Medical Assistance Program				
16-0309-0502	148	05-7	05-10	4-11-06
16.03.16, Access to Health Insurance Program				
16-0316-0501	New Chapter (000-999)	05-5	06-1	4-11-06
16.03.19, Rules Governing Certified Family Homes				
16-0319-0501	Chapter Repeal	05-10	06-1	4-11-06
16-0319-0502	Chapter Rewrite (000-999)	05-10	06-1	4-11-06
16.03.22, Rules for Licensed Residential or Assisted Living Facilities in Idaho				
16-0322-0501	Chapter Repeal	05-10	06-1	3-30-06
16-0322-0502	Chapter Rewrite (000-999) Sections Rejected by SCR 128: 009, 011.15, 011.28, 055, 220.03, 250.13, 250.14, 260.05.b., 451.01.b., 705.05, 730.01.i.,	05-10	06-1	3-30-06
16.04.11, Rules Governing Developmental Disabilities Agencies				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
16-0411-0501	Chapter Repeal	05-8	06-1	4-11-06
16-0411-0502	Chapter Rewrite (000-999)	05-8	06-1	4-11-06
16.05.03, Rules Governing Contested Case Proceedings and Declaratory Rulings				
16-0503-0501	000, 003-007, 040, 050-052, 100-102, 105-107, 120, 122, 124-125, 131-132, 134-138, 150-155, 201-202, 204-207, 250-254, 300-301, 400-402	05-10	06-1	4-11-06
16.05.05, Criminal History and Background Checks in Long Term Care Settings				
16-0505-0501	New Chapter (000-999)	05-8	05-10	4-11-06
16.06.01, Rules Governing Family and Children's Services				
16-0601-0501	000, 003-004, 007, 911	05-9	06-1	4-11-06
16.06.02, Rules Governing Standards for Child Care Licensing				
16-0602-0501	000, 003, 005-007, 104, 997	05-10	06-1	4-11-06
16.06.08, Rules and Minimum Standards for DUI Evaluators				
16-0608-0501	000-006, 010, 100, 200, 225, 250, 275, 300, 400, 500, 600, 700, 800, 996-999	05-8	06-1	4-11-06
16.06.12, Rules Governing the Idaho Child Care Program (ICCP)				
16-0612-0501	108	05-9	05-12	4-11-06
IDAPA 18 - DEPARTMENT OF INSURANCE				
18.01.09, Senior Consumer Protection in Annuity Transactions				
18-0109-0501	New Chapter (000-999)	05-8	06-1	4-11-06
18.01.10, Producers Handling of Fiduciary Funds				
18-0110-0501	New Chapter (000-999)	05-8	06-1	4-11-06
18.01.18, Open Lines for Export - Surplus Lines				
18-0118-0501	003, 012-014	05-8	06-1	4-11-06
18.01.54, Rule to Implement the NAIC Medicare Supplement Insurance Minimum Standards				
18-0154-0501	004-005, 008-014, 016-020, 023, Appendix A	05-7	06-1	4-11-06
18.01.73, Rule to Implement the Individual Health Insurance Availability Act Plan Design				
18-0173-0501	004, 010-012	05-9	06-1	4-11-06
IDAPA 19 - BOARD OF DENTISTRY				
19.01.01, Rules of the Idaho State Board of Dentistry				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
19-0101-0501	004, 030, 035	05-7	05-9	4-11-06
19-0101-0502	009, 054-057, 060-065	05-9	05-12	4-11-06
IDAPA 20 - DEPARTMENT OF LANDS				
20.02.01, Rules Pertaining to the Idaho Forest Practices Act				
20-0201-0501	001, 004-006, 010, 030-031, 040	05-9	06-1	4-11-06
20.03.02, Rules Governing Exploration and Surface Mining in Idaho				
20-0302-0502	000-007, 010, 050, 060, 069-071, 080, 090-091, 100, 110-112, 120-123, 130, 140, 150, 160, 170, 180, 190, 200 Subsection Rejected by SCR 128: 160.01	05-10	06-1	3-30-06
20.03.08, Easements on State Owned Lands				
20-0308-0501	002, 004-006, 010-011, 020-021, 025, 040, 046-047	05-7	05-11	3-30-06
IDAPA 21 - DIVISION OF VETERANS SERVICES				
21.01.01, Rules Governing Residency and Maintenance Charges in Idaho State Veteran Homes and Division of Veterans Services Administrative Procedure				
21-0101-0501	004, 201	05-9	05-11	4-11-06
21.01.02, Rules Governing Emergency Relief for Veterans				
21-0102-0501	002	05-9	05-11	4-11-06
21.01.03, Rules Governing Medicaid Qualified Units in Idaho State Veterans Homes				
21-0103-0501	001, 004, 008	05-9	05-11	4-11-06
21.01.04, Rules Governing the Idaho State Veterans Cemetery				
21-0104-0501	004, 024	05-9	05-11	3-30-06
IDAPA 22 - BOARD OF MEDICINE				
22.01.01, Rules of the Board of Medicine for Licensure to Practice Medicine and Surgery and Osteopathic Surgery in Idaho				
22-0101-0501	006, 010, 050-053, 076-080, 100-102	05-10	05-12	3-30-06
22.01.11, Rules for the Licensure of Respiratory Therapists and Permitting of				
22-0111-0501	005, 010, 032, 034, 046	05-10	06-1	4-11-06

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
IDAPA 23 - BOARD OF NURSING				
23.01.01, Rules of the Idaho Board of Nursing				
23-0101-0501	900-901	05-5	05-7	3-30-06
IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES				
24.01.01, Rules of the Idaho Board of Architectural Examiners				
24-0101-0501	004-005, 250, 350	05-10	06-1	4-11-06
24.03.01, Rules of the State Board of Chiropractic Physicians				
24-0301-0501	005, 010, 560, 600	05-10	06-1	4-11-06
24.05.01, Rules of the Board of Drinking Water and Wastewater Professionals				
24-0501-0501	005, 200, 300, 500, 600	05-10	06-1	3-30-06
24.06.01, Rules Governing the Idaho Board of Hearing Aid Dealers and Fitters				
24-0601-0501	Chapter Repeal	05-10	06-1	4-11-06
24.08.01, Rules of the State Board of Morticians				
24-0801-0501	005, 010, 100, 150, 250, 300, 425, 452, 454-455, 500	05-10	06-1	4-11-06
24.11.01, Rules of the State Board of Podiatry				
24-1101-0501	004-005, 152, 400-401, 450	05-10	06-1	4-11-06
24.14.01, Rules of the State Board of Social Work Examiners				
24-1401-0501	005, 201-202	05-10	06-1	4-11-06
24.15.01, Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists				
24-1501-0501	004-005, 149-150, 200, 225, 250, 425	05-10	06-1	3-30-06
24.18.01, Rules of the Real Estate Appraiser Board				
24-1801-0501	299	05-1	05-10	(8-20-04)
24-1801-0502	004-005, 100, 150, 200, 250, 275, 300, 350, 400, 430	05-10	06-1	4-11-06
24.19.01, Rules of the Board of Examiners of Residential Care Facility Administrators				
24-1901-0501	005, 150, 400-401, 600	05-10	06-1	3-30-06
24.21.01, Rules Governing the Idaho State Contractors Board				
24-2101-0501	New Chapter (000-999)	05-10	06-1	3-30-06
24.22.01, Rules Governing the Idaho Liquefied Petroleum Gas Safety Board				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
24-2201-0501	New Chapter (000-999)	05-10	06-1	3-30-06
24.23.01, Rules Governing the Idaho Board of Speech and Hearing Services Licensure Board				
24-2301-0501	New Chapter (000-999)	05-10	06-1	3-30-06
IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD				
25.01.01, Rules of the Idaho Outfitters and Guides Licensing Board				
25-0101-0501	002, 007, 015, 019, 021-022, 024, 030, 034, 044, 054, 059	05-9	05-12	4-11-06
IDAPA 26 - DEPARTMENT OF PARKS AND RECREATION				
26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities				
26-0120-0501	005, 010, 075, 100, 125, 150, 175, 200-201, 225, 250, 275, 300, 400, 576	05-10	06-1	3-30-06
26.01.31, Rules Governing the Administration of Idaho Department of Parks and Recreation State and Federal Grant Funds				
26-0131-0501	000-004, 010, 050, 075, 100, 150, 175, 200, 250, 300, 350, 400, 450	05-10	06-1	4-11-06
26.01.37, Rules Governing Test Procedures and Instruments for Noise Abatement of Off				
26-0137-0501	010	05-10	06-1	4-11-06
IDAPA 27 - BOARD OF PHARMACY				
27.01.01, Rules of the Idaho Board of Pharmacy				
27-0101-0501	433, 463-464	05-10	05-12	4-11-06
27-0101-0502	188	05-10	05-12	4-11-06
IDAPA 31 - PUBLIC UTILITIES COMMISSION				
31.11.01, Safety and Accident Reporting Rules for Public Utilities Regulated by the Idaho Public Utilities Commission				
31-1101-0501	201	05-10	06-1	4-11-06
31.21.01, Customer Relations Rules for Gas, Electric, and Water Public Utilities Regulated by the Idaho Public Utilities Commission				
31-2101-0402	305-306, 311, 701	05-10	06-1	4-11-06
31.61.01, Rules for the Measurement of Stray Current or Voltage (The Stray Voltage Rules)				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
31-6101-0501	New Chapter (000-999)	05-9	05-12	4-11-06
31.71.03, Railroad Safety/Sanitation Rules				
31-7103-0501	103	05-10	06-1	4-11-06
IDAPA 33 - IDAHO REAL ESTATE COMMISSION				
33.01.01, Rules of the Idaho Real Estate Commission				
33-0101-0401	100	04-11	05-10	3-30-06
33-0101-0501	400-401, 403-406	05-10	05-12	4-11-06
33-0101-0502	100	05-10	05-12	10-1-05
IDAPA 35 - IDAHO STATE TAX COMMISSION				
35.01.01, Income Tax Administrative Rules				
35-0101-0501	006, 050, 075, 107-108, 120-121, 170, 266, 340-342, 550, 570, 620, 872	05-10	05-12	4-11-06
35-0101-0502	275	05-10	05-12	4-11-06
35-0101-0503	05-10	05-12	06-5*	
35-0102-0501	041, 058, 063, 068, 073, 107, 109, 126, 128	05-10	05-12	4-11-06
35.01.02, Idaho Sales and Use Tax Administrative Rules				
35-0102-0502	037, 047	05-10	05-12	4-11-06
35-0102-0503	070, 079, 099, 102	05-10	05-12	4-11-06
35.01.03, Idaho Property Tax Administrative Rules				
35-0103-0501	960	05-10	05-12	4-11-06
35-0103-0502	645, 962, 964	05-8	05-12	4-11-06
35-0103-0503	006, 130-131, 315, 509, 609, 612, 802, 805	05-10	05-12	4-11-06
35.01.05, Idaho Motor Fuels Tax Administrative Rules				
35-0105-0501	010, 130, 140, 150, 170, 180, 270, 292, 400, 510	05-10	05-12	4-11-06
35.01.10, Idaho Cigarette and Tobacco Products Tax Administrative Rules				
35-0110-0501	011, 018, 021	05-10	05-12	4-11-06
35.01.11, Idaho Unclaimed Property Administrative Rules				
35-0111-0501	005, 015-016	05-10	05-12	4-11-06
35.02.01, Tax Commission Rules Governing Administration and Enforcement				

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
35-0201-0501	010, 131, 310, 600, 704	05-10	05-12	4-11-06
IDAPA 36 - IDAHO BOARD OF TAX APPEALS				
36.01.01, Idaho Board of Tax Appeals Rules				
36-0101-0501	030, 045	05-8	05-11	4-11-06
IDAPA 38 - DEPARTMENT OF ADMINISTRATION				
38.06.01, Rules Governing the Idaho Emergency Communications Commission				
38-0601-0401	New Chapter (000-999)	04-12	05-9	4-11-06
38.06.02, Rules Governing the Idaho Emergency Communications Commission Grants				
38-0602-0501	New Chapter (000-999)	05-9	05-11	4-11-06
IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT				
39.02.41, Rules Governing Provisions Applicable to Fees for Services				
39-0241-0401	002-006, 100	04-12	05-9	4-11-06
39.03.17, Rules Governing Permits for Manufactured Homes, Modular Buildings, and Office Trailers				
39-0317-0401	002-006, 200, 300	04-11	05-9	4-11-06
39.04.02, Rules Governing Marking of Obstructions to Air Flight				
39-0402-0501	001-006, 100	05-10	05-12	4-11-06
IDAPA 54 - OFFICE OF THE STATE TREASURER				
54.02.01, Rules Governing the College Savings Program				
54-0201-0501	010	05-6	05-8	4-11-06
IDAPA 57 - SEXUAL OFFENDER CLASSIFICATION BOARD				
57.01.01, Rules of the Sexual Offender Classification Board				
57-0101-0501	004, 040-041, 060, 150	05-9	06-1	4-11-06
IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY				
58.01.01, Rules for the Control of Air Pollution in Idaho				
58-0101-0501	102, 301, 313	05-7	05-12	4-11-06

HISTORY NOTES - LEGISLATIVE SESSION 2006				
Chapter & Docket Number	Amended Sections	Bulletin Vol. Proposed Rule	Bulletin Vol. Pending Rule	Final Effective Date
58-0101-0503	006-008, 133-135, 155, 213, 220, 440-441, 460, 511-513, 560-561, 575, 581, 679	05-8	06-1	4-11-06
58-0101-0504	389	05-9	06-1	4-11-06
58-0101-0505	008, 107, 200, 204-205, 209	05-8	06-1	4-11-06
58-0101-0506	006-007, 209, 404	05-8	05-12	4-11-06
58-0101-0507	222	05-9	06-1	4-11-06
58-0101-0508	175-181, 201, 401	05-10	06-1	4-11-06
58.01.02, Water Quality Standards				
58-0102-0501	003, 160	05-7	05-12	4-11-06
58-0102-0502	000-007, 010, 080, 251, 420, 995-999	05-7	05-12	4-11-06
58-0102-0503	210	05-9	06-1	4-11-06
58-0102-0504	000-006, 010, 400-405, 420, 440, 460, 480, 600, 650, 998-999	05-9	06-1	4-11-06
58.01.05, Rules and Standards for Hazardous Waste				
58-0105-0501	002, 004-013, 015-016	05-8	05-12	4-11-06
58.01.08, Idaho Rules for Public Drinking Water Systems				
58-0108-0501	002, 013-016, 549-552, 998-999	05-9	06-1	4-11-06
58.01.13, Rules for Ore Processing by Cyanidation				
58-0113-0501	000-002, 010, 050, 100, 200, 300, 400, 450, 500-502, 650, 750	05-8	06-1	4-11-06
58-0113-0502	002-007, 050, 100, 200, 300, 400, 450, 500-501, 550, 750, 800, 950, 999, Appendix A	05-9	06-1	3-30-06
58.01.16, Wastewater Rules				
58-0116-0501	New Chapter (000-999)	05-9	06-1	4-11-06
58.01.17, Wastewater-Land Application Permit Rules				
58-0117-0501	001, 003-006, 100, 200, 300, 401, 600-602, 940, 950, 998-999	05-8	05-12	4-11-06
58-0117-0502	400	05-8	05-12	4-11-06
IDAPA 59 - PUBLIC EMPLOYEES RETIREMENT SYSTEM - PERSI				
59.01.06, Retirement Rules of the Public Employee Retirement System of Idaho (PERSI)				
59-0106-0501	002, 006, 122, 142, 147, 550, 552, 701	05-10	06-1	4-11-06

DATED this 18th day of April, 2006.

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

HOUSE CONCURRENT RESOLUTION NO. 55

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES
House Concurrent Resolution No. 55
BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DIVISION OF BUILDING SAFETY GOVERNING ELECTRICAL SPECIALTY LICENSING.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Building Safety governing electrical specialty licensing are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.01.04, rules of the Division of Building Safety governing electrical specialty licensing, adopted as a pending rule under Docket Number 07-0104-0502, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16154

This concurrent resolution would reject a pending rule of the Division of Building Safety governing electrical specialty licensing. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 23, 2006.

Contact:

Name: Rep. Max Black
Phone: 332-1000

HOUSE CONCURRENT RESOLUTION NO. 56

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 56
BY TRANSPORTATION AND DEFENSE COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO TRANSPORTATION DEPARTMENT GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY AND TRAVEL RESTRICTIONS AND GOVERNING SALE OF NO LONGER USEFUL OR USABLE REAL PROPERTY.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions and governing sale of no longer useful or usable real property are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.03.11, rules of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions, adopted as pending rules under Docket Number 39-0311-0501, the entire rulemaking docket, and IDAPA 39.03.45, rules of the Idaho Transportation Department governing sale of no longer useful or usable real property, adopted as pending rules under Docket Number 39-0345-501, the entire rulemaking docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16147

This concurrent resolution would reject pending rules of the Idaho Transportation Department governing overlegal permittee responsibility and governing sale of no longer useful or usable real property. The effect of this resolution, if adopted by both houses, would be to prevent the agency rules from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 21, 2006.

Contact:

Name: Representative Ken Roberts
Phone: 332-1000

HOUSE CONCURRENT RESOLUTION NO. 59

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE HOUSE OF REPRESENTATIVES
HOUSE CONCURRENT RESOLUTION NO. 59
BY RESOURCES AND CONSERVATION COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING PENDING RULES OF THE DEPARTMENT OF FISH
AND GAME GOVERNING THE IMPORTATION, POSSESSION,
RELEASE, SALE OR SALVAGE OF WILDLIFE.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.10, rules of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife, adopted as pending rules under Docket Number 13-0110-0501, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16166

This concurrent resolution would reject a pending rule of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 28, 2006.

Contact:

Name: Representative John A. Stevenson
Phone: (208) 332-1000

SENATE CONCURRENT RESOLUTION NO. 125

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 125
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE AND REJECTING
PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16148

This concurrent resolution would reject a pending rule of the Board of Dentistry rules of the Idaho State Board of Dentistry. The effect of this resolution, if adopted by both houses, would be to prevent the agency rule from going into effect.

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 30, 2006.

Contact:

Name: Sen. Richard L. Compton
Phone: 332-1327

SENATE CONCURRENT RESOLUTION NO. 126

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 126
BY JUDICIARY AND RULES COMMITTEE

A CONCURRENT RESOLUTION STATING FINDINGS OF THE LEGISLATURE
AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH
AND WELFARE GOVERNING THE MEDICAL ASSISTANCE PROGRAM.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare governing the Medical Assistance Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, rules of the Department of Health and Welfare governing the Medical Assistance Program, adopted as pending rules under Docket Number 16-0309-0503, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16149

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

FISCAL NOTE

This concurrent resolution has no fiscal impact.

Signed: March 30, 2006.

Contact:

Name: Sen. Richard L. Compton
Phone: 332-1327

SENATE CONCURRENT RESOLUTION NO. 128

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

IN THE SENATE
SENATE CONCURRENT RESOLUTION NO. 128
BY STATE AFFAIRS COMMITTEE

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

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

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

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

WHEREAS, it is the finding of the Legislature that certain sections of Rules of the Department of Health and Welfare governing residential care or assisted living facilities in Idaho, and certain Rules of the Department of Lands governing exploration and surface mining in Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Real Estate Commission are to be applied retroactively to October 1, 2005; and

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2006 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502.

IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502.

BE IT FURTHER RESOLVED that IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal

Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502, and IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502, and the same are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that IDAPA 33.01.01, Rules of the Idaho Real Estate Commission relating to certain license fees, adopted as pending fee rules under Docket Number 33-0101-0502, the entire rulemaking docket be, and the same is hereby approved, and pursuant to Section 67-5224(5)(a), Idaho Code, made effective and applied retroactively to October 1, 2005.

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

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE
RS 16159

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

FISCAL NOTE

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

Signed: March 30, 2006.

Contact:
Name: Paige Alan Parker, Senior Legal Analyst
Legislative Services Office
Phone: 334-4857

SENATE CONCURRENT RESOLUTION NO. 129

LEGISLATURE OF THE STATE OF IDAHO
Fifty-eighth Legislature Second Regular Session - 2006

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2006 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

IDAPA 17.02.08, rules of the Industrial Commission relating to miscellaneous provisions, adopted as temporary rules under Docket Number 17-0208-0501, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Fifty-ninth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2006 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Statement of Purpose / Fiscal Impact

STATEMENT OF PURPOSE RS 16160

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

FISCAL NOTE

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

Contact:

Name: Paige Alan Parker, Senior Legal Analyst
Legislative Services Office
Phone: 334-4857

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2006-08

ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION

WHEREAS, Idaho consistently ranks in the top ten states in number of completed suicides per capita; and

WHEREAS, Idaho's suicide rate is consistently higher than that of the United States as a whole; and

WHEREAS, Idaho ranks third in the United States in youth suicides and suicide is the second leading cause of death among Idahoan's age 15 to 34; and

WHEREAS, during 1999 to 2001, 559 Idahoans died by suicide, and an average of 187 Idahoans die by suicide each year, that is one suicide every two days; and

WHEREAS, compared to the rate of suicide in the United States, Idaho's teenaged males and working-aged males have a suicide rate more than twice as high as the national average, Idaho's older men have a rate more than eight times higher than the national average and Idaho's Native American teenage males have a rate more than eleven times higher than the national average; and

WHEREAS, suicide is particularly devastating in the rural and frontier areas of Idaho where one suicide significantly impacts entire small communities for years, even generations; and

WHEREAS, in 2000, suicides of those under age 25 in Idaho resulted in the estimated direct costs of \$3.77 million and lost earnings of \$81 million; and

WHEREAS, in response to this serious public health issue the Idaho Suicide Prevention Plan was developed and distributed in 2003; and

WHEREAS, a state leadership organization in suicide prevention, Suicide Prevention Action Network of Idaho (SPAN Idaho) began implementing key components of the Idaho Suicide Prevention Plan in 2004; and

WHEREAS, a network of regional leaders and community volunteers for suicide prevention branching into every community in the state is being created in 2005; and

WHEREAS, completion of an effective suicide prevention infrastructure in Idaho requires an appropriate entity to oversee the implementation of the Idaho Suicide Prevention Plan,

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby establish the Idaho Council on Suicide Prevention.

- I. The Council's responsibilities shall be:*
 - A. To oversee the implementation of the Idaho Suicide Prevention Plan;*
 - B. To ensure the continued relevance of the Plan by evaluating implementation progress reports and developing changes and new priorities to update the Plan;*
 - C. To be a proponent for suicide prevention in Idaho;*
 - D. To prepare an annual report on Plan implementation for the Governor and Legislature.*
- II. The Governor shall appoint all members of the Council. The Council shall include representatives from:*

- A. *The Office of the Governor*
- B. *The Idaho State Legislature*
- C. *The Department of Health and Welfare*
- D. *The Department of Education or School Districts*
- E. *The Department of Juvenile Justice*
- F. *SPAN Idaho*
- G. *Suicide Prevention Services*
- H. *The National Alliance for the Mentally Ill*
- I. *Suicide survivors*
- J. *Tribes*
- K. *The youth community*
- L. *The aging community or aging services*

III. *Council members shall:*

- A. *Serve for a term of two (2) years.*
- B. *Council members may serve up to three (3) terms.*
- C. *The Governor shall appoint the Chair of the Council.*
- D. *The Council shall meet in person annually.*
- E. *The Council shall not exceed fifteen (15) members.*
- F. *Staff for the Council will be provided by SPAN Idaho.*



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 28th day of March in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

DIRK KEMPTHORNE
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.29 - RULES GOVERNING FUR FARMS

DOCKET NO. 02-0429-0501

NOTICE OF RULEMAKING - VACATION OF PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221, Idaho Code, notice is hereby given that this agency is vacating the rulemaking previously initiated under this docket. The action is authorized pursuant to Section(s) 25-3004, Idaho Code.

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

The Idaho Legislature passed HB 596 during the 2006 Legislative session. HB 596 amends Title 25, Chapter 30, Idaho Code, to clarify which animals are fur-bearing animals. The temporary rule associated with this Docket expired at the end of the 2006 legislative session.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 28th day of March, 2006.

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

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 54-1907, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 17, 2006.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule clarifies the need for licensure as an electrical contractor or electrical specialty contractor in order to qualify for public works licensing categories for electrical (200.116) and specialty electrical (200.118).

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

There is no fee or charge being imposed through this rulemaking.

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 rulemaking will have no fiscal impact on the general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because of the clerical nature of the change.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen L. Keys, Bureau Chief, at (208) 332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 24, 2006.

DATED this 5th day of April, 2006.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0501-0601

200. TYPE 4-SPECIALTY CONSTRUCTION CATEGORIES.

A license for Type 4-Specialty Construction shall list one (1) or more specialty construction categories to which the license is restricted. Categories and their definitions are: (4-6-05)

01. 01107 Engineering. A specialty contractor whose primary business includes providing engineering and design services such as civil, electrical, mechanical, and structural. (4-6-05)

02. 01541 Scaffolding and Shoring. A specialty contractor whose primary business is the installation of any temporary elevated platform and its supporting structure used for supporting workmen or materials or both, and props or posts of timber or other material in compression used for the temporary support of excavations, formwork or unsafe structures; the process of erecting shoring. (4-6-05)

03. 01542 Craning and Erection. A specialty contractor whose primary business includes the art, ability and skill to safely control the workings of a crane in such a manner that building materials, supplies, equipment and structural work can be raised and set in a final position. (4-6-05)

04. 01550 Construction Zone Traffic Control. A specialty contractor whose primary business is the installation or removal of temporary lane closures, flagging or traffic diversions, utilizing pilot cars, portable devices such as cones, delineators, barricades, sign stands, flashing beacons, flashing arrow trailers, and changeable message signs on roadways, public streets and highways or public conveyances. (4-6-05)

05. 01570 Temporary Erosion and Sediment Controls. A specialty contractor whose primary business includes the ability and expertise to install silt fencing or other similar devices to prevent erosion and contain silt. (4-6-05)

06. 02110 Excavation, Removal and Handling of Hazardous Material. A specialty contractor whose primary business includes the excavation and removal of toxic and hazardous site materials. Contractors must be properly licensed and certified if required. (4-6-05)

07. 02115 Removal of Underground Storage Tanks. A specialty contractor whose primary business includes, but is not limited to, the excavation, removal, cleanup, and disposal of underground storage tanks that have contained petrochemical type fuels. This work should include the sampling and testing of surrounding materials and filing of closure documents. (4-6-05)

08. 02195 Environmental Remediation, Restoration and Soil Stabilization. A specialty contractor whose primary business is the remediation and restoration of contaminated environmental sites. (4-6-05)

09. 02210 Drilling. A specialty contractor whose primary business includes practical elementary knowledge of geology and hydrology; the art, ability, knowledge, science and expertise to bore, drill, excavate, case, pack or cement by use of standard practices, including the use of diamond bits, cable tools, percussion, air percussion, rotary, air rotary, reverse circulation rotary methods or jetting. (4-6-05)

10. 02220 Demolition. A specialty contractor whose primary business includes the ability and expertise to demolish all types of buildings or structures and to remove all of such buildings or structures from the premises, and maintain the premises surrounding demolition site safely for passing public. (4-6-05)

11. 02230 Site Clearing. A specialty contractor whose primary business includes the ability and expertise to remove and dispose of all trees, brush, shrubs, logs, windfalls, stumps, roots, debris and other obstacles in preparation for excavation of a construction site or other uses. (4-6-05)

12. 02231 Logging. A specialty contractor whose primary business and expertise includes the clearing, cutting, removal and transportation of logs and trees and the construction of temporary roads and structures for such operations along with any reclamation work associated with such operations. (4-6-05)

13. 02232 Tree Removal and Trimming. A specialty contractor whose primary business includes pruning, removal, and/or guying of trees, limbs, stumps, and bushes including grinding and removal of such items.

(4-6-05)

14. 02240 Dewatering and Subsurface Drainage. A specialty contractor whose primary business is to control the level and flow of subsurface water. (4-6-05)

15. 02260 Earth Retention Systems, Mechanical Stabilized Earth Walls and Retaining Walls. A specialty contractor whose primary business includes the building of earth retention systems, mechanical stabilized earth walls and retaining walls. (4-6-05)

16. 02265 Slurry Walls. A specialty contractor whose primary business is the construction of below ground structural diaphragm walls or containment walls through the combined use of trench excavation, mud slurry and tremie concrete. (4-6-05)

17. 02270 Rockfall Mitigation and High Scaling. A specialty contractor whose primary business is rockfall mitigation and high scaling. (4-6-05)

18. 02310 Excavation and Grading. A specialty contractor whose primary business includes such work as digging, moving and placing material forming the surface of the earth in such manner that a cut, fill, excavation and any similar excavating operation can be done with the use of hand and power tools and machines that are used to dig, move and place that material forming the earth's surface. (4-6-05)

19. 02312 Dust Control, Dust Abatement and Dust Oiling. A specialty contractor whose primary business is dust control, dust abatement and dust oiling. (4-6-05)

20. 02317 Rock Trenching. A specialty contractor whose primary business is rock trenching. (4-6-05)

21. 02318 Hauling. A specialty contractor whose primary business includes the ability and expertise to obtain or move specified materials by transportation in a vehicle. (4-6-05)

22. 02319 Blasting. A specialty contractor whose primary business includes the use of conventional and high explosives for pre-splitting, surface, underground and underwater blasting, drill, trench, or excavate for use of explosives; priming and loading drilled, trenched or excavated areas by pipe tamping, pneumatic loading, injector loading, mud capping, slurry loading, combination of pneumatic and injector loading or hand loading; use of volt, ohms and milliamper meter (VOM) in testing blasting machine output voltage, power line voltage, measuring electric blasting cap or blasting circuit resistance, testing for current leakage, testing for AC-DC stray current and voltage, leading wires for open or short circuits, rack bar blasting machine for running short or galvanometer output voltage; use of blasting caps, electric blasting caps, delay electric blasting caps, primacord and all other detonating devices. (4-6-05)

23. 02325 Dredging. A specialty contractor whose primary business includes the excavation or removal of earth, rock, silt, or sediment from bodies of water including but not limited to streams, lakes, rivers or bays by means of specialized equipment. (4-6-05)

24. 02404 Horizontal and Directional Earth Boring, Trenching and Tunneling. A specialty contractor whose primary business and expertise includes boring, trenching or tunneling. (4-6-05)

25. 02450 Drilled Piers, Pile Driving, Caisson Drilling, Geopier and Helical Piers. A specialty contractor whose primary business includes drilling piers, pile driving, caisson drilling, Geopier and helical piers. (4-6-05)

26. 02500 Utilities. A specialty contractor whose primary business includes the construction and installation of pipe lines for the transmission of sewage, gas and water, including minor facilities incidental thereto; installation of electrical poles, towers, arms, transformers, fixtures, conduits, conductors, switch gear, grounding devices, panels, appliances and apparatus installed outside of buildings; including excavating, trenching, grading, back fill, asphalt patching as well as all necessary work and installation of appurtenances in connection therewith. (4-6-05)

27. 02520 Well Drilling. A specialty contractor whose primary business includes the practical elementary knowledge of geology, hydrology, the occurrence of water in the ground, water levels in wells, the prevention of surface and sub-surface contamination and pollution of the ground water supply; and the art, ability, experience, knowledge, science, and expertise to bore, drill, excavate, case, screen, cement, clean and repair water wells; or to do any or any combination of any or all such boring, drilling, excavating, casing, cementing, cleaning and repairing with hand or power tools or rigs, including the installation and repair of pumps. (4-6-05)

28. 02580 Installation of Communication Towers. A specialty contractor whose primary business and expertise is the installation of communication towers. (4-6-05)

29. 02660 Membrane Liners for Ponds and Reservoirs. A specialty contractor whose primary business includes the installation of liners for the purpose of containment of liquids. (4-6-05)

30. 02720 Crushing. A specialty contractor whose primary business includes the ability and expertise to reduce rocks and aggregates to a smaller and uniform size and gradation to meet an agreed specification. (4-6-05)

31. 02740 Asphalt Paving. A specialty contractor whose primary business includes the installation of aggregate base course, cement treated base, bitumen treated base, asphalt concrete and the application of asphalt surfacing and surface repairs of streets, intersections, driveways, parking lots, tennis courts, running tracks, play areas; including the application or installation of primer coat, asphalt binder course, tack coating, seal coating and chips, slurry seal and chips, flush or flog coats, asphalt curbs, concrete bumper curbs, redwood headers, asphalt surface binder emulsion, asbestos and sand and acrylic color systems. (Synthetic and athletic surfacing are category 02790 Athletic and Recreational Surfaces.) Also includes crack sealing, asphalt maintenance repair and soil pulverization. (4-6-05)

32. 02761 Traffic Marking and Striping. A specialty contractor whose primary business includes the art, ability and expertise to apply markings to streets, roadways, or parking surfaces pre-designed for the use of parking or passage of vehicles by the application of directional lines, buttons, markers, and signs made of but not limited to plastic, paint, epoxies and rubber, in such manner as to provide for the channeling and controlling of the traffic flow. Also includes temporary striping. (4-6-05)

33. 02785 Asphalt Maintenance and Repair, Seal Coating, Crack Sealing and Chip Sealing. A specialty contractor whose primary business is asphalt maintenance and repair, seal coating, crack sealing and chip sealing. (4-6-05)

34. 02790 Athletic and Recreational Surfaces. A specialty contractor whose primary business is the installation of specialty surfaces including but not limited to non-wood athletic floors, tennis courts, running tracks and artificial turf. This would include any subsurface preparation such as leveling, excavation, fill and compaction or grading. The application of surfacing, mixing, spreading or placing of emulsions, binders, sand and acrylic color systems is also included along with the installation of modular, plastic athletic floors such as "Sport Court" type floors. This category does not include any type of structure required for the installation of these surfaces. (4-6-05)

35. 02810 Sprinkler and Irrigation Systems. A specialty contractor whose primary business includes the installation of types and kinds of water distribution systems for complete artificial water or irrigation of gardens, lawns, shrubs, vines, bushes, trees and other vegetation, including the trenching, excavating and backfilling in connection therewith. (Low voltage only.) (4-6-05)

36. 02820 Fencing. A specialty contractor whose primary business includes the installation and repair of any type of fencing. (4-6-05)

37. 02840 Guardrails and Safety Barriers. A specialty contractor whose primary business includes the installation of guardrails and safety barriers (including cattle guards). (4-6-05)

38. 02850 Bridges and Structures. A specialty contractor whose primary business includes the installation, alteration and repair of bridges and related structures, including culverts. (4-6-05)

39. **02855 Bridge Crossings and Box Culverts.** A specialty contractor whose primary business is the installation and/or construction of any bridge or crossing structure shorter than twenty (20) feet measured on the centerline of the roadway or trail. (4-6-05)
40. **02880 Installation of School Playground Equipment.** A specialty contractor whose primary business is the installation of school playground equipment. (4-6-05)
41. **02890 Traffic Signs and Signals.** A specialty contractor whose primary business includes the art, ability, knowledge, experience, science and expertise to fabricate, install and erect signs, including electrical signs and including the wiring of such signs. A licensed electrician must perform all the electrical work. (4-6-05)
42. **02900 Landscaping, Seeding and Mulching.** A specialty contractor whose primary business includes the preparation of plots of land for architectural, horticulture and provisions of decorative treatment and arrangement of gardens, lawns, shrubs, vines, bushes, trees and other decorative vegetation; construction of conservatories, hot and green houses, drainage and sprinkler systems, and ornamental pools, tanks, fountains, walls, fences and walks, arrange, fabricate and place garden furniture, statuary and monuments in connection therewith. (4-6-05)
43. **02910 Slope Stabilization, Hydroseeding, Hydromulching, Native Plant Revegetation for Erosion Control.** A specialty contractor whose primary business is slope stabilization, including necessary tillage and plant bed preparation using hydroseeding, hydromulching and native plant revegetation for erosion control. (4-6-05)
44. **02935 Landscape Maintenance.** A specialty contractor whose primary business and expertise includes the maintenance of existing lawns, gardens, and sprinkler systems. This would include mowing, weeding, fertilization, pest control and minor repair or relocation of sprinkler systems. (4-6-05)
45. **02937 Pest Control, Sterilization and Herbicide Applications.** A specialty contractor whose primary business includes the mixing, transportation and application of fertilizers, pesticides, herbicides, and sterilization chemicals for the control of insects, pests and weeds. (4-6-05)
46. **02955 Pipeline Cleaning, Sealing, Lining and Bursting.** A specialty contractor whose primary business and expertise includes cleaning, sealing, lining and bursting pipelines. (4-6-05)
47. **02965 Cold Milling, Rumble Strip Milling, Asphalt Reclaiming and Pavement Surface Grinding.** A specialty contractor whose primary business includes cold milling, rumble strip milling, asphalt reclaiming and pavement surface grinding. (4-6-05)
48. **02990 Structural Moving.** A specialty contractor whose primary business includes but is not limited to raising, lowering, cribbing, underpinning and moving of buildings or structures. This does not include the alterations, additions, repairs or rehabilitation of the retained portion of the structure. (4-6-05)
49. **03200 Concrete Reinforcing Rebar Installation.** A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel mesh or steel reinforcing bars or rods of any profile, perimeter or cross-section that are or may be used to reinforce concrete. (4-6-05)
50. **03300 Concrete.** A specialty contractor whose primary business includes the ability and expertise to process, proportion, batch and mix aggregates consisting of sand, gravel, crushed rock or other inert materials having clean uncoated grains of strong and durable minerals, cement and water or to do any part or any combination of any thereof, in such a manner that acceptable mass, pavement, flat and other cement and concrete work can be poured, placed, finished and installed, including the placing, forming and setting of screeds for pavement or flat work. Also includes concrete sidewalks, driveways, curbs and gutters. (4-6-05)
51. **03370 Specially Placed Concrete, Concrete Pumping and Shotcreting.** A specialty contractor whose primary business includes the ability and equipment necessary to deliver and install concrete, and similar materials to their final destination in buildings and structures. (4-6-05)

52. 03380 Post-Tensioned Concrete Structures or Structural Members. A specialty contractor whose primary business is the post-tensioning of structural elements using sleeved tendons of high-strength prestressing steel. (4-6-05)

53. 03500 Gypcrete. A specialty contractor whose primary business includes the ability and expertise to mix and apply gypsum concrete. (4-6-05)

54. 03600 Concrete Grouting. A specialty contractor whose primary business includes the ability and the equipment necessary to place concrete grouts. Concrete grouts are thin, fluid, shrink resistant, mortar-like materials used for filling joints and cavities and setting and anchoring items in masonry and concrete. (4-6-05)

55. 03650 Pressure Grouting and Slab Jacking. A specialty contractor whose primary business includes pressure foundation grouting and jacking and the injection of concrete or mortar into foundations for stabilization. (4-6-05)

56. 03900 Concrete Demolition, Concrete Sawing and Cutting, Core Drilling, Joint Sealing and Hydrocutting. A specialty contractor whose primary business includes concrete cutting, drilling, sawing, cracking, breaking, chipping or removal of concrete. This category also includes the caulking or sealing of joints or cracks caused by such operations. (4-6-05)

57. 04000 Masonry. A specialty contractor whose primary business includes the installation with or without the use of mortar or adhesives of brick, concrete block, adobe units, gypsum partition tile, pumice block or other lightweight and facsimile units and products common to the masonry industry. (4-6-05)

58. 04900 Chemical Cleaning and Masonry Restoration. A specialty contractor whose primary business includes the cleaning or restoration of masonry through the use of chemicals, pressure washing, sand blasting or other methods. (4-6-05)

59. 05090 Welding. A specialty contractor whose primary business causes metal to become permanently attached, joined and fabricated by the use of gases or electrical energy, developing sufficient heat to create molten metal, fusing the elements together. (4-6-05)

60. 05100 Steel Fabrication, Erection and Installation. A specialty contractor whose primary business includes the ability and expertise to fabricate, place and tie steel reinforcing bars, erect structural steel shapes and plates, of any profile, perimeter or cross-section, that are or may be used to reinforce concrete or as structural members for buildings and structures, including riveting, welding and rigging only in connection therewith, in such a manner that steel reinforcing and structural work can be fabricated and erected. (4-6-05)

61. 05700 Ornamental Metals. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to assemble, case, cut, shape, stamp, forage, fabricate and install sheet, rolled and cast, brass, bronze, copper, cast iron, wrought iron, monel metal, stainless steel, and any other metal or any combination thereof, as have been or are now used in the building and construction industry for the architectural treatment and ornamental decoration of buildings and structures, in such a manner that, under an agreed specification, acceptable ornamental metal work can be executed, fabricated and installed; but shall not include the work of a sheet metal contractor. (4-6-05)

62. 05830 Bridge Expansion Joints and Repair. A specialty contractor whose primary business and expertise is the repair of bridge expansion joints. (4-6-05)

63. 06100 Carpentry, Framing and Remodeling. A specialty contractor whose primary business includes the placing and erection of floor systems, walls, sheeting, siding, trusses, roof decking of either wood or light gauge metal framing. This contractor also installs finish items such as running trim, sashes, doors, casing, cabinets, cases and other pre-manufactured finished items. (4-6-05)

64. 06130 Log and Heavy Timber Construction. A specialty contractor whose primary business includes the ability and expertise to build and erect log or heavy timber structures. (4-6-05)

65. 06139 Docks - Log and Wood Structures. A specialty contractor whose primary business includes the ability and expertise to construct log and wood structured docks. (4-6-05)

66. 06200 Finish Carpentry and Millwork. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to cut, surface, join, stick, glue and frame wood and wood products, in such a manner that, under an agreed specification, acceptable cabinet, case, sash, door, trim, nonbearing partition, and such other mill products as are by custom and usage accepted in the building and construction industry as millwork and fixtures, can be executed; including the placing, erecting, fabricating and finishing in buildings, structures and elsewhere of such millwork and fixtures or to do any part or any combination of any thereof. (4-6-05)

67. 07100 Waterproofing and Dampproofing. A specialty contractor whose primary business includes the ability and expertise to apply waterproofing membranes, coatings of rubber, latex, asphaltum, pitch, tar or other materials or any combination of these materials, to surfaces to prevent, hold, keep and stop water, air or steam from penetrating and passing such materials, thereby keeping moisture from gaining access to material or space beyond such waterproofing. (4-6-05)

68. 07200 Thermal Insulation. A specialty contractor whose primary business includes the installation of any insulating media in buildings and structures for the purpose of temperature control. (4-6-05)

69. 07240 Stucco and Exterior Insulation Finish Systems (EIFS). A specialty contractor whose primary business includes the ability and expertise to install Stucco and EIFS. (4-6-05)

70. 07400 Roofing and Siding. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and to bring such surfaces to a condition where asphaltum, pitch, tar, felt, flax, shakes, shingles, roof tile, slate and any other material or materials or any combination thereof, that use and custom has established as usable for, or which material or materials are now used as, such waterproof, weatherproof or watertight seal for such membranes, roof and surfaces; but shall not include a contractor whose sole contracting business is the installation of devices or stripping for the internal control of external weather conditions. (4-6-05)

71. 07450 Siding and Decking. A specialty contractor whose primary business includes the application or installation of exterior siding, decking or gutters including wood, wood products, vinyl, aluminum and metal to new or existing buildings and includes wooden decks and related handrails. (This category does not include the construction or installation of covers or enclosures of any kind.) (4-6-05)

72. 07700 Sheet Metal Flashings, Roof Specialties and Accessories. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to select, cut, shape, fabricate and install sheet metal such as cornices, flashings, gutters, leaders, rainwater down spouts, pans, etc., or to do any part or any combination thereof, in such a manner that sheet metal work can be executed, fabricated and installed. (4-6-05)

73. 07800 Sprayed on Fireproofing. A specialty contractor whose primary business includes the mixing, transportation, and installation of fire proofing materials for buildings and structures. (4-6-05)

74. 07920 Caulking and Joint Sealants. A specialty contractor whose primary business includes the ability and expertise for installation of elastomeric and rigid joint sealants, caulking compounds, and related accessories. (4-6-05)

75. 08100 Doors, Gates, Specialty Doors and Activating Devices. A specialty contractor whose primary business is the installation, modification or repair of residential, commercial or industrial doors and door hardware. This includes but is not necessarily limited to wood, metal clad or hollow metal, glass, automatic, revolving, folding and sliding doors, power activated gates, or movable sun shades/shutters. Card activated equipment and other access control devices and any low voltage electronic or manually operated door hardware devices are also a part of this category. (4-6-05)

76. 08500 Windows, Glass and Glazing. A specialty contractor whose primary business includes the art, ability, experience, knowledge and expertise to select, cut, assemble and install all makes and kinds of glass and

glass work, and execute the glazing of frames, panels, sash and doors, in such a manner that under an agreed specification, acceptable glass work and glazing can be executed, fabricated and installed, and may include the fabrication or installation in any building or structure of frames, glazed-in panels, sash or doors, upon or within which such frames, glazed-in panels, sash or doors, such glass work or glazing has been or can be executed or installed.

(4-6-05)

77. 09110 Steel Stud Framing. A specialty contractor whose primary business includes the ability and expertise to build or assemble steel stud framing systems.

(4-6-05)

78. 09200 Lath and Plaster. A specialty contractor whose primary business includes the ability and expertise to prepare mixtures of sand, gypsum, plaster, quick-lime or hydrated lime and water or sand and cement and water or a combination of such other materials as create a permanent surface coating; including coloring for same and to apply such mixtures by use of a plaster's trowel, brush or spray gun to any surface which offers a mechanical key for the support of such mixture or to which such mixture will adhere by suction; and to apply wood or metal lath or any other materials which provide a key or suction base for the support of plaster coatings; including the light gauge metal shapes for the support of metal or other fire proof lath. Includes metal stud framing.

(4-6-05)

79. 09250 Drywall. A specialty contractor whose primary business includes the ability and expertise to install unfinished and prefinished gypsum board on wood and metal framing and on solid substrates; gypsum and cementitious backing board for other finishes; accessories and trim; and joint taping and finishing.

(4-6-05)

80. 09300 Tile and Terrazzo. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and bring such surfaces to a condition where acceptable work can be executed and fabricated thereon by the setting of chips or marble, stone, tile or other material in a pattern with the use of cement, and to grind or polish the same.

(4-6-05)

81. 09500 Acoustical Treatment. A specialty contractor whose primary business includes the installation, application, alteration and repair of all types of acoustical systems, to include acoustical ceilings, wall panels, sound control blocks and curtains, hangers, clips, inserts, nails, staples, related hardware and adhesive, lightweight framing systems and related accessories (electrical excluded), installation and repair of gypsum wall board, painting, accessories, taping and texturing.

(4-6-05)

82. 09600 Flooring. A specialty contractor whose primary business includes the ability and expertise to examine surfaces, specify and execute the preliminary and preparatory work necessary for the installation of flooring, wherever installed, including wood floors and flooring (including the selection, cutting, laying, finishing, repairing, scraping, sanding, filling, staining, shellacking and waxing) and all flooring of any nature either developed as or established through custom and usage as flooring.

(4-6-05)

83. 09680 Floor Covering and Carpeting. A specialty contractor whose primary business includes the installation, replacement and repair of floor covering materials, including laminates and including preparation of surface to be covered, using tools and accessories and industry accepted procedures of the craft.

(4-6-05)

84. 09900 Painting and Decorating. A specialty contractor whose primary business includes the ability and expertise to examine surfaces and execute the preliminary and preparatory work necessary to bring such surfaces to a condition where acceptable work can be executed thereon with the use of paints, varnishes, shellacs, stains, waxes, paper, oilcloth, fabrics, plastics and any other vehicles, mediums and materials that may be mixed, used and applied to the surface of buildings, and the appurtenances thereto, of every description in their natural condition or constructed of any material or materials whatsoever that can be painted or hung as are by custom and usage accepted in the building and construction industry as painting and decorating.

(4-6-05)

85. 09950 Sand Blasting. A specialty contractor whose primary business includes the ability and expertise to sand blast surfaces through the use of equipment designed to clean, grind, cut or decorate surfaces with a blast of sand or other abrasive applied to such surfaces with steam or compressed air.

(4-6-05)

86. 09960 Specialty Coatings. A specialty contractor whose primary business includes the surface preparation and installation of specialty coatings.

(4-6-05)

- 87. 10150 Institutional Equipment.** A specialty contractor whose primary business includes the installation, maintenance and repair of booths, shelves, laboratory equipment, food service equipment, toilet partitions, and such other equipment and materials as are by custom and usage accepted in the construction industry as institutional equipment. (4-6-05)
- 88. 10270 Raised Access Flooring.** A specialty contractor whose primary business includes the installation of wood or metal-framed elevated computer-flooring systems. This does not include the structural floor on which the computer floor is supported or mezzanines. (4-6-05)
- 89. 10445 Non-Electrical Signs.** A specialty contractor whose primary business includes the installation of all types of non-electrical signs, including but not limited to traffic delineators, mile post markers, post or pole supported signs, signs attached to structures, painted wall signs, and modifications to existing signs. (4-6-05)
- 90. 11001 Specialty Machinery and Equipment Installation and Servicing.** A specialty contractor whose primary business is the installation, removal, modification or repair of pumps, water and waste water equipment, conveyors, cranes, dock levelers, various hoisting and material handling equipment, trash compactors and weighing scales installation and servicing. This does not include the construction of buildings and/or roof structures for this equipment. (4-6-05)
- 91. 11140 Petroleum and Vehicle Service Equipment, Installation and Repair.** A specialty contractor whose primary business includes the installation and repair of underground fuel storage tanks used for dispensing gasoline, diesel, oil or kerosene fuels. This includes installation of all incidental tank-related piping, leak line detectors, vapor recovery lines, vapor probes, low voltage electrical work, associated calibration, testing and adjustment of leak detection and vapor recovery equipment, and in-station diagnostics. This contractor may also install auto hoisting equipment, grease racks, compressors, air hoses and other equipment related to service stations. (4-6-05)
- 92. 11200 Water/Wastewater and Chemical Treatment.** A specialty contractor whose primary business is the supply, installation and operational startup of equipment and chemicals for chemical treatment of water, wastewater or other liquid systems. (4-6-05)
- 93. 11485 Climbing Wall Structures and Products.** A specialty contractor whose primary business includes the ability and expertise to design, fabricate and install climbing wall structures and equipment. This does not include concrete foundations or buildings in which the climbing walls may be supported or housed. (4-6-05)
- 94. 12011 Prefabricated Equipment and Furnishings.** A specialty contractor whose primary business includes the installation of prefabricated products or equipment including but not limited to the following: theater stage equipment, school classroom equipment, bleachers or seats, store fixtures, display cases, toilet or shower room partitions or accessories, closet systems, dust collecting systems, appliances, bus stop shelters, telephone booths, sound or clean rooms, refrigerated boxes, office furniture, all types of pre-finished, pre-wired components, detention equipment and other such equipment and materials as are by custom and usage accepted in the construction industry as prefabricated equipment. (4-6-05)
- 95. 12490 Window, Wall Coverings, Drapes and Blinds.** A specialty contractor whose primary business includes the installation of decorative, architectural or functional window glass treatments or covering products or treatments for temperature control or as a screening device. (4-6-05)
- 96. 13110 Cathodic Protection.** A specialty contractor whose primary business is the prevention of corrosion by using special cathodes and anodes to circumvent corrosive damage by electric current. (4-6-05)
- 97. 13121 Pre-Manufactured Components and Modular Structures.** A specialty contractor whose primary business includes the moving, setup, alteration or repair of pre-manufactured components, houses or similar modular structures. (4-6-05)
- 98. 13125 Pre-Engineered Building Kits.** A specialty contractor whose primary business includes the assembly of pre-engineered building kits or structures obtained from a single source. This category is limited to

assembly only of pre-engineered metal buildings, pole buildings, sunrooms, geodesic structures, aluminum domes, air supported structures, manufactured built greenhouses or similar structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating or cooling, or electrical work. (4-6-05)

99. 13150 Swimming Pools and Spas. A specialty contractor whose primary business includes the ability to construct swimming pools, spas or hot tubs including excavation and backfill of material, installation of concrete, Gunite, tile, pavers or other special materials used in pool construction. This category shall also include the installation of heating and filtration equipment, using those trades or skills necessary for installing the equipment, which may require other licenses including electrical and plumbing. (4-6-05)

100. 13165 Aquatic Recreational Equipment. A specialty contractor whose primary business includes the ability and expertise to design, fabricate and erect water slides and water park equipment and structures. This does not include any other categories such as concrete foundations, carpentry, plumbing, heating, cooling or electrical work. (4-6-05)

101. 13201 Circular Prestressed Concrete Storage Tanks (Liquid and Bulk). A specialty contractor whose primary business is the construction of circular prestressed concrete structures post-tensioned with circumferential tendons or wrapped circular prestressing. (4-6-05)

102. 13280 Hazardous Material Remediation. A specialty contractor whose primary business includes the ability and expertise to safely encapsulate, remove, handle or dispose of hazardous materials within buildings, including but not limited to asbestos, lead and chemicals. Contractors must be properly licensed and certified. (4-6-05)

103. 13290 Radon Mitigation. A specialty contractor whose primary business and expertise includes the detection and mitigation of Radon gas. (4-6-05)

104. 13800 Instrumentation and Controls. A specialty contractor whose primary business includes the installation, alteration or repair of instrumentation and control systems used to integrate equipment, sensors, monitors' controls and mechanical operators for industrial processes, building equipment, mechanical devices and related equipment. (4-6-05)

105. 13850 Alarm Systems. A specialty contractor whose primary business includes the installation, alteration and repair of communication and alarm systems, including the mechanical apparatus, devices, piping and equipment appurtenant thereto (except electrical). (4-6-05)

106. 13930 Fire Suppression Systems (Wet and Dry-Pipe Sprinklers). A specialty contractor whose primary business includes the ability and expertise to lay out, fabricate and install approved types of Wet-Pipe and Dry-Pipe fire suppression systems, charged with water, including all mechanical apparatus, devices, piping and equipment appurtenant thereto. Licensure with State Fire Marshal is required. (4-6-05)

107. 13970 Fire Extinguisher and Fire Suppression Systems. A specialty contractor whose primary business is the installation of pre-engineered or pre-manufactured fixed chemical extinguishing systems primarily used for protecting kitchen-cooking equipment and electrical devices. Contractor also furnishes, installs and maintains portable fire extinguishers. (4-6-05)

108. 14200 Elevators, Lifts and Hoists. A specialty contractor whose primary business includes the ability to safely and efficiently install, service and repair all elevators, lifts, hoists, including the fabrication, erection and installation of sheave beams, sheave motors, cable and wire rope, guides, cabs, counterweights, doors, sidewalk elevators, automatic and manual controls, signal systems and other devices, apparatus and equipment appurtenant to the installation. (4-6-05)

109. 15100 Pipe Fitter and Process Piping. A specialty contractor whose primary business is the installation of piping for fluids and gases or materials. This category does not include domestic water, sewage, fire protection and utilities as they are covered under other categories. (4-6-05)

110. 15400 Plumbing. A specialty contractor whose primary business includes the ability to create and

maintain sanitary conditions in buildings, by providing a permanent means for a supply of safe, pure and wholesome water, ample in volume and of suitable temperatures for drinking, cooking, bathing, washing, cleaning, and to cleanse all waste receptacles and like means for the reception, speedy and complete removal from the premises of all fluid and semi-fluid organic wastes and other impurities incidental to life and the occupation of such premises, including a safe and adequate supply of gases for lighting, heating, and industrial purposes. (Licensure with State Plumbing Bureau is required). (4-6-05)

111. 15510 Boiler - Hot-Water Heating and Steam Fitting. A specialty contractor who installs, services and repairs power boilers, hot-water heating systems and steam fitting, including fire-tube and water-tube steel power boilers and hot-water heating low pressure boilers, steam fitting and piping, fittings, valves, gauges, pumps, radiators, convectors, fuel oil tanks, fuel oil lines, chimneys, flues, heat insulation and all other equipment, including solar heating equipment, associated with these systems. (4-6-05)

112. 15550 Chimney Repair. A specialty contractor whose primary business includes the cleaning or repair of multi-type chimneys, flues or emission control devices used to conduct smoke and gases of combustion from above a fire to the outside area. (4-6-05)

113. 15600 Refrigeration. A specialty contractor whose primary business includes the art, ability, experience, knowledge, science and expertise to construct, erect, install, maintain, service and repair devices, machinery and units for the control of air temperatures below fifty (50) degrees Fahrenheit in refrigerators, refrigerator rooms, and insulated refrigerated spaces and the construction, erection, fabrication and installation of such refrigerators, refrigerator rooms, and insulated refrigerator spaces, temperature insulation, air conditioning units, ducts, blowers, registers, humidity and thermostatic controls of any part or any combination thereof, in such a manner that, under an agreed specification acceptable refrigeration plants and units can be executed, fabricated, installed, maintained, serviced and repaired, but shall not include those contractors who install gas fuel or electric power services for such refrigerator plants or other units. (4-6-05)

114. 15700 Air Conditioning and Warm-Air Heating. A specialty contractor whose primary business includes the installation, alteration and repair of air conditioning and warm-air heating systems. Systems may include, but are not limited to duct work, air filtering devices, water treatment devices, pneumatic or electrical controls and control piping, thermal and acoustical insulation, vibration isolation materials and devices, liquid fuel piping and tanks, water and gas piping from service connection to equipment served, testing and balancing refrigerant cooling and heating circuits and air handling systems. (4-6-05)

115. 15950 Testing and Balancing of Systems. A specialty contractor whose primary business includes the installation of devices and performs any work related to providing for a specified flow of air or water in all types of heating, cooling or piping systems. (4-6-05)

116. 16000 Electrical. A ~~specialty contractor whose primary engaging in, conducting, or carrying on the business includes the of installation installing, alteration or repair of any electrical wires, fixtures, appliances, or equipment to carry electric current or installing electrical apparatus, raceway or conduits and lines, which transmit, transform or utilize electrical energy to be operated by such current. Licensure with State Electrical Bureau is required. A contractor licensed in this category may perform all work covered in categories defined in Subsection 200.118. A contractor in this category must be an electrical contractor, licensed pursuant to Section 54-1007(1), Idaho Code.~~ (4-6-05)()

117. 16700 Communication. A specialty contractor whose primary business includes the installation, alteration or repair of communication systems (voice, data, television, microwave, and other communication systems). (4-6-05)

118. 16800 Electrical Specialty Contractor as Defined by Electrical Bureau. A contractor engaging in, conducting, or carrying on the business of installing, altering, or repairing special classes of electrical wiring, apparatus, or equipment. A contractor in this category must be an electrical specialty contractor, licensed pursuant to Section 54-1007(1), Idaho Code, and may perform only that work included within the specialty license. Electrical specialty categories include, but are not limited to: ()

01. Elevator, Dumbwaiter, Escalator or Moving-Walk Electrical; ()

- 02.** Sign Electrical; ()
- 03.** Manufacturing or Assembling Equipment; ()
- 04.** Limited Energy Electrical License (low voltage); ()
- 05.** Irrigation Sprinkler Electrical; ()
- 06.** Well Driller and Water Pump Installer Electrical ~~Licenses~~; and ()
- 07.** Refrigeration, Heating and Air Conditioning Electrical Installer. (4-6-05)
- 119.** **18100 Golf Course Construction.** A specialty contractor whose primary business includes the construction, modification, and maintenance of golf courses. This includes clearing, excavation, grading, landscaping, sprinkler systems and associated work. This does not include the construction of buildings or structures such as clubhouses, maintenance or storage sheds. (4-6-05)
- 120.** **18200 Underwater Installation and Diving.** A specialty contractor whose primary business is marine construction under and above water. (4-6-05)
- 121.** **18300 Develop Gas and Oil Wells.** A specialty contractor whose primary business includes the ability and expertise to perform oil well drilling and other oil field related specialty work. This does not include water well drilling. (4-6-05)
- 122.** **18400 Nonstructural Restoration After Fire or Flood.** A specialty contractor whose primary business includes cleaning and nonstructural restoration after fire, flood or natural disasters. (4-6-05)
- 123.** **18600 Building Cleaning and Maintenance.** A specialty contractor whose primary business includes the cleaning and maintenance of a structure designed for the shelter, enclosure and support of persons, chattels, personal and moveable property of any kind. (4-6-05)
- 124.** **18700 Snow Removal.** A specialty contractor whose primary business includes the plowing, removal and/or disposal of snow from roads, streets, parking lots and other areas of the public rights-of-way. (4-6-05)
- 125.** **18800 Roadway Cleaning, Sweeping and Mowing.** A specialty contractor whose primary business includes the clearing of trash and debris by manual or automated means from public thoroughfares. This category also includes cutting or mowing of grasses, plants, or weeds from public rights-of-way. (4-6-05)

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0601

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 54-5005(3), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than May 17, 2006.

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

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule will implement a system for imposition of civil penalties against individuals who violate the permitting, inspection, and certification requirements of the HVAC Act.

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

There is not fee or charge being imposed through this rulemaking.

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:

The proposed civil penalties will have no impact on the general fund. It is anticipated that the impact on dedicated agency funds will be less than \$10,000 per year.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because the Board worked informally with members of the various interest groups in developing these rules.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Stephen Keys, Bureau Chief, 208-332-8986.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 24, 2006.

DATED this 5th day of April, 2006.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0701-0601

061. -- ~~999~~069. (RESERVED).

070. CIVIL PENALTIES.

The following acts shall subject the violator to penalties based on the following schedule. ()

01. Heating, Ventilation, and Air Conditioning Contractor or Specialty Contractor. Except as provided by Section 54-5001, Idaho Code, any person who acts, or purports to act, as an HVAC contractor or specialty contractor as defined by Section 54-5003(3) and 54-5003(6), Idaho Code, without a valid Idaho state HVAC contractor or specialty contractor certification shall be subject to a civil penalty of not more than five hundred dollars (\$500) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

02. Employees. Any person, who knowingly employs a person who does not hold a valid Idaho state HVAC certification or apprentice registration, as required by Section 54-5008, Idaho Code, to perform HVAC installations, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

03. Certification or Registration. Except as provided by Section 54-5001, Idaho Code, any person performing HVAC work as an HVAC journeyman as defined by Section 54-5003(4), Idaho Code, specialty journeyman as defined by Section 54-5003(7), Idaho Code, apprentice as defined by Section 54-5003(2), Idaho Code, or a specialty apprentice as defined by Section 54-5003(5), Idaho Code, without a valid certification or registration shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

04. Supervision. Any HVAC apprentice or specialty apprentice working without the required journeyman supervision or any HVAC contractor or industrial account employing apprentices without providing the required HVAC journeyman supervision shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

05. Performance Outside Scope of License. Any HVAC specialty contractor or specialty journeyman performing HVAC installations, alterations, or maintenance outside the scope of the specialty certification shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

06. Fees and Permits. Any person failing to pay applicable fees or properly post an HVAC permit shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

07. Corrections. Any person who fails to make corrections in the time allotted in the notice on any HVAC installation as set forth in Section 54-5019, Idaho Code, shall be subject to a civil penalty of not more than two hundred dollars (\$200) for the first offense and a civil penalty of not more than one thousand dollars (\$1,000) for each offense thereafter. ()

08. Gross Violation. In the case of continued, repeated, or gross violation of Title 54, Chapter 50, Idaho Code, or IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems, Division of Building Safety," a certification revocation shall be initiated for certificated individuals under this chapter and non-certificated individuals shall be subject to prosecution by the appropriate jurisdiction under Idaho law. ()

09. Judicial Review. Any party aggrieved by the final action of the board shall be entitled to a judicial review thereof in accordance with the provisions of Title 67, Chapter 52, Idaho Code. ()

071. -- 999. (RESERVED).

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

DOCKET NO. 16-0000-0601

NOTICE OF UPDATE TO FINAL RULES

AUTHORITY: In compliance with Sections 67-5224 and 67-5291, Idaho Code, and in conjunction with the Office of the Administrative Rules Coordinator, notice is hereby given that certain final rules of the Department of Health and Welfare are being updated as described below. The updates being made are a result of rulemakings that were approved and finalized by legislative action that have caused these citations to become incorrect or outdated. Because the changes are non-substantive in nature, this rulemaking is being done outside the normal rulemaking procedures with the permission of the Administrative Rules Coordinator. This agency action is authorized pursuant to Sections 56-203(b) and 56-203(g), Idaho Code. These changes are immediately effective.

DESCRIPTIVE SUMMARY: The following is a statement in nontechnical language of the substance of the notice and the action being taken:

This rulemaking consists of two separate updates that correct internal and external citations in the Administrative Rules. The following tables identify the specific chapters and the Subsections of rule affected by the updates:

Table One: IDAPA 16.03.22 has been rewritten and renamed “Residential Care or Assisted Living Facilities in Idaho”. It replaces the old chapter name, “Rules for Licensed Residential or Assisted Living Facilities in Idaho”. Several sections refer to the type of facility and sections that refer to “licensed residential facilities” will be amended to “residential care facilities”.

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.03.05	Rules Governing Eligibility for Aid to the Aged, Blind and Disabled (AABD)	513, 521, 522
16.03.09	Rules Governing the Medical Assistance Program	143.02.c., 146.06, 146.07, 146.14, 545.02.c., 694.01, 794.01.c.,
16.03.23	Rules Governing Uniform Assessments for State-Funded Clients	004.08

Table Two: IDAPA 16.04.11 has been rewritten and renamed “Developmental Disabilities Agencies”. It replaces the old chapter name, “Rules Governing Developmental Disabilities Agencies”. Any references to specific sections in the old chapter are being deleted.

IDAPA	AFFECTED RULE CHAPTER	AMENDED SECTIONS
16.03.09	Rules Governing the Medical Assistance Program	Subsections 120.02, 120.03, 120.04, 143.01.i.i., 143.01.i.ii., 569.03, and 569.12
16.03.13	Prior Authorization for Behavioral Health Services	Subsection 001.02.b.
16.03.17	Service Coordination	Subsection 300.01

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this final rule, contact Bev Barr at (208) 334-5736.

DATED this 13th day of May, 2006.

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 19 - IDAHO STATE BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0601

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2006.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-912(4), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency not later than 5:00 p.m. (MST) on May 17, 2006.

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

DESCRIPTIVE SUMMARY: The following is the required finding and a concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The purpose of this temporary/proposed rulemaking is to provide needed rule revisions to implement legislation (SB 1343) as enacted during the 2006 Legislative session. SB 1343 authorized the Board of Dentistry to conduct its licensing activities on a biennial basis, as opposed to the previously existing annual licensing system. Biennial licensing will allow the Board of Dentistry to stagger the renewal of dental and dental hygiene licenses over a two (2) year period so that only one (1) category of professional license would be renewed in each calendar year. This temporary/proposed rulemaking will implement the biennial licensing legislation by revising rules to effectuate a biennial licensing system and by deleting all references in the rules to annual or yearly licensing. This staggered, biennial renewal of licenses will create efficiencies by reducing the staff time and costs associated with license renewals by approximately fifty percent (50%). Other medical boards in Idaho renew professional licenses on a multiple year basis.

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

It is necessary to adopt this temporary/proposed administrative rule in order to comply with deadlines in governing law. The purpose of the temporary/proposed rulemaking is to promulgate administrative rules needed to implement SB 1343 as enacted by the Idaho Legislature during the 2006 legislative session. SB 1343 authorized the Board of Dentistry to conduct professional licensing on a biennial basis.

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

This rule does not impose any new fees or increase the existing license renewal fees. SB 1343 changed the Board of Dentistry's professional license renewal cycle from annual to biennial, with the result being that every license will be effective for two (2) years rather than the current one (1) year period. This rule adjusted the amounts payable for license fees consistent with the longer effective period of the professional licenses. For example, an active status dental hygienist will now pay \$140.00 for a two (2) year license as opposed to previously paying \$70.00 for a one (1) year license.

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 on the state general fund as the result of these administrative rule changes.

NEGOTIATED RULEMAKING: In that this rule is needed to implement SB 1343, negotiated rulemaking was not conducted on this temporary rule.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the pending rule, contact Michael J. Sheeley, Executive Director, Idaho State Board of Dentistry, at (208) 334-2369.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before May 24, 2006.

DATED this 12th day of April, 2006.

Michael J. Sheeley, Executive Director
Idaho State Board of Dentistry
708½ W. Franklin Street
Boise, Idaho 83702
(208) 334-2369 (telephone)
(208) 334-3247 (facsimile)

THE FOLLOWING IS THE TEXT OF DOCKET NO. 19-0101-0601

012. LICENSE AND APPLICATION FEES (RULE 12).

The ~~annual~~ license fees and application fees shall be as follows:

~~(7-1-93)~~(7-1-06)T

- 01. Application Fees for Dentists:** (7-1-91)
 - a. General:** (3-18-99)
 - i. By examination -- one hundred dollars (\$100). (3-18-99)
 - ii. By credentials -- six hundred dollars (\$600). (3-18-99)
 - b. Specialty:** (7-1-91)
 - i. By examination -- one hundred dollars (\$100). (7-1-91)
 - ii. By credentials -- six hundred dollars (\$600). (3-18-99)
- 02. Application Fees for Dental Hygienists:** (7-1-91)
 - a.** By examination -- fifty dollars (\$50). (7-1-91)
 - b.** By credentials -- one hundred and fifty dollars (\$150). (7-1-92)
- 03. ~~Annual~~ Biennial License Fees for Dentists:** ~~(3-18-99)~~(7-1-06)T
 - a.** Active -- ~~one~~ three hundred ~~and fifty~~ dollars (~~\$153~~300). ~~(3-18-99)~~(7-1-06)T
 - b.** Inactive -- ~~seventy-five~~ one hundred and fifty dollars (~~\$75~~150). ~~(7-1-91)~~(7-1-06)T
 - c.** Specialty -- ~~one~~ three hundred ~~and fifty~~ dollars (~~\$153~~300). ~~(3-18-99)~~(7-1-06)T

- 04. ~~Annual~~ Biennial License Fees for Hygienists:** (~~3-18-99~~)(7-1-06)T
- a.** Active -- ~~seventy one hundred and forty~~ dollars (\$~~7140~~). (~~3-18-99~~)(7-1-06)T
- b.** Inactive -- ~~forty eighty~~ dollars (\$~~480~~). (~~7-1-91~~)(7-1-06)T
- 05. Application Fees for General Anesthesia and Conscious Sedation Permits:** (4-2-03)
- a.** Initial Application -- three hundred dollars (\$300). (4-2-03)
- b.** Renewal Application -- three hundred dollars (\$300). (4-2-03)
- c.** Reinstatement Application -- three hundred dollars (\$300). (4-2-03)

013. FEES -- GENERAL (RULE 13).

A license shall not be issued or renewed unless the fee is paid. Application fees are not refunded. License fees shall be prorated from date of licensure to the next ~~annual~~ successive license renewal date. (~~7-1-93~~)(7-1-06)T

(BREAK IN CONTINUITY OF SECTIONS)

029. DENTAL HYGIENISTS - LICENSE ENDORSEMENTS (RULE 29).

Subject to the provisions of the Dental Practice Act, Chapter 9, Title 54, Idaho Code, and these rules, the Board may grant license endorsements to qualified dental hygienists as follows: (4-6-05)

01. Extended Access Dental Hygiene Endorsement. Upon application, the Board may grant an extended access dental hygiene endorsement to a person holding an unrestricted active status dental hygienist's license issued by the Board who provides satisfactory proof that the following requirements are met: (4-6-05)

a. The person has been licensed as a dental hygienist during the two (2) year period immediately prior to the date of application for an extended access dental hygiene endorsement; (4-6-05)

b. For a minimum of one thousand (1000) total hours within the previous two (2) years, the person has either been employed as a dental hygienist in supervised clinical practice or has been engaged as a clinical practice educator in an approved dental hygiene school; (4-6-05)

c. The person has not been disciplined by the Board or another licensing authority upon grounds that bear a demonstrable relationship to the ability of the dental hygienist to safely and competently practice under general supervision in an extended access oral health care program. (4-6-05)

02. Extended Access Dental Hygiene Endorsement Exception. Any person holding an unrestricted active status dental hygienist's license issued by the Board who is employed as a dental hygienist in an extended access oral health care program in this state shall be granted an extended access dental hygiene endorsement without being required to satisfy the experience requirements specified in this rule. (4-6-05)

03. Volunteer Dental Hygiene Services. A person holding an unrestricted active status dental hygienist's license issued by the Board may provide dental hygiene services in an extended access oral health care program without being issued an extended access dental hygiene license endorsement under the following circumstances: (4-6-05)

a. The dental hygiene services must be performed in an extended access oral health care program under the supervision of a dentist who is employed or retained by or is a volunteer for the program; (4-6-05)

b. The dental hygiene services performed shall be limited to oral health screening, preparation of

health history, fluoride treatment, non-surgical periodontal treatment, oral prophylaxis, the application of caries preventative agents, the application of pit and fissure sealants with recommendation that patient will be seen by a dentist and preventive dental health instruction; (4-6-05)

c. The dental hygienist must perform the dental hygiene services on a volunteer basis and shall not accept any form of remuneration for providing the services; and (4-6-05)

d. The dental hygienist may not provide dental hygiene services under this provision for more than five (5) days within any calendar month. (4-6-05)

04. Renewal. Upon payment of the appropriate ~~annual~~ license fee and completion of required continuing education credits specified for a dental hygiene license endorsement, a person meeting all other requirements for renewal of a license to practice dental hygiene shall also be entitled to renewal of a dental hygiene license endorsement ~~upon April 1 of each year for the effective period of the license.~~ An endorsement shall immediately expire and be cancelled at such time as a person no longer holds an unrestricted active status dental hygienist's license issued by the Board or upon a person's failure to complete the required continuing education credits. ~~(4-6-05)~~(7-1-06)T

(BREAK IN CONTINUITY OF SECTIONS)

050. CONTINUING EDUCATION FOR DENTISTS (RULE 50).

Effective October 1994, renewal of any active dental license will require evidence of completion of continuing education or volunteer dental practice that meets the following requirements. (4-6-05)

01. Requirements: (3-18-99)

a. All active dentists must hold a current CPR card. (7-1-93)

b. All active dentists shall acquire ~~fifteen~~ thirty (~~15~~30) credits of continuing education in each biennial renewal ~~year~~ period. One (1) credit is defined as one (1) hour of instruction. ~~(7-1-93)~~(7-1-06)T

c. Continuing education must be oral health/health-related for the professional development of a dentist. The ~~fifteen~~ thirty (~~15~~30) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, and viewing of videotape or listening to other media devoted to dental education. ~~(3-18-99)~~(7-1-06)T

d. A dentist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental practice performed during the biennial renewal ~~year~~ period up to a maximum of ~~five~~ ten (~~5~~10) credits. ~~(4-6-05)~~(7-1-06)T

e. Any person who becomes licensed as an active dentist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (7-1-06)T

02. Documentation. In conjunction with ~~the annual~~ license renewal, the dentist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental practice performed and certify that the minimum requirements were completed in the ~~one (1) year~~ biennial renewal period. ~~(4-6-05)~~(7-1-06)T

051. CONTINUING EDUCATION FOR DENTAL HYGIENISTS (RULE 51).

Effective April 1994, renewal of any active dental hygiene license or dental hygiene license endorsement will require evidence of completion of continuing education or volunteer dental hygiene practice that meets the following requirements. (4-6-05)

01. Requirements for Renewal of an Active Status Dental Hygiene License: (4-6-05)

- a. All active dental hygienists must hold a current CPR card. (6-2-92)
- b. All active dental hygienists shall acquire ~~twelve~~ twenty-four (~~12~~) credits of continuing education in each biennial renewal ~~year~~ period. One (1) credit is defined as one (1) hour of instruction. (~~6-2-92~~)(7-1-06)T
- c. Continuing education must be oral health/health-related education for the professional development of a dental hygienist. The ~~twelve~~ twenty-four (~~12~~) credits shall be obtained through continuing education courses, correspondence courses, college credit courses, viewing of videotape or listening to other media devoted to dental hygiene education. (~~3-18-99~~)(7-1-06)T
- d. A dental hygienist holding an active status license issued by the Board shall be allowed one (1) credit of continuing education for every two (2) hours of verified volunteer dental hygiene practice performed during the biennial renewal ~~year~~ period up to a maximum of ~~five~~ ten (~~5~~) credits. (~~4-6-05~~)(7-1-06)T
- e. Any person who becomes licensed as an active dental hygienist during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of continuing education credits as specified by the Board. (7-1-06)T

02. Requirements for Renewal of an Extended Access Dental Hygiene License Endorsement. In addition to any other continuing education requirements for renewal of a dental hygiene license, a person granted an extended access dental hygiene license endorsement shall complete ~~six~~ twelve (~~6~~) credits of continuing education in each biennial renewal ~~year~~ period in the specific practice areas of medical emergencies, local anesthesia, oral pathology, care and treatment of geriatric, medically compromised or disabled patients and treatment of children. Any person who is issued an extended access dental hygiene license endorsement during any biennial renewal period shall be required at the time of the next successive license renewal to report a prorated amount of those continuing education credits required under this section as specified by the Board. (~~4-6-05~~)(7-1-06)T

03. Documentation. In conjunction with ~~the annual~~ license and endorsement renewal, the dental hygienist shall provide a list of continuing education credits obtained and verification of hours of volunteer dental hygiene practice performed and certify that the minimum requirements were completed in the ~~one (1) year~~ biennial renewal period. (~~4-6-05~~)(7-1-06)T

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0602

NOTICE OF FINAL DECISION ON THE LITTLE SALMON RIVER SUBBASIN 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 Salmon River Subbasin Total Maximum Daily Load (TMDL).

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) hereby gives notice of the final decision on the Little Salmon River Subbasin 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 Salmon River Subbasin TMDL (Hydrologic Unit Codes 17060210) addresses eight (8) assessment units within the Little Salmon River subbasin on Idaho's 2002 Section 303(d) list and contains six (6) TMDLs. DEQ has submitted this HUC 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_salmon_river/little_salmon_river.cfm or by contacting Marti Bridges, TMDL Program Manager, 208-373-0382, Marti.Bridges@deq.idaho.gov.

Dated this 17th day of March, 2006.

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

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-0601

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.

May 25, 2006, 9 a.m. to 12 noon
Department of Environmental Quality, Conference Room B
1410 N. Hilton, Boise, Idaho

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) has initiated this rulemaking to modify the current rules dealing with application of standards to particular flow conditions (low flow or high flow). Potential options include creating a new beneficial use and associated criteria for low flow conditions (IDAPA 58.01.02.100 and 58.01.02.200), further clarifying IDAPA 58.01.02.070.06 (consider changing the optimal flow), and/or combining the portions of Idaho's water quality standards (WQS) that pertain to low flow (IDAPA 58.01.02.070.06) and high flow (IDAPA 58.01.02.300) into a single section within the WQS. Both low and high flows can result in unusual water quality, and the permanence of flow (intermittent and ephemeral flow regimes) has great bearing on the beneficial use potential of water bodies. DEQ believes the Idaho WQS could be improved by consolidating the various sections dealing with the effect of flow on application of water quality standards in one place in the rules, and by including language that more clearly defines the use expectations and application of water quality criteria for streams that may be dry or have very low flows for a period of time each year.

Everyone with an interest in the quality of surface water in Idaho may have an interest in this rulemaking, especially since many waters in Idaho are intermittent. This rulemaking could be of particular interest to those facilities discharging to receiving waters characterized by low flows.

PRELIMINARY DRAFT: By May 12, 2006, a preliminary draft of the rule can be obtained at http://www.deq.idaho.gov/rules/water/58_0102_0601_negotiated.cfm or by contacting Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

GENERAL INFORMATION: For more information about DEQ's programs and activities, visit DEQ's web site at 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 June 2, 2006. 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 April, 2006.

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

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
and final rules, public hearing notices
and vacated rulemaking notices.**

LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

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

07-0501-0601, This rule clarifies the need for licensure as an electrical contractor or electrical specialty contractor in order to qualify for public works licensing categories for electrical and specialty electrical.

07-0701-0601, This rule will implement a system for imposition of civil penalties against individuals who violate the permitting, inspection, and certification requirements of the HVAC Act.

IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY 708½ W. Franklin St., Boise, ID 83702

19-0101-0601, The purpose of this temporary/proposed rulemaking is to provide needed rule revisions to implement legislation (SB 1343) as enacted during the 2006 Legislative session. SB 1343 authorized the Board of Dentistry to conduct its licensing activities on a biennial basis, as opposed to the previously existing annual licensing system. Biennial licensing will allow the Board of Dentistry to stagger the renewal of dental and dental hygiene licenses over a two (2) year period so that only one (1) category of professional license would be renewed in each calendar year. This temporary/proposed rulemaking will implement the biennial licensing legislation by revising rules to effectuate a biennial licensing system and by deleting all references in the rules to annual or yearly licensing. This staggered, biennial renewal of licenses will create efficiencies by reducing the staff time and costs associated with license renewals by approximately fifty percent (50%). Other medical boards in Idaho renew professional licenses on a multiple year basis.

**The Deadline For Submitting Written Comments For These Rulemakings
Is May 24, 2006, Unless Otherwise Listed.**

Negotiated Rulemakings - The Following Rulemakings Are Being Negotiated:

Dept. of Environmental Quality - 58-0102-0601, Water Quality Standards

Please refer to the Idaho Administrative Bulletin, **May 3, 2006, Volume 06-5** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of the Administrative Rules Coordinator, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720. Visa and Mastercard accepted on purchases over \$50.

The Idaho Administrative Bulletin and Administrative Code are available on the Internet at the following address:
<http://adm.idaho.gov/adminrules/>

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