

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 become a final, enforceable rule.

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

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

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

FINAL RULEMAKING

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

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

AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN

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

SUBSCRIPTIONS AND DISTRIBUTION

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-00306, telephone (208) 332-1820.

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

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

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

Internet Access - The Administrative Code and Administrative Bulletin are available on the Internet at the following address: <http://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" denotes the main Section number of the rule to which the citation refers.

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
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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
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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.***

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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2006-35

**ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION REPEALING
AND REPLACING EXECUTIVE ORDER NO. 2006-08**

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, JAMES E. RISCH, 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 eighteen (18) 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 5th day of October in the year of our Lord two thousand and six, and of the independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

JAMES E. RISCH
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 01 - IDAHO BOARD OF ACCOUNTANCY

01.01.01 - IDAHO ACCOUNTANCY RULES

DOCKET NO. 01-0101-0601

NOTICE OF RULEMAKING - PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final adoption. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-204(1), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Volume 06-10, pages 26 through 29.

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

DATED this 3rd day of November, 2006.

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

DOCKET NO. 01-0101-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 26 through 29.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.03 - RULES GOVERNING ANIMAL INDUSTRY

DOCKET NO. 02-0403-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-207, Idaho Code.

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

This rule rescinds the Trichomoniasis sections that are currently found in IDAPA 02.04.03, updates the equine sections, and updates the incorporated by reference sections. A separate Trichomoniasis rule Chapter is concurrently being promulgated.

A public hearing was held on August 10, 2006, in Nampa, Idaho. No comments were received and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2, 2006, Idaho Administrative Bulletin, Vol. 06-8, pages 21 through 28.

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: No fiscal impact.

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

DATED this 23rd Day of October, 2006.

Phillip J. Bandy, 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

DOCKET NO. 02-0403-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-8 August 2, 2006, pages 21 through 28.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.20 - RULES GOVERNING BRUCELLOSIS

DOCKET NO. 02-0420-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 25-207 and 25-601, Idaho Code.

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

In order to regain Idaho's Brucellosis Class Free status, it is necessary to impose some additional testing requirements on Idaho cattle. This includes defining "test eligible," "commuter herd," other terms, setting test requirements, and making technical corrections to be in compliance with the national program.

Public hearings were held on August 10, 2006, in Nampa, Idaho and August 14, 2006, in Pocatello, Idaho. No comments were received and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2, 2006, Idaho Administrative Bulletin, Vol. 06-8, pages 29 through 35.

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: No fiscal impact.

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

DATED this 23rd Day of October, 2006.

Phillip J. Bandy, 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

DOCKET NO. 02-0420-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-8, August 2, 2006, pages 29 through 35.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.21 - RULES GOVERNING IMPORTATION OF ANIMALS
DOCKET NO. 02-0421-0601
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 25-207, Idaho Code.

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

This rule will update the Trichomoniasis, Brucellosis, equine, and furbearing animal import requirements to better protect Idaho's animals from diseases.

A public hearing was held on August 10, 2006, in Nampa, Idaho. No comments were received and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2, 2006, Idaho Administrative Bulletin, Vol. 06-8, pages 36 through 42.

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: No fiscal impact.

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

DATED this 23rd Day of October, 2006.

Phillip J. Bandy, 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

DOCKET NO. 02-0421-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, August 2, 2006, pages 36 through 42.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.04.27 - RULES GOVERNING DELETERIOUS EXOTIC ANIMALS
DOCKET NO. 02-0427-0601
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 25-207 and 25-3903, Idaho Code.

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

This rule provides authority to require the disposition of deleterious exotic animals that are being held without the required permits.

A public hearing was held on September 14, 2006, in Nampa, Idaho. No comments were received and the pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 6, 2006, Idaho Administrative Bulletin, Vol. 06-9, pages 23 and 24.

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: No fiscal impact.

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

DATED this 23rd Day of October, 2006.

Phillip J. Bandy, 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

DOCKET NO. 02-0427-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-9, September 6, 2006, pages 23 and 24.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.29 - RULES GOVERNING TRICHOMONIASIS

DOCKET NO. 02-0429-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is October 3, 2006. This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 25-207, Idaho Code.

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

The Trichomoniasis testing season begins on September 1st of each year. This rulemaking updates the Trichomoniasis rule that is currently found in IDAPA 02.04.03 and compiles it into a separate Trichomoniasis rule chapter. This will make it easier for cattle producers to find the rules and stay in compliance with state requirements.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Department amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the August 2, 2006, Idaho Administrative Bulletin, Vol. 06-8, page(s) 43 through 51.

The Department held a public hearing in Nampa, Idaho, on August 10, 2006, no public comments were received. In response to comments submitted by the Division of Animal Industries, this pending rule amends the following Sections: 010.02. Definitions, 100. Trichomoniasis Control and Eradication Program, and 310.01. Infected Bulls And Herds.

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: No fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 23rd Day of October, 2006.

Phillip J. Bandy, 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

DOCKET NO. 02-0429-0601 - ADOPTION OF PENDING AND AMENDMENT TO TEMPORARY RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-8, August 2, 2006, pages 43 through 51.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 02-0429-0601

Subsection 010.02

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (9-1-06)T

01. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (9-1-06)T

02. Cattle. ~~Any member of the genus *Bos* *All bovidae*.~~ (9-1-06)T(10-3-06)T

Section 100

100. TRICHOMONIASIS CONTROL AND ERADICATION PROGRAM.

The Trichomoniasis testing season shall begin on September 1 of each year and continue until August 31 of the succeeding year. All bulls within the state of Idaho shall be tested negative for Trichomoniasis before being allowed to come into contact with female cattle or by April 15 of each Trichomoniasis testing season, whichever occurs first, except: (9-1-06)T(10-3-06)T

Subsection 310.01

310. INFECTED BULLS AND HERDS.

Any bull or cow that is positive to a Trichomoniasis culture test shall be considered infected. A herd in which one (1) or more bulls or cows are found infected with Trichomoniasis shall be considered infected. (9-1-06)T

01. Quarantine of Infected Herds. Any veterinarian that discovers an infected herd shall immediately place the herd under a Hold Order, and notify the Division of Animal Industries within forty-eight (48) hours that the test was positive. Upon notification of an infected Trichomoniasis herd, a state or federal animal health official shall conduct an epidemiological investigation of the infected herd and issue a quarantine. The quarantine may include a provision requiring all breeding age female cattle in the infected herd to be held in isolation from all bulls for a period of up to one hundred twenty (120) days as determined by the Administrator. (9-1-06)T(10-3-06)T

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02 - RULES OF THE DEPARTMENT OF JUVENILE CORRECTIONS, SECURE JUVENILE DETENTION FACILITIES

DOCKET NO. 05-0102-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 20-504(2), 20-504(11), 20-504(12), and 20-504(13), Idaho Code.

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

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the August 2, 2006, Idaho Administrative Bulletin, Vol. 06-8, pages 52 through 84.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nancy Bishop, Idaho Department of Juvenile Corrections, 334-5100, extension 384.

DATED this 4th of October, 2006.

Nancy Bishop
Deputy Attorney General
Idaho Department of Juvenile Corrections
400 N. 10th St., 2nd Fl.
P.O. Box 83720, Boise, ID 83720-0285
Phone: (208) 334-5100, ext. 384
Fax: (208) 334-5120

DOCKET NO. 05-0102-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-8, August 2, 2006, pages 52 through 84.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING

DOCKET NO. 07-0104-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1006(5), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 86 through 88.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Keys, Bureau Chief, 208-332-8986.

DATED this 1st day of November, 2006.

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

DOCKET NO. 07-0104-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 86 through 88.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1907, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 90 and 91.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-1904, Idaho Code, which increased the fee cap rate. The proposed rules increase licensure fees as follows:

Class A license shall be two hundred and fifty dollars (\$250);

Class AA license shall be three hundred and fifty dollars (\$350);

Class AAA license shall be four hundred and fifty dollars (\$450);

Class B license shall be one hundred and fifty dollars (\$150);

Class C license shall be one hundred dollars (\$100);

Class D license shall be fifty dollars (\$50).

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:

It is anticipated that this license fee increase will generate approximately \$250,000 annually in the Division of Building Safety's Public Works Contractors Licensing fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Keys, Bureau Chief, (208) 332-8986.

DATED this 1st day of November, 2006.

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

DOCKET NO. 07-0501-0602 - ADOPTION OF PENDING FEE RULE

There are no substantive changes from the proposed rule text.

**The complete text of the proposed rule was published
in the Idaho Administrative Bulletin,
Volume 06-10, October 4, 2006, pages 90 and 91.**

**This rule has been adopted as a pending rule by the Agency
and is now pending review and approval by the
2007 Idaho State Legislature as a final rule.**

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - RULES OF THE PUBLIC WORKS CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0603

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-1907, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 92 through 94.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen Keys, Bureau Chief, 208-332-8986.

DATED this 1st day of November 2006.

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

DOCKET NO. 07-0501-0603 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 92 through 94.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified therein.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, and 33-1258 Idaho Code.

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

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations to the state board of education in such areas as teacher education. No Child Left Behind (NCLB) requires that all Idaho teachers of core subjects (English, reading, or language; drama, music, or art; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography) be highly qualified by the end of the 2005-2006 school year. Many Idaho school districts have approached the Professional Standards Commission about being able to hire highly qualified, out-of-state teachers by the deadline because these teachers have to meet Idaho's general education requirements for lower division coursework before receiving Idaho certification, coursework that duplicates that which they took for their degrees. Research revealed that these individuals have graduated from out-of-state, accredited colleges/universities with very similar general education requirements as Idaho's. Lower division coursework from out-of-state, accredited colleges/universities would be acceptable for the general education requirements for the following Idaho certificates: Standard Elementary Certificate, Standard Secondary Certificate, Early Childhood/Early Childhood Special Education Blended Certificate, and Exceptional Child Certificate.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 7, 2006 Idaho Administrative Bulletin, Vol. 06-6, pages 44 through 48.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

DATED this 1st day of November, 2006.

Karen Echeverria, Deputy Director
Idaho State Board of Education
650 W. State Street
PO Box 83720, Boise, ID 83720-0027
Phone: (208) 332-1567 / Fax: (208) 334-2632

DOCKET NO. 08-0202-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-6, June 7, 2006, pages 44 through 48.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0603

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations for improving professional teacher standards. Periodic development, review, and revision of the current Idaho's teacher standards are necessary to ensure that the standards align with best practices in the teaching profession. The No Child Left Behind Act, State Board highly qualified teacher requirements, and Idaho K-12 student requirements also make such a standards review and revision process critical. For this specific promulgation, Idaho standards for the preparation of teachers of early childhood/early childhood special education, bilingual education/English as a New Language, physical education, and health, and standards for the preparation of administrators, including superintendents, principals, and special education directors, in the incorporated by reference document The Idaho Standards for the Initial Certification of Professional School Personnel have been reviewed and revised in the incorporated document. The other changes were minor edits in what was initially in the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 7, 2006 Idaho Administrative Bulletin, Vol. 06-6, pages 49 and 50.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Patricia Toney, 332-6938.

DATED this 1st day of November, 2006.

Karen Echeverria, Deputy Director
Idaho State Board of Education
650 W. State Street
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Phone: (208) 332-1567 Fax: (208) 334-2632

DOCKET NO. 08-0202-0603 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-6, June 7, 2006, pages 49 and 50.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 08 - RULES OF THE STATE BOARD OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0604

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

According to Section 33-1258, Idaho Code, the Professional Standards Commission (PSC) may make recommendations for promoting professional practices and competence of the teaching profession. Feedback from teacher preparation standards review teams of K-12 and higher education content area experts confirmed the need to review and revise specific teacher endorsement requirements to ensure the requirements align with Idaho's performance-based teacher preparation standards and the needs of Idaho schools/districts/students. The No Child Left Behind Act, State Board highly qualified teacher requirements, and Idaho K-12 student requirements also make such an endorsement review and revision process critical. Idaho endorsement requirements for teachers of early childhood/early childhood special education, bilingual education/English as a New Language, physical education, and health, and standards for the preparation of administrators, including superintendents, principals, and special education directors, have been revised.

The pending rule is being adopted as amended. The State Board-approved requirements for Drama, Option A that were inadvertently left out of previous rulemaking. These requirements have been re-inserted into the rule.

Pursuant to Section 67-5228, Idaho Code, amendments have been made to the rule based on public comment and to clarify the rule. The amendments are being published with this Notice of Rulemaking as part of the pending rule.

Only the sections that have changes different from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the June 7, 2006 Idaho Administrative Bulletin, Vol. 06-6, pages 51 through 58.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Michael Stefanic at (208) 332-6884 or Dr. Patricia Toney, (208) 332-6938.

DATED this 1st day of November, 2006.

Karen Echeverria
Chief Administration and Governmental Affairs Officer
Idaho State Board of Education
650 W. State Street
PO Box 83720, Boise, Idaho 83720-0027
Phone: (208) 332-1567 Fax: (208) 334-2632

DOCKET NO. 08-0202-0604 - ADOPTION OF PENDING FEE RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, **Volume 06-6, June 7, 2006, pages 51 through 58.**

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0604

Subsection 022.10.a.

022. ENDORSEMENTS A - D.

10. Drama (6-12). Follow one (1) of the following options: (4-11-06)

a. Twenty (20) semester credit hours, including a minimum of sixteen (16) semester credit hours in Drama or Theater Arts, including course work in each of the following: Acting, Directing, and Technical Stage Production, and four (4) semester credit hours in Communications. (~~3-16-04~~)

IDAPA 08 - STATE BOARD OF EDUCATION
08.02.03 - RULES GOVERNING THOROUGHNESS
DOCKET NO. 08-0203-0505
NOTICE OF VACATION OF PROPOSED RULEMAKING

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 Article IX, Section 2 of the Idaho Constitution and under Sections 33-105, 33-107, 33-116, and 33-1612, Idaho Code.

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

The Idaho State Board of Education did not approve the adoption of the Physical Education Standards guidelines for Idaho's K-12 students.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this vacation of rulemaking, contact Barbara Eisenbarth (208) 332-6950 or Pat White (208) 332-6998.

DATED this 1st day of November, 2006.

Karen Echeverria
Deputy Director
Idaho State Board of Education
650 W. State Street
PO Box 83720
Boise, ID 83720-0027
Phone: (208) 332-1567
Fax: (208) 334-2632

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0604

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-105 and 33-1612, Idaho Code.

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

Alternative secondary programs provide special instructional courses and offer special services to eligible at-risk youth to enable them to earn a high school diploma. Specific student eligibility qualifications are set forth in State Board Rule, IDAPA 08.02.03.110.01. Students who have been in a Limited English Proficiency (LEP) program for less than 3 years are at a greater risk of failing classes, not passing the ISAT, and possibly dropping out of school. These students may have increased difficulty in comprehending the curriculum material due to their English language skills. By including the subgroup of LEP students in the definition of "at-risk youth," these students will have access to additional acceleration services that will assist them not only in their English language acquisition but also will increase their ability to participate fully in the classroom.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 114 through 116.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dr. Jana Jones (208)-332-6810 or Wendy St. Michell (208) 332-1586.

DATED this 1st day of November, 2006.

Karen Echeverria, Deputy Director
Idaho State Board of Education
650 W. State Street
PO Box 83720, Boise, ID 83720-0027
Phone: (208) 332-1567 Fax: (208) 334-2632

DOCKET NO. 08-0203-0604 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 114 through 116.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0605

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105, 33-118, 33-1612, Idaho Code.

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

The State Board of Education's research indicates that increased rigor and relevancy in high school helps students to be better prepared for the workforce and post secondary education including professional technical education. These rule amendments will reflect appropriate expectations for all high school students to help them succeed in whatever path they choose after high school.

The proposed rule amendments will increase the total number of credits required to graduate from high school from 42 to 46 starting with the graduating class of 2013. The amendments will increase the math requirements from 4 credits to 6 and the science requirements from 4 credits to 6 starting with the graduating class of 2013. Students will be required to complete Algebra I and Geometry classes or courses that meet Algebra I and Geometry standards. The amendments also require students to take the ACT, SAT, or COMPASS test in the 11th grade, and to complete a Senior Project. Finally, the rules require all school districts to provide at least one Advanced Opportunity available to all students.

Pursuant to Section 67-5228, Idaho Code, amendments have been made to the rule based on public comment and to clarify the rule. The amendments are being published with this Notice of Rulemaking as part of the pending rule.

Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 10-06, pages 117 through 122.

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:

The fiscal impact for FY 08 will be approximately \$1.5 million in the public education budget, which include \$500,000 for teacher training and professional development, \$500,000 for increasing Advanced Learning Opportunities and \$500,000 for increasing the capacity of Idaho Distance Learning Academy (IDLA). The State Board is currently developing additional information to determine the annual fiscal impact when the rule becomes effective for the graduating class of 2013.

The long-term positive fiscal impact to the state will be a decreased need for remedial math and science courses in high schools and colleges. Studies have shown that there is a direct correlation with the number of remedial courses a student takes and the likelihood of a student completing college. There should also be increases in the number of students entering college with credits from AP and dual credit courses decreasing the costs for students to complete degrees and decreasing the cost of postsecondary institutions.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Christine Ivie 208-332-1577.

DATED this 1st day of November, 2006.

Karen L. Echeverria, Deputy Director
State Board of Education
650 West State Street
PO Box 83720-0037, Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 FAX

DOCKET NO. 08-0203-0605 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 117 through 122.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0202-0605

Subsections 107.03 and 107.04.b.iv.

107. HIGH SCHOOL GRADUATION REQUIREMENTS.

023. Secondary Language Arts and Communication. ~~*(Nine eight (98) credits required with instruction in communications including oral communication and technological applications); that includes four (4) years of instruction in English, each year will consist of language study, composition, and literature. One (1) credit of instruction in communications including oral communication and technological applications that includes a course in speech, or a course in debate will fulfill one (1) credit of the nine (9) credit requirement, or a sequence of instructional activities that meet the state high school communications standards requirements.*~~ (7-1-00)()

034. Mathematics ~~and Science.~~ ()

b. Mathematics. ~~*(Effective for all students that enter the ninth grade in the fall of 2009 or later.) Six (6) credits required. Secondary mathematics shall include instruction in the following areas:*~~ ()

iv. ~~*Two (2) semesters of the required six (6) credits of mathematics must be taken in the last year of high school.*~~ ()

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0606

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 1, 2006. This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 33-105 and 33-110, Idaho Code.

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

Revised English Language Development Standards. Title III of the No Child Left Behind Act of 2001 mandates that all states develop standards for Limited English Proficiency (LEP) students. The new ELD standards follow the No Child Left Behind (NCLB) Title III guidelines and will enable teachers to use assessment data to design the appropriate learning programs for incoming students and develop consistent measure progresses for each student.

The ELD standards incorporate the language domains of listening, speaking, reading, writing and comprehension. Each standard has a hierarchical organization of a general Standard descriptor, Goals as major skills within a Standard, and specific Objective statements within each Goal.

Limited English Proficiency (LEP) Program Accountability Plan. No Child Left Behind details the accountability component for Limited English Proficient students. There is federal flexibility for states to determine specific targets for student growth. The LEP Program Accountability Plan sets forth the federal requirements and sanctions and details the state determined growth targets. The Accountability plan is a necessary component of state compliance with the U.S. department of Education and district compliance with the state.

The LEP Accountability plan details the Title III federal requirements set forth for districts running Title III- LEP programs. Part I of the plan details NCLB requirements. Part II details the state developed annual objectives/targets and definitions. Part III details the sanctions and procedures for LEAs.

The three components and applicable targets included in the Title III Annual Measurable Achievement Objectives (AMAOs) are:

AMAO #1: Annual increases in the percent or number of LEP students making progress in acquiring English language proficiency, as determined by the IELA: English Language "Progress."

AMAO #2: Annual increases in the percent or number of LEP students attaining English language proficiency by the end of the school year, as determined by the IELA: English Language "Proficiency."

AMAO #3: LEA determination for making AYP (adequate yearly progress) on the spring ISAT for LEP students.

ISAT and IELA Cut Scores. Cut scores are the points where a student on the borderline between on performance level and the next no longer has a .67% chance of answering the items correctly.

The SBOE had a five day process by which cut scores were established. An independent standard setting process was used in order to be able to best balance Peer Review requirements with the desire for school districts to retain longitudinal data continuity. Several participants each for Math and Reading were chosen from a pool of experienced

educators in Idaho. Other personnel included a Reading Specialist, Math Specialist, three Psychometricians, two Data Analysts, a Project Manager, and a Facilities Manager.

Cut scores were set using a Modified Bookmark technique. This method allowed participants to suggest cut scores for performance levels by inserting a bookmark into an Ordered Item Booklet (OIB), what consists of real test items presented in order from least to most difficult.

Bookmark placement was done in three rounds. During the first round, panelists reviewed the ordered item booklets as a small group and then made their placement decisions individually. Placements were analyzed and impact data presented to the panelists between Round 2 and Round 3. Round 2 began with small-group discussion of the Round 1 placements, continued with across-table discussion of placements, and ended with individual review and (if the panelist wished) adjustment of Round 1 bookmark placement. Round 3 was procedurally identical to Round 2 and allowed panelists the opportunity to resolve any areas of indecision remaining after the first two rounds. The cut scores were then established and the technical report was written.

The pending rule is being amended to include accurate language and to update the effective dates of the incorporated documents. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 10-06, pages 123 through 125.

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:

The operational costs for full implementation of these the LEP rules detailed above will be in the form of additional staff time and associated funding for professional development. In order to implement the new English Language Development (ELD) standards, school districts will need to provide professional development training for all teachers in how to incorporate the ELD standards into the classroom. In addition, the sanctions for failure to meet the Accountability plan are that districts would need to change their means of service for LEP students in order to improve student performance. This may cost the districts money as they complete a school improvement or corrective action plan and provide more professional development and technical assistance to the teachers. There is no direct fiscal impact regarding the cut scores for the ISAT or the IELA. The indirect fiscal impact would be if a school/district misses AYP.

These costs would depend on each district and how much additional service is provided within the district, in addition to how many staff the district has to train.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Wendy St. Michelle at 332-1586 or Christine Ivie at 332-1577.

DATED this 1st day of November, 2006.

Karen L. Echeverria, Deputy Director
State Board of Education
650 West State Street
PO Box 83720-0037, Boise, ID 83720-0037
(208) 332-1567 phone / (208) 334-2632 FAX

DOCKET NO. 08-0203-0606 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

Only those sections that have changed from the original proposed

text are printed in this Bulletin following this notice.

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 123 through 125.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0203-0601

Section 004

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule:

(2-23-06)T

01. The Idaho ~~Achievement~~ Content Standards. The Idaho ~~Achievement~~ Content Standards as adopted by the State Board of Education on ~~October 17, 2005~~ November 1, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>.

~~(8-10-06)F~~(11-1-06)T

02. The Idaho English Language Development Standards. The Idaho English Language Development Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>.

(8-10-06)T

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>.

(8-10-06)T

04. The Idaho English Language Assessment (IELA) ~~Cut Scores~~ Achievement Standards. The Idaho English Language Assessment (IELA) ~~Cut Scores~~ Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/lep/index.asp>.

~~(8-10-06)F~~(11-1-06)T

05. The Idaho Standards Achievement Tests (ISAT) ~~Cut Scores~~ Achievement Standards. ~~Cut Scores~~ Achievement Standards as adopted by the State Board of Education on August 10, 2006. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>.

~~(8-10-06)F~~(11-1-06)T

IDAPA 08 - STATE BOARD OF EDUCATION

08.04.01 - RULES GOVERNING THE IDAHO DIGITAL LEARNING ACADEMY

DOCKET NO. 08-0401-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 33-5504, 33-5505, and 33-5507, Idaho Code, the Board shall promulgate rules implementing the provisions of Title 33, Chapter 55, Idaho Code.

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

In order to be in compliance with Idaho Code Title 33 Chapter 55, Rules Governing the Idaho Digital Learning Academy needs to be established. The following topics in the legislation are outlined for oversight by the Idaho State Board of Education: 1. Accreditation, Section 33-5504(5), Idaho Code; 2. Accountability, Section 33-5507(3 & 4), Idaho Code; 3. Fees out-of-state and adult learners, Section 33-5505(3), Idaho Code.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in June 7, 2006 Idaho Administrative Bulletin, Volume 6-06, page 92 through 95.

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 for implementing these rules.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Donna Vakili, 208-342-0207.

DATED this October 20, 2006,

Donna Vakili
Director
Idaho Digital Learning Academy
1906 Vista Ave., Suite B.
Boise, ID 83705
208-342-0207 PH
208-342-1031 FAX

DOCKET NO. 08-0401-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-6, June 7, 2006, pages 92 through 95](#).

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 08-0401-0601

Subsection 005.03

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.

The Idaho Digital Learning Academy is located in Boise, Idaho.

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03. Mailing Address. The mailing address of the Idaho Digital Learning Academy is 1906 S. Vista Ave., Boise, Idaho, 83705.

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IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

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

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Volume 06-9, pages 25 through 30.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Roger Holmes, UI Benefits Administration Bureau Chief, (208) 332-3570 ext. 3233.

DATED this 6th day of October, 2006.

Roger Holmes
UI Benefits Administration Bureau Chief
Department of Commerce and Labor
317 W. Main Street, Boise, ID 83735
(208) 332-3570 ext. 3233
(208) 334-6301 fax

DOCKET NO. 09-0130-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-9, September 6, 2006, pages 25 through 30.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR
09.01.35 - UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES

DOCKET NO. 09-0135-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final adoption. The pending rule becomes final and effective upon adjournment of the legislature, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in therein.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

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

The proposed rule has been amended to make typographical, transcriptional, and clerical corrections to the rule. The rule is being amended pursuant to Section 67-5227, Idaho Code. The amendment corrects an incorrect citation to Idaho Code found in IDAPA 09.01.35.134.02.

Only the sections that have changes are printed in this bulletin. The original text of the proposed rule was published in the September 6, 2006, Idaho Administrative Bulletin, Volume 06-9, pages 31 through 39.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Don Arnold, UI Compliance Bureau Chief, (208) 332-3570 ext. 3258.

DATED this 6th day of October, 2006.

Don Arnold, UI Compliance Bureau Chief
Department of Commerce and Labor
317 W. Main Street, Boise, ID 83735
(208) 332-3570 ext. 3258 / (208) 334-6301 fax

DOCKET NO. 09-0135-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-9, September 6, 2006, pages 31 through 39.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 09-0135-0601

Subsection 134.02

134. PROFESSIONAL EMPLOYER ORGANIZATIONS.

A professional employer organization shall fully comply with the requirements of the Professional Employer Recognition Act, Chapter 24, Title 44, Idaho Code in order to be eligible for any transfers of experience rating as allowed by Section 72-1349B, Idaho Code. (3-15-02)

02. Joint Transfer of Experience Rate. In order to effect a transfer of a client's experience rate into the experience rate of a professional employer organization, both the client and the professional employer organization shall jointly apply for the transfer of the experience rate within the same timeframes as required of employers by Section 72-1351(~~45~~), Idaho Code, from the date of the contract entered into between the professional employer organization and the client required by Section 44-2405, Idaho Code. Failure to submit a timely joint request for transfer of experience rate shall result in the professional employer organization reporting wages for the client under the employer account number of the client. Ref. Sec. 72-1351(~~45~~), Idaho Code. (~~7-1-05~~)()

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

09.02.01 - IDAHO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (ICDBG)

DOCKET NO. 09-0201-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

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

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Volume 06-9, pages 40 through 56.

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

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

DATED this 6th day of October, 2006.

Dianna Clough
Community Development Manager
Department of Commerce and Labor
State Street Office
700 W. State Street, Boise, ID 83720-0093
(208) 334-2650 ext. 2140
(208) 334-2631 fax

DOCKET NO. 09-0201-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-9, September 6, 2006, pages 40 through 56.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR

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

DOCKET NO. 09-0203-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, 67-4715, 67-4717 and 67-4718, Idaho Code.

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

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Volume 06-9, pages 57 through 64.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Carl Wilgus, Assistant Deputy Director, (208) 334-2470 ext. 2149.

DATED this 6th day of October, 2006.

Carl Wilgus
Assistant Deputy Director
Department of Commerce and Labor
State Street Office
700 W. State Street
Boise, ID 83720-0093
(208) 334-2470 ext. 2149
(208) 334-2631 fax

DOCKET NO. 09-0203-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-9, September 6, 2006, pages 57 through 64.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR
09.03.01 - RULES OF THE BROADBAND DEVELOPMENT MATCHING FUND

DOCKET NO. 09-0301-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code and Senate Bill No. 1498.

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

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 2, 2006 Idaho Administrative Bulletin, Volume 06-8, pages 93 through 97.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jay Engstrom, Deputy Director, (208) 332-3570 ext. 2121.

DATED this 6th day of October, 2006.

Jay Engstrom
Deputy Director, Commerce and Labor
Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
(208) 332-3570 ext. 2121
(208) 334-6430 fax

DOCKET NO. 09-0301-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-8, August 2, 2006, pages 93 through 97.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF COMMERCE AND LABOR
09.03.04 - RULES OF THE BUSINESS AND JOBS DEVELOPMENT GRANT FUND
DOCKET NO. 09-0304-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-4702, Idaho Code.

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

There are no changes to the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the August 2, 2006 Idaho Administrative Bulletin, Volume 06-8, pages 98 through 100.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jay Engstrom, Deputy Director, (208) 332-3570 ext. 2121.

DATED this 6th day of October, 2006.

Jay Engstrom
Deputy Director, Commerce and Labor
Department of Commerce and Labor
317 W. Main Street
Boise, ID 83735
(208) 332-3570 ext. 2121
(208) 334-6430 Fax

DOCKET NO. 09-0304-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-8, August 2, 2006, pages 98 through 100.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.05.01 - RULES GOVERNING ALCOHOL BEVERAGE CONTROL

DOCKET NO. 11-0501-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 23-932, 23-946(b), 23-1330 and 23-1408, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 126 through 132.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lieutenant Bob Clements, Idaho State Police Alcohol Beverage Control, (208) 884-7060 or Robert.Clements@isp.idaho.gov.

DATED this 27th day of October, 2006.

Colonel R. Dan Charboneau, Director
Idaho State Police
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7003, Fax (208) 884-7090

DOCKET NO. 11-0501-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 126 through 132.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.10.01 - RULES GOVERNING THE ILETS SYSTEM

DOCKET NO. 11-1001-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5203(3), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 133 through 139.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 19-5202(4), Idaho Code. This changes the fees charged for access and usage of the Idaho Public Safety and Security Information System, known as ILETS. The fees will increase to all agencies: local, state, and federal by 25% beginning on October 1, 2007. The amount of the change to each agency depends upon the fees currently paid. This will have a positive impact on the ILETS Fund used to operate and maintain the system. The ILETS Board examined the current fee structure of the system and the costs of operating the system. The Board analyzed the differences and the future needs of the system to determine that an increase was needed and unanimously approved a 25% increase in both the access fee and the usage fees.

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: It is anticipated that the total impact to the state agencies using the ILETS system will be less than \$10,000.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dawn Peck, Idaho State Police Bureau of Criminal Identification, (208) 884-7136 or Dawn.Peck@isp.idaho.gov.

DATED this 27th day of October, 2006.

Colonel R. Dan Charboneau, Director
Idaho State Police
700 S. Stratford Drive
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7003 / (208) 884-7090 fax

DOCKET NO. 11-1001-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 133 through 139.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.11.01 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 140 through 149.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Trish Christy at (208) 884-7253.

DATED this 26th day of October, 2006.

Jeffrey Black
Executive Director
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251, Fax (208) 884-7295

DOCKET NO. 11-1101-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 140 through 149

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.11.02 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE DETENTION OFFICERS

DOCKET NO. 11-1102-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 150 and 151.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Trish Christy at (208) 884-7253.

DATED this 26th day of October, 2006.

Jeffrey Black
Executive Director
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251, Fax (208) 884-7295

DOCKET NO. 11-1102-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 150 and 151.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.11.03 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR JUVENILE PROBATION OFFICERS

DOCKET NO. 11-1103-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 152 and 153.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Trish Christy at (208) 884-7253.

DATED this 26th day of October, 2006.

Jeffrey Black
Executive Director
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
P.O. Box 700
Meridian, ID 83680-0700
(208) 884-7251, Fax (208) 884-7295

DOCKET NO. 11-1103-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 152 and 153.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 11 - IDAHO STATE POLICE

11.11.04 - RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL FOR CORRECTION OFFICERS AND ADULT PROBATION AND PAROLE OFFICERS

DOCKET NO. 11-1104-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 19-5107, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 154 and 155.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Trish Christy at (208) 884-7253.

DATED this 26th day of October, 2006.

Jeffrey Black
Executive Director
Idaho State Police
Peace Officer Standards & Training Council
700 S. Stratford Dr.
P.O. Box 700, Meridian, ID 83680-0700
(208) 884-7251, Fax (208) 884-7295

DOCKET NO. 11-1104-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 154 and 155.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 13 - IDAHO FISH AND GAME COMMISSION

13.01.09 - RULES GOVERNING THE TAKING OF GAME BIRDS

DOCKET NO. 13-0109-0604P

NOTICE OF PROCLAMATION

AUTHORITY: In compliance with Section 36-105(3), Idaho Code, notice is hereby given that this agency is proposing to adopt by proclamation changes in rules for waterfowl seasons.

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

**January 10th, 2007
7:00 p.m.
Idaho Department of Fish and Game
600 S. Walnut
Boise, ID 83712**

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

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

Dated this 24th day of October, 2006.

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

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

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

DOCKET NO. 15-0401-0601

NOTICE OF RULEMAKING - TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 18, 2006.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 67-5309, Idaho Code.

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

Changes to definitions, veterans preference, compensation of employees, moving expense reimbursement, probationary period for acting and temporaries, performance evaluation, military leave, overtime for executives and bone marrow and organ donor leave to comply with new code provisions.

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

Temporary rules are necessary to comply with new provisions in Idaho Code.

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

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

DATED this 26th day of October, 2006.

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

THE FOLLOWING IS THE TEXT OF TEMPORARY RULE DOCKET NO. 15-0401-0601

010. DEFINITIONS.

Each of the terms defined in these rules shall have the meaning given herein unless a different meaning is clearly required by the context. Additional definitions are contained in Section 67-5302, Idaho Code. (7-1-87)

01. Administrator. The Administrator of the Division of Human Resources in the Office of the Governor. (3-16-04)

02. Allocation. The assignment of a classification to a pay grade in the compensation schedule. (3-16-04)

03. Appeal. Any written request for relief from dismissal, demotion, suspension, or other adverse action filed with the Commission by an employee, appointing authority, or applicant. The meaning of appeal includes application, petition, or protest. (3-16-04)

04. Appellant. An employee, appointing authority, or applicant filing an appeal or a petition for review with the Commission. (3-16-04)

05. Appointing Authority. "Appointing Authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to hire, dismiss or otherwise significantly impact the employment status of individuals in any department. (Ref. Section 67-5302(3), Idaho Code) (3-16-04)

06. Appointment, Limited. The appointment of a person to a classified, position where the work is projected to be of limited duration, for which the person has qualified by examination. (3-16-04)

07. Appointment, Nonclassified. The appointment of a person to a position exempt from the application of these rules by the provisions of Section 67-5303, Idaho Code. (7-1-87)

08. Appointment, ~~Original or Initial.~~ ~~For purpose of assigning veteran's preference points, the first time a person is hired by a state agency after attaining eligible veteran's status.~~ Means the first time a qualified veteran is hired by the state. "Initial appointment" shall not include: (Ref. Section 65-506(3)2(4), Idaho Code and Rule 102.04) ~~(3-16-04)~~ (10-18-06)T

a. Jobs held by patients, inmates or students employed at a state institution; (10-18-06)T

b. Temporary or casual employment; or (10-18-06)T

c. An office filled by election. (10-18-06)T

09. Appointment, Permanent. The appointment of a person to a classified position who has been certified by the appointing authority to have successfully completed the required probationary period and whose employment is permanent, subject to removal or discipline only under the provisions of Chapter 53, Title 67, Idaho Code, and the rules of the Division of Human Resources and Idaho Personnel Commission. (3-16-04)

10. Appointment, Probationary. The appointment of a person to a classified position for which the person has qualified by examination but is serving a work trial period as a condition for certification to permanent appointment. (4-5-85)

11. Appointment, Project Exempt. The appointment of a person to a nonclassified position established under federal grants, which by law restricts employment eligibility to specific individuals or groups on the basis of non-merit selection requirements. (Ref. Section 67-5303(m), Idaho Code) (3-16-04)

12. Appointment, Provisional. The appointment of a person to a position in classified service for which the person has not qualified by examination pending the establishment of a register for the classification of such position. (3-16-04)

13. Appointment, Seasonal. An appointment to a regular position in classified service with intermittent work periods. (Ref. Section 67-5302(31), Idaho Code) (3-16-04)

14. Appointment, Temporary. The appointment of a person to a nonclassified position which is ~~not permanent in nature~~ limited in duration, and in which hours worked will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period for any one (1) department. Such appointments also may occur for intermittent periods of time and include recurring assignments. (Ref Section 67-5302(33), Idaho Code) ~~(3-16-04)~~ (10-18-06)T

15. Base Pay. The rate of pay for performing a job which does not include bonuses, shift differentials, geographic differentials, overtime or other compensation premiums. (10-18-06)T

16. Bureau Chief or Equivalent. An employee assigned responsibility for managing a bureau. A bureau is typically a principal unit of a division with several subordinate sections. A classification can be designated as equivalent to a bureau chief by the Administrator if it is structured similarly in terms of organization and level of responsibility. Such positions will typically have seven hundred (700) or greater Hay evaluation points. (10-18-06)T

157. Certifiable Range. An examination score and a rank on an eligibility register sufficiently high to be among the top ten (10) available names, plus names of all individuals with scores identical to the tenth ranking eligible, for certification to fill a position in the classification for which the register was established. (3-16-04)

168. Classification Specification. A written statement of the purpose and responsibilities characteristic of a classification, which includes the title, principal accountabilities, and minimum qualifications of education, training and experience, abilities, knowledge, skill, and other qualifications required to perform the work of the classification. (3-16-04)

179. Classification Schedule. All classification specifications utilized in classified service listed by title, classification code, and pay grade to which allocated. (3-16-04)

~~1820.~~ **Classified Service.** That body of positions in state departments subject to Chapter 53, Title 67, Idaho Code, as defined therein and excludes temporary, project exempt, and nonclassified appointments. (7-1-87)

21. Compa-Ratio. The percentage difference between salary and salary range mid point. Compa-ratio is derived by dividing an employee's base pay rate by the salary range mid point. (10-18-06)T

~~1922.~~ **Compensation Plan.** The overall system of salary administration for classified service including Sections 67-5309A, 67-5309B and 67-5309C, Idaho Code; the classification and compensation schedules; Division of Human Resources and Idaho Personnel Commission rules and policies; and departmental policies governing employee pay. (3-16-04)(10-18-06)T

203. Compensation Schedule. The pay grades established by the Division of Human Resources by rule per Section 67-5309C(1), Idaho Code, and associated rates of pay established in Rule 070.05. (3-30-01)(10-18-06)T

~~214.~~ **Consultant.** An independent contractor who provides professional or technical advice, counsel, or service on a set fee basis. (Ref. Rule 050) (3-16-04)

~~225.~~ **Demotion.** The reduction of an employee from a position which the employee occupies in one (1) classification to a position in another classification in a lower pay grade. (3-16-04)

~~236.~~ **Departmental Classification.** A classification of positions that is unique to a department. (3-16-04)

~~247.~~ **Dismissal.** The separation of an employee from classified service with cause assigned by the appointing authority pursuant to Rule 190. (7-1-87)

~~258.~~ **Due Process.** As related to Idaho's Personnel System for permanent classified employees, the activities required to address an individual's constitutional right to notice and an opportunity to be heard. (Ref. Section 67-5315, Idaho Code). (3-16-04)

~~269.~~ **Earned Administrative Leave (EAL).** Paid leave for hours worked which exceed the regularly scheduled hours but do not result in overtime. These hours may accrue after hours worked and hours on paid leave exceed forty (40) hours in one (1) workweek. In the case of those employees engaged in law enforcement, correctional, and firefighting activities characterized by irregular shift work schedules, EAL hours may accrue after hours worked and hours on paid leave exceed one hundred and sixty (160) hours in a period of twenty-eight (28) consecutive days. (3-30-01)

~~2730.~~ **Employee.** Any person in the employ of a state department who is paid a salary or wages. (4-5-85)

2831. Employment History. The information available to the public without the employee's consent in accordance with Section 9-340(C), Idaho Code, for every agency for which a current or former public official works, including the official reason(s) for separation from employment but not including accrued leave balances or usage. (3-30-01)

2932. Examination. The application of written tests, oral interviews, performance tests, investigation, physical evaluation, evaluation of education and experience, or any other measure of job-related knowledge and ability, including performance in probationary periods. (4-5-85)

303. Factoring. The assignment of ~~Hay~~ evaluation points to a classification in accordance with ~~Section 67-5309B, Idaho Code, and~~ Rule 074. (~~3-30-01~~)(10-18-06)T

314. General Classification. A classification of positions that is common to more than one participating department. (3-16-04)

325. Good Cause. The conduct of a reasonable person in the same or similar circumstances. (7-1-87)

36. Hay System. The methodology currently used by the state of Idaho for establishing the relative value of jobs and is used as a dimension of the pay system. The Hay system makes use of compensable factors or job attributes as a basis for evaluating the relative worth of one job against another. (10-18-06)T

337. Hiring List. A hiring list is a subset of a register (Rule 010.61). A hiring list consists of the top ten (10) individuals, plus all individuals tied for the tenth position, certified as eligible for a specific recruitment. Candidates for reinstatement and/or transfer may be considered and are provided in addition to the top ten. (3-16-04)

348. Hours Worked: (7-1-87)

a. Those hours actually spent in the performance of the employee's job, excluding holidays, vacation, sick leave or other approved leaves of absence, and excluding on-call time. (Ref. Rule 010.409) (~~3-30-01~~)(10-18-06)T

b. Travel time shall be compensated pursuant to policy set forth by the Board of Examiners. (3-30-01)

c. Attendance at lectures, meetings, training programs and similar activities outside of the employee's regular working hours when attendance has been directed by the appointing authority or designee. (5-15-85)

359. Incumbent. Any person holding a classified or non-classified position in state service. (7-1-87)

3640. Independent Contractor. Any person, firm, or corporation meeting the Internal Revenue Service's test for an independent contractor or a self-employed person. (Ref. Rule 010.21) (3-16-04)

3741. Interested Person. A person or department directly affected by a rule, statute or department action or inaction. (6-30-78)

3842. Intoxication. Being under the influence of alcohol, or misuse of medication or controlled substances. (Ref. Rule 190.01.f.) (3-30-01)

3943. Involuntary Transfer. A significant change in work location, shift and/or organizational unit made as a result of a management decision as opposed to an employee's request or agreement to transfer. (3-30-01)

44. Key Employee. For veteran purposes, an individual specifically hired for an "at will" or nonclassified position for which there is no or a limited selection process, such as a position as a private secretary or deputy to an official who holds a confidential relationship to the appointing or employing officer. (Ref. Section 65-502(5), Idaho Code). (10-18-06)T

405. Layoff. An involuntary reduction in hours of work or separation of an incumbent in the classified service either by reduction in force due to shortage of work or funds, or abolishment of positions. (4-5-85)

416. Layoff Unit (Organizational Unit). A smaller geographic, programmatic, or other identified subdivision of a department determined by the appointing authority and approved by the administrator for the purpose of conducting a reduction in force (Rule 140). (3-16-04)

427. Leave of Absence with Pay. A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall be compensated. Leaves of absence with pay have no adverse effect on the status of the employee and include the following leaves: vacation leave, sick leave, special leave situations, and compensatory time off for overtime worked. (3-30-01)

438. Leave of Absence Without Pay. A period of absence from duty with the approval of the appointing authority, or as required or allowed by law or these rules, during which time the employee shall not be compensated. (7-1-87)

449. Light or Limited Duty. A general term describing a temporary limited assignment in relation to recovery from injury, illness or other limiting condition as approved by the appointing authority. (3-16-04)

450. Merit Increase. The advancement of an employee's base pay compensation in accordance with Section 67-5309C(b)B, Idaho Code. (~~7-1-87~~)(10-18-06)T

51. Merit Increase Matrix. A pay distribution tool adopted by the state of Idaho used to advance employees pay based on performance and market data. (10-18-06)T

52. Military Duty. For veteran preference points. Training and service performed by an inductee, enlistee or reservist or any entrant into the armed forces of the United States, provided "military duty" shall not include active duty training as a reservist in the armed forces of the United States or as a member of the National Guard of the United States where the call is for training only. (Ref. Section 65-502(6), Idaho Code.) (10-18-06)T

4653. Minimum Qualification Specialty. A minimum qualification required for one (1) or more positions in a classification that is in addition to the other minimum qualifications required for all positions in the classification. (3-16-04)

4754. New Classification. A classification that is not essentially described by any existing job classification. (3-16-04)

4855. Occasional or Sporadic Work. Work that is voluntarily performed by an employee in a different capacity from the employee's regular work and is infrequent, irregular or occurring in scattered instances. (7-1-87)

4956. On-Call Time. Time when an employee is required to carry a pager, cellular phone, or to leave work at home or with the department where the employee may be reached if needed to work, and the employee can use the time effectively for personal purposes. (3-30-01)

507. Overtime. Those hours defined as such in Section 67-5302(~~4920~~), Idaho Code, excluding any time, such as traded time and occasional or sporadic work, that is specifically excluded from the overtime calculation by federal law. (~~7-1-87~~)(10-18-06)T

518. Pay Line Exception. A temporary assignment of pay grade, pursuant to Section 67-5309C(b)(i)D, Idaho Code, in excess of the pay grade allocated pursuant to Section 67-5309B(~~a~~), Idaho Code, as approved by the administrator. (~~3-30-01~~)(10-18-06)T

59. Permanent. An employee in the classified service who has successfully completed entrance probation. Such employees remain subject to separation as set forth in these rules and Idaho Code. (10-18-06)T

5260. Position, Classified. A position subject to Chapter 53, Title 67, Idaho Code, and these rules in which one (1) person is hired as a full-time or part-time employee; or in which two (2) or more persons share in the

aggregate of the position. (7-1-87)

5361. Promotion. The advancement through the competitive process of an employee with permanent status from a position which he or she occupies in one (1) classification to a position in another classification having a higher paygrade. (3-16-04)

5462. Promotion, In-Grade. To reflect unique agency organization design, an agency may choose to request an internal competitive process to recognize the advancement of an employee with permanent status from a position which he or she occupies in one classification to a position in another classification having greater ~~Hay~~ evaluation points, more responsibility, or a unique specialty area, but within the same pay grade. With the approval of the administrator, an in-grade promotion will be treated in all regards as a promotion. (~~3-16-04~~)(10-18-06)T

5563. Rating/Job Point Factoring. The number of ~~Hay~~ evaluation points assigned to a classification in accordance with Rule 074. (~~3-16-04~~)(10-18-06)T

564. Reasonable Accommodation. An adjustment made to a job and/or work environment that enables a qualified individual with a disability to perform the essential functions of the position and would not cause undue hardship on the operation of the department. (Ref. Rule 190.01.c.) (7-1-87)

5765. Reclassification of a Position. A change of a position from the classification to which it is assigned to another classification. (3-16-04)

5866. Reclassification of an Employee. *Means* A change in the classification assigned to the employee to properly reflect the duties and responsibilities assigned to that employee by an appointing authority. (~~3-16-04~~)(10-18-06)T

5967. Recruitment. The process of seeking applicants for employment. (3-16-04)

608. Reduction in Pay. A reduction of an employee's salary from one (1) pay rate to a lower rate within the pay grade to which the employee's classification is allocated. (3-16-04)

619. Register. A list of names of persons or the name of one (1) person who has been determined to be eligible for employment in a classification on the basis of examination and merit factors as established by the administrator. An adequate register lists at least five (5) names of eligible candidates currently available for consideration for each vacancy in the classification for which the register was established. (3-16-04)

6270. Reinstatement. The reappointment of a former or current classified employee pursuant to Rule 124. (3-16-04)

6371. Resignation. The voluntary quitting or abandonment of state employment, excluding retirement. (Ref. Rule 244) (3-16-04)

6472. Respondent. The party whose interests are adverse to those of the appellant. (7-1-93)

73. Sample Merit Increase Matrix. (10-18-06)T

Sample Merit Increase Matrix				
Employees Total Salaries	Does Not Achieve Performance Standards	Achieves Performance Standards	Solid/Sustained Performance	Exemplary Performance
Performance Percentage Guideline	3%	17%	60%	20%
Compa Ratio	Percentage Increase			
120% to 125%	0%	0.50%	1.50%	2.50%
115% to 119%	0%	1.00%	2.00%	3.00%
110% to 115%	0%	1.50%	2.50%	3.50%
105% to 109%	0%	2.00%	3.00%	4.00%
100% to 104%	0%	2.50%	3.50%	4.50%
95% to 99%	0%	3.00%	4.00%	5.00%
90% to 94%	0%	3.50%	4.50%	5.50%
85% to 89%	0%	4.00%	5.00%	6.00%
80% to 84%	0%	4.50%	5.50%	6.50%
75% to 79%	0%	5.00%	6.00%	7.00%

6574. Status. The character of an employee’s appointment. (7-1-77)

6675. Suspension. An enforced period of absence, with or without pay, for disciplinary purposes, for felony charges, or pending investigation of charges made against an employee pursuant to Rule 190. (7-1-87)

676. Termination. The separation of an entrance or voluntary probationary employee from classified service for unsatisfactory service during the probationary period without cause assigned by the appointing authority pursuant to Rule 152. (3-16-04)

6877. Traded Time. Those hours an employee agrees to substitute for another employee during scheduled hours of work, where both work in the same capacity, the agreement to substitute is solely at the employees’ option, and the agreement is approved by the agency by whatever manner is customary. (7-1-87)

6978. Transfer. A change of work location of an employee in which the employee changes from one (1) position to another in the same classification or to another classification in the same pay grade. (3-16-04)

709. Underfill. The filling of a classification of position with an employee in a classification of lower pay grade to accommodate a training period as approved by the administrator. (3-16-04)

80. USERRA. Uniformed Services Employment and Reemployment Rights Act, 38 United States Code, Sections 4301-4333. (10-18-06)T

781. Veteran. Rule 020 defines veteran for the purpose of selection, hiring, and retention preference. (3-16-04)

~~782.~~ **Workweek.** A period of seven (7) consecutive days beginning 12:01 a.m. Sunday. (Ref. Rule 073)
(12-10-90)

(BREAK IN CONTINUITY OF SECTIONS)

020. VETERANS PREFERENCE.

Preference must be given to qualified veterans ~~who are residents of Idaho~~ in all employment actions including hiring, transfer, promotion initial appointment, and retention except for ~~confidential secretarial~~ key employee positions.

~~(3-30-01)~~(10-18-06)T

01. Veteran Defined (for preference purposes). Any person who has: ~~served in the active service of the armed forces of the United States during any period of war recognized by the United States Department of Veterans Affairs for the purpose of awarding federal veterans benefits and who has been discharged from service under honorable conditions.~~ (Ref. Sections 65-509 and 65-510, Idaho Code)

~~(3-30-01)~~(10-18-06)T

a. Served on active duty in the armed forces during a war, in a campaign or expedition for which a campaign badge has been authorized, or during the period beginning April 28, 1952, and ending July 1, 1955;

(10-18-06)T

b. Served on active duty as defined in 38 U.S.C. Section 101(21) at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days, any part of which occurred after January 31, 1955, and before October 15, 1976;

(10-18-06)T

c. Served on active duty as defined in 38 U.S.C. Section 101(21) in the armed forces during the period beginning on August 2, 1990, and ending on January 2, 1992;

(10-18-06)T

d. Served on active duty as defined by Section 101(21) of Title 38 at any time in the armed forces for a period of more than one hundred eighty (180) consecutive days any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom. (Ref. Section 65-502(14), Idaho Code and Title 5, Section 2108 U.S.C.);

(10-18-06)T

e. Served as may be further defined in 38 U.S.C. Section 101(11).

(10-18-06)T

02. ~~War Veteran (War Era) and Disabled Veteran Defined~~ (for preference points on competitive exam). ~~War veterans and~~ Disabled veterans ~~who are residents of the state of Idaho or purple heart recipients~~, and their widows or widowers or spouses, when qualified under state law shall have additional points added to a passing score and placed on the register in accordance with the provisions set forth in Rule 102. (Ref. Rule 093.03, and Sections 65-502(2), ~~506, 507~~ 503, 504(3), and 67-5309(f), Idaho Code)

~~(3-16-04)~~(10-18-06)T

~~03. Promotion/Transfer Consideration.~~ ~~Qualified veterans shall be given additional consideration in promotion and transfer decisions. When candidates are considered to be equal based on valid job related factors, veterans shall be preferred. (Ref. Sections 65-502, 65-504, 65-509, and 67-5309, Idaho Code)~~

~~(3-16-04)~~

043. Retention. ~~War Veterans (War Era) and Disabled Veterans~~ (as defined in Chapter 5, Title 65, Idaho Code) shall receive the equivalent of three (3) years of satisfactory service in additional points awarded towards the total calculation of retention points in a reduction of work force determination. (Ref. Rule 1401 and Section 65-5031, Idaho Code)

~~(3-16-04)~~(10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

070. COMPENSATION OF EMPLOYEES.

~~01. **The Hay System.** The Division of Human Resources will use the Hay method of point factoring to determine the relative value of each classification, and as a basis for internal pay equity. (Ref. Section 67-5309B, Idaho Code) (3-16-04)~~

~~02. **Salary Surveys.** The Division of Human Resources shall conduct or approve salary surveys, to determine salary ranges that represent labor market average rates for Hay point factored positions in classified service. (3-16-04)~~

031. Relevant Labor Markets. Labor markets used for wage comparison shall be based on the normal recruiting market for specific job classifications. Consultation with various appointing authorities will also contribute to labor market determination. (3-16-04)

a. When the competition for employees is the local area market, the comparison will be made from a survey representing public and private employers in the state of Idaho. (3-16-04)

b. For classifications with a regional recruiting area, the comparator market will be from public and private employers from the neighboring states and Idaho. For those with no private counterparts, the comparator market will be state governments, including, but not limited to, Arizona, Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. (3-16-04)

c. Recruitment and retention issues will be used to determine the need for additional special market surveys. (3-16-04)

02. Assignment to Pay Grade. (10-18-06)T

a. As a basis for pay equity the Division of Human Resources will use a combination of market data and point factoring to determine the relative value of each classification. (Ref. Rule 074.01 and Section 67-5309B, Idaho Code) (10-18-06)T

b. Pursuant to Sections 67-5309B and 67-5309C, Idaho Code, the pay grade to which a classification is assigned shall be determined by the number of Hay evaluation points assigned to each classification and relevant market data. The Hay points and market points are each given a weight to create the total points listed on the pay schedule. The total points are used to assign a classification to the appropriate pay grade. (10-18-06)T

043. **Salary Schedule.** The administrator shall adopt the salary ranges for the pay grades ~~in Section 67-5309C, Idaho Code~~, in a public meeting after notice, and a current salary schedule shall be made available to the public and all appointing authorities. Range updates may be based on legislative directives and/or market changes. (3-16-04)(10-18-06)T

04. Review and Reconsideration Requests. If an agency or individual believes the pay grade assignment is improper regarding the accuracy of Hay point valuation or market average job matching, a request for review must be submitted to DHR prior to appeal. DHR staff will work to verify or change the assignment as the analysis indicates and respond within thirty (30) days. (10-18-06)T

~~05. **Compensation Plan.** Significant changes to components of the compensation plan shall be presented in a public meeting after notice. **Disputed Assignment Cannot Be Resolved.** If the disputed assignment cannot be resolved, individuals may appeal the decision to the Idaho Personnel Commission within thirty-five (35) days of the DHR final decision.~~ (3-30-01)(10-18-06)T

071. COMPENSATION PLAN REVIEWS MERIT INCREASE MATRIX.

01. Review of Compensation Schedule. The Division of Human Resources in cooperation with the various appointing authorities shall conduct reviews of the compensation plan. **Salary Increases.** Salary increases must be based on a merit increase matrix approved by DHR. Shift and geographic premium pay, bonuses, reinstatements, transfers, promotions and recruitment and retention awards are not subject to a matrix. (3-30-01)(10-18-06)T

02. Affirmation of Factoring. ~~In the review of classifications, the factoring of a class may be affirmed if there has been no significant change in the duties of the classification and the factoring appears to be correct.~~ **Temporary Merit Increases.** Temporary merit increases shall be based on performance and distributed using a matrix model unless an exception has been granted pursuant to Subsection 071.03. ~~(7-1-93)~~(10-18-06)T

03. Exceptions to Use of a Matrix. such as equity adjustments, can be made on a case-by-case basis, subject to the approval of the administrator. (10-18-06)T

072. OPERATION OF COMPENSATION PLAN.

01. Authorized Pay Rate. No employee in the state classified service shall be paid at a rate less than the minimum nor greater than the maximum rate of the pay grade assigned to the classification, except ~~as provided in Section 67-5309C(b)(i), Idaho Code~~ for employees who have performance evaluations indicating their work does not achieve standards at the time of a paygrade structure revision. Such employees may not be paid outside the pay grade for more than one thousand forty (1040) hours of credited state service. ~~(3-16-04)~~(10-18-06)T

02. Starting Salary. The starting salary for a new ~~appointee may be anywhere within the paygrade assigned to the employee's classification and~~ hire is at the appointing authority's discretion considering available budget, market, and relation to existing staff salaries. (Ref. Section 67-5309C**(b)D**, Idaho Code and Rule 070) ~~(3-16-04)~~(10-18-06)T

03. Promotional Salary. The salary for a promoted employee is at the appointing authority's discretion considering available budget, market, and relation to existing staff salaries. (10-18-06)T

034. Payline Exceptions. Temporary assignments to a new pay grade may be made by the administrator pursuant to Section 67-5309**(e)(b)(i)D**, Idaho Code. Such assignments shall apply to an entire classification for the purpose of recruitment or retention and shall be reviewed annually to determine the need for continuance. (3-16-04)

045. Salary After Reappointment From Layoff. An employee appointed by the agency that laid them off (Rule 101.01 and Rule 146) shall be paid in the current pay grade for the classification to which reappointed or at the same payrate he or she received immediately preceding layoff, whichever is greater but not to exceed the maximum of the current paygrade. (3-16-04)

056. Salary upon Transfer. (7-10-88)

a. A transfer between departments (Rule 125) in the same classification or one (1) of equal pay grade does not require a change in the employee's salary, but a lower or higher rate may be negotiated between the employee and the appointing authority. (3-16-04)

b. If the transfer is to a classification of lower pay grade (demotion), the employee's salary is negotiable between the employee and appointing authority within the lower pay grade. (3-16-04)

067. Salary upon Reinstatement. Unless related to reemployment after a lay off, the salary of a reinstated employee (Rule 124) is negotiable between the employee and appointing authority in the current pay grade for the classification in which the employee has reinstatement privileges. (3-16-04)

078. Salary upon Downward Reassignment. When a classification is reassigned downward the employee's salary will be protected to the maximum within the new paygrade. (3-16-04)

089. Salary upon Return from Military Duty. An employee who returns to state service from active military duty in accordance with the provisions of Sections 65-~~511 or 65-512~~508, Idaho Code and USERRA, shall be paid at the comparable rate in the current pay grade for the classification to which he or she was assigned prior to leaving for military service. ~~(3-30-01)~~(10-18-06)T

073. CALCULATION OF PAY.

01. Standard Calculation of Pay. For other than police, correctional officers, or fire employees, pay shall be calculated in the following order: (3-30-01)

- a. Holiday pay; (12-10-90)
- b. All hours worked on a holiday as overtime; (12-10-90)
- c. All hours worked over forty (40) in the workweek as overtime, excluding occasional or sporadic work and traded time; (12-10-90)
- d. Vacation, sick and other paid or unpaid leaves; and (12-10-90)
- e. All remaining hours worked at the employee's regular rate of pay, with the optional use of earned administrative leave. Shift differential pay shall be calculated according to Rule 075 and paid in addition to any other compensation. (Ref. Sections 67-5302(~~1920~~), 67-53298, Idaho Code; Rules 010.34, 010.41, 010.42, 010.48, 010.50, and 073.03) (~~3-16-04~~)(10-18-06)T

02. Calculation of Pay for Police, Correctional Officers, and Fire Employees. Police, Correctional Officers, and fire employees on a twenty-eight (28) day work schedule shall be compensated as described above, except that overtime shall be calculated based on one hundred sixty (160) hours in a twenty eight (28) day period instead of forty (40) hours in a workweek, and earned administrative leave shall be calculated based on eighty (80) hours in a biweekly pay period instead of on a weekly basis. (3-30-01)

03. Holiday Pay Calculation. (7-1-87)

a. ~~All classified employees of like classification, shall be treated equally with reference to hours of employment, holidays, and vacation leave. (Ref. Section 67-5326, Idaho Code)~~ Paid time off for holidays is a benefit, and as such, must be allocated in a substantially similar manner to all employees in the same classification. (~~3-30-01~~)(10-18-06)T

b. A full-time employee shall receive holiday pay in accordance with the number of hours the employee works on a regular workday. If the employee's schedule is so irregular that a regular workday cannot be determined, the employee shall receive eight (8) hours of holiday pay. An employee must receive some paid leave, wages or salary for the pay period in which the holiday occurs to receive the holiday benefit. (3-16-04)

c. A part-time employee who has a regular work schedule shall be paid for a holiday in the same ratio as eight (8) hours is to a forty (40) hour work week, which for calculation purposes converts to two tenths (.20) x hours normally worked. (3-16-04)

d. If a part-time employee's hourly schedule is so irregular that a normal workweek cannot be determined, the holiday benefit is in the same proportion that the hours the employee works during a week in which a holiday occurs relate to forty (40). (3-16-04)

e. Schedules resulting in holiday time off in excess of eight (8) hours ~~must only~~ may be approved ~~in such a way as to treat all members of the affected job classification equally~~ by the appointing authority if included in the agency compensation plan. Appointing authorities may also suspend flex schedules during holiday weeks or may grant administrative leave or otherwise adjust work schedules to ensure ~~equity~~ internal consistency. (~~3-30-01~~)(10-18-06)T

04. Reduction of Salary. The salary of an employee receiving more than the ~~lowest rate~~ minimum of the pay grade for his or her classification may be reduced to a lower rate within the pay grade by the appointing authority for disciplinary reasons enumerated in Rule 190. (~~3-16-04~~)(10-18-06)T

~~05. Temporary Merit Increases. Temporary merit increases shall not be calculated retroactively. (Ref. Section 67-5309C(b)(ii), Idaho Code)~~ (7-10-88)

065. Department Salary Administration Policies (a/k/a Compensation Plans). Each department shall

~~adopt and file with the administrator current salary administration policies for the following actions to insure fairness and equity for all employees within that department: Each department director or appointing authority shall develop a compensation plan. Each agency compensation plan must be designed to consider recruitment and retention and ensure pay equity within the organization.~~ (3-30-01)(10-18-06)T

~~a. Merit increases and bonuses (Section 67-5309C(b), Idaho Code, and Rule 073.05.); (7-1-94)~~

~~ba. Reclassification (Rule 067); Agency compensation plans are developed and reviewed on an annual basis, and resubmitted to DHR for approval. Agencies may request assistance from DHR on plan development, and/ or use a model policy provided by DHR. (4-5-85)(10-18-06)T~~

~~eb. Demotions (Rule 179); Agency distribution plans may be separate from compensation plans and relate to a specific distribution of ongoing or one-time funds. Each distribution plan requiring a matrix must be approved by DHR. (3-16-04)(10-18-06)T~~

~~d. Intradepartmental transfers (Rule 125); (3-16-04)~~

~~e. Failure to complete promotional probationary periods (Rule 150.); (3-16-04)~~

~~f. Promotions (Rule 169); (3-16-04)~~

~~g. On-call time (Rule 010.49); (3-16-04)~~

076. Salaries for Temporary Appointments. Except as provided by the following rule, salaries for employees hired under temporary and project-exempt appointments will be governed by Section 59-1603, Idaho Code. (4-5-85)

074. ASSIGNMENT OF HAY EVALUATION POINTS.

~~01. Assignment to Pay Grade. Pursuant to Sections 67-5309B and C, Idaho Code, the pay grade to which a classification is assigned shall be determined by the number of Hay evaluation points assigned to each classification. (3-16-04)~~

041. Factoring Process. Hay evaluation points shall be assigned to a classification through the following methods, which may be used separately or in combination with the others: (3-16-04)

a. Informal Agreement. The appointing authority presents the new or revised classification and factoring recommendation informally to the administrator of the Division of Human Resources or designee and there is agreement on the points assigned. (3-16-04)

b. Factoring Session. The administrator shall determine the membership of a factoring committee and schedule a factoring session in which the appointing authority or designee may present both oral and written information concerning the classification to be factored. The factoring committee shall assign Hay evaluation points in accordance with Rule 074 and the administrator shall notify the appointing authority in writing of the decision of the factoring committee. The appointing authority may request an issue conference with the factoring committee and present their perspective on the assigned points. The factoring committee may affirm or modify the assigned points. The administrator will provide a letter to the appointing authority stating the outcome of the issue conference. (3-16-04)

c. Hay Management Consultants. After consultation with the appointing authority, the administrator may refer the classification to Hay Management Consultants for a factoring analysis. (3-16-04)

02. Guide Charts. The Hay evaluation points assigned to a classification shall be the composite numerical value of points factored from the Hay guide charts. (3-16-04)

03. Factoring Benchmarks. The factoring benchmarks correlated by Hay Management Consultants shall be used in conjunction with the Hay Guide Charts to determine the number of Hay points assigned to a

classification.

~~(3-16-04)~~(10-18-06)T

054. Approval. After consultation with the administrator of the Division of Financial Management for approval regarding potential fiscal impacts, the administrator of the Division of Human Resources shall have final approval of the Hay evaluation points assigned to each classification. These points are final unless appealed in accordance with Section 67-5316, Idaho Code. (3-16-04)

075. SHIFT DIFFERENTIAL.

01. Eligibility. (12-10-90)

a. Shift differential compensation ~~shall~~ may be paid if fifty percent (50%) or more of an employee's assigned hours in a workweek occur between 6 p.m. and 7 a.m. Leave hours taken shall be regarded as having been assigned during the same hours that the employee would normally have worked. Alternative shifts may be approved by DHR based on market practices. ~~(12-10-90)~~(10-18-06)T

b. Weekend work may also be eligible for additional shift differential pay regardless of shift worked. (10-18-06)T

b.c. Shift differential compensation shall be paid for all hours worked by an employee whose primary responsibility is to work in place of an absent employee and, whose assigned schedule varies from nights, days, and/or swing. (3-16-04)

02. ~~Shift Pay Rate.~~ Shift differential compensation shall be paid at the rate of five percent (5%). **Shift Differential Premium Rate. ~~(7-1-94)~~(10-18-06)T**

a. Shift differential may be awarded in amounts up to and including twenty-five percent (25%) of hourly rates, based on local market practice for similar jobs. Local market data will be maintained and available through DHR. (10-18-06)T

b. DHR shall be consulted whenever shift pay is determined to be necessary. (10-18-06)T

c. When a classification is used only by one agency, that appointing authority, determines the shift differential rate for those employees based on competitive market rates. (10-18-06)T

d. When a classification is used by more than one agency, and the employees in those agencies have substantially similar duties and geographic area, these employees shall be treated consistently in all agencies. Agencies may negotiate an acceptable rate or request DHR to facilitate. (10-18-06)T

03. Hours Paid at Shift Rate. If an employee qualifies for swing/night shift differential pay during a workweek, the shift rate shall be calculated for all hours reported in that week, including holiday pay, overtime and leave taken. The resulting amount of shift differential pay shall be included in the compensation for that pay period. Weekend day shifts are calculated separately and may be paid at a different rate. ~~(12-10-90)~~(10-18-06)T

04. ~~Ineligible Employees.~~ Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for shift differential compensation. (Ref. Section 67-5329(1), Idaho Code) **Eligibility. ~~(3-30-01)~~(10-18-06)T**

a. Executive employees are ineligible for shift differential compensation. (Ref. Section 67-5328, Idaho Code) (10-18-06)T

b. When an employee has more than one (1) position, eligibility for shift premium is determined by the position. (10-18-06)T

05. ~~Multiple Positions.~~ For an employee who has more than one (1) position, eligibility for shift differential shall be determined by position. ~~(2-6-92)~~

076. ~~ALTERNATIVE WORK SCHEDULES AND LOCATIONS~~ GEOGRAPHIC PAY DIFFERENTIAL.

~~An appointing authority may allow alternative work schedules and locations including flexible schedules, job-sharing, and telecommuting when determined to be in the best interests of the state and the employee. Internal policies on such options must be published for all employees and filed with the administrator. If applicable, agency policies must address:~~ (3-16-04)

01. Determining Geographic Pay. Appointing authorities may provide non-performance related premium pay for those work locations where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living. (10-18-06)T

a. Conditions of participation; DHR shall be consulted whenever geographic pay is determined to be necessary. (3-16-04)(10-18-06)T

b. Equipment use and provision; Employees in the same work location, regardless of agency, shall be treated consistently with regard to geographic pay differential. (3-16-04)(10-18-06)T

c. Workers compensation and liability issues; and Geographic pay premiums are based on cost of living indicators available in surveys utilized by DHR. (3-16-04)(10-18-06)T

d. Confidentiality; DHR will provide salary survey data and economic indicators to identify areas where the cost of living significantly exceeds that of Boise. DHR will use such surveys to generate a geographic pay calculation formula agreeable to the majority of affected agencies. (3-16-04)(10-18-06)T

e. Geographic pay is premium pay tied to work location. The geographic pay differential is discontinued when an employee takes an assignment at a work location not deemed eligible for a geographic differential. (10-18-06)T

f. Geographic pay must be identified to be included in required annual reports. (10-18-06)T

g. Employees that have housing provided by the state normally are not eligible for geographic pay. (10-18-06)T

h. Geographic pay shall be prorated for individuals working less than forty (40) hours a week. (10-18-06)T

i. Geographic pay calculation shall be reviewed annually by DHR. (10-18-06)T

077. BONUSES.

01. Performance Bonuses. Up to a total of ~~one~~ two thousand dollars (~~\$1,000~~) may be awarded each fiscal year, in recognition of ~~excellent~~ exemplary performance. ~~In extraordinary circumstances, exceptions to the two thousand dollar (\$2,000) limit may be granted if approved in advance by the State Board of Examiners. A memo documenting such~~ Documentation of the exemplary performance should and related bonus award shall be provided to the employee and placed in their agency personnel file. (Ref. Section 59-1603(7) and Section 67-5309C(b)(iii)D(1), Idaho Code) (3-16-04)(10-18-06)T

02. ~~State Resource Savings Bonuses~~ Employee Suggestion Award. Appointing authorities may award up to a total of ~~one thousand dollars (\$1,000)~~ may also be awarded each fiscal year, in recognition ~~twenty-five percent (25%) of the savings realized from~~ an employee's idea to save state resources taxpayer dollars, not to exceed two thousand dollars (\$2,000). ~~Each agency will develop an internal procedure to provide for prompt consideration and distribution of awards.~~ (Ref. Section 67-5309C(b)(iv)D, Idaho Code) (3-16-04)(10-18-06)T

a. ~~Suggestions, that when implemented result in significant savings, may result in a larger bonus, but such amounts must be approved by the Board of Examiners.~~ Each participating agency should develop an internal procedure that encourages participation, sets guidelines and procedures and provides prompt consideration and distribution of awards. DHR can assist agencies in developing a procedure. (3-16-04)(10-18-06)T

b. ~~Suggestions aimed at saving money outside the employee's state agency should be submitted to the employee's agency first and then routed to the Division of Human Resources for centralized coordination and tracking. The Division of Human Resources will forward the suggestion to the agency able to address implementation.~~ Suggestions must be intended to increase productivity; conserve state resources; reduce state costs; or improve the morale of state employees. (3-16-04)(10-18-06)T

c. Eligibility. (10-18-06)T

i. All state employees are eligible to submit suggestions. (10-18-06)T

ii. Employees are not eligible for awards who have a clear and specific responsibility to offer suggestions for improvement, etc., as part of their normal job duties. (10-18-06)T

iii. Elected officials of the state are not eligible for award pay. (Ref. Section 59-1603(8) and Section 67-5309D(2), Idaho Code). (10-18-06)T

d. The suggestion must be implemented to be eligible for award. (10-18-06)T

i. Suggestions that may be deserving of an award larger than two thousand dollars (\$2,000) and suggestions aimed at saving money outside the employee's state agency should be submitted through the employee's agency first for screening and support, and then routed to the Division of Human Resources for centralized coordination and tracking. Awards greater than two thousand dollars (\$2,000) must be approved in advance by the State Board of Examiners. (10-18-06)T

e. Employee suggestion awards may be funded from the expense category (personnel, operating, or capital) from which the savings were realized. (Ref. Section 67-3511(1), Idaho Code) (10-18-06)T

~~078.—079.~~ ~~(RESERVED).~~

078. RETENTION AWARDS.

01. Appointing Authority. An appointing authority may authorize award pay in order to retain valuable employees. (10-18-06)T

02. Performance and Market Related. Retention awards are performance and market related, and specific to the individual employee. (10-18-06)T

03. Appointing Authorities. Appointing Authorities may make such awards when an employee has completed at least 6 months of work that achieves performance standards, regardless of probationary status. (10-18-06)T

04. Clearly Identified. The awards must be clearly identified to comply with annual reporting requirements. (10-18-06)T

05. Award Impact. These awards do not impact performance bonus or employee suggestion award eligibility. (10-18-06)T

079. RECRUITMENT INCENTIVE AWARDS.

01. Appointing Authority. An appointing authority may authorize lump sum award pay for the purposes of providing recruitment incentives. (10-18-06)T

02. Documentation. Recruitment pay and conditions of payment must be documented. (10-18-06)T

03. Recruitment Pay May Only Be Granted After Six Months. Recruitment pay may only be granted after an employee has completed six (6) months of satisfactory service, regardless of full or part time status. (10-18-06)T

04. Reward Impact. These awards do not impact performance bonus or employee suggestion award eligibility. (10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

083. ~~(RESERVED)~~ MOVING EXPENSES REIMBURSEMENT.

The head of any department, office, or institution shall have authority to reimburse moving expense for current or newly hired state employees up to ten percent (10%) of the employee's base salary or fifteen thousand dollars (\$15,000) whichever is less. Reimbursable expenses must be in compliance with the State Moving Policy in effect at the time of the move. (Ref. SCO website, State Board of Examiners.) (10-18-06)T

01. Exceptions to the Maximum Expense Reimbursement Limits. Exceptions to the maximum expense reimbursement limits may be approved in advance by the department director. (10-18-06)T

02. Report Submission to Division of Financial Management. Agencies shall submit a report to the Division of Financial Management and the Legislative Services Office by October 1 on all moving expense reimbursements granted in the preceding fiscal year. (Ref. Section 67-5337, Idaho Code.) (10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

086. APPLICATIONS.

01. Form. All applications shall be filed in the form prescribed by the administrator. (3-16-04)

02. Filing of Applications. Applications are currently accepted by internet application system, mail, personal delivery, electronic mail and FAX to the Division of Human Resources. An application will also be considered timely if any Job Service or agency human resources office receives and date stamps it by the closing date, notifies the Division of Human Resources, and ensures that it is delivered to the Division of Human Resources by close of the next business day. (3-16-04)

03. Application by Military Personnel. An application will be accepted after the closing date of the announcement from a person who was serving in the armed forces, or undergoing service-connected hospitalization ~~of no more than~~ up to one (1) year following discharge, during any period in which the announcement was open. The application must be submitted within one hundred twenty (120) days of the applicant's separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of an examination. ~~The applicant must be a resident of Idaho when application is made.~~ (Ref. Sections 65-502~~3~~ and 67-5309(f), Idaho Code) ~~(3-16-04)~~(10-18-06)T

04. Application by Disabled Veterans. A disabled veteran may file an application at any time up until a selection has been made for any classification for which the Division of Human Resources maintains a register as a source for future job openings or for which a register is about to be established, provided he or she has not already been examined twice for the same classification, does not have current eligibility on that register, or is not serving in a ~~classification~~ competitive position in the same ~~or higher~~ pay grade as the classification for which application is made. ~~The applicant must be a resident of Idaho when application is made.~~ (Ref. Sections 65-502~~3~~, ~~65-507~~ and 67-5309(f), Idaho Code) ~~(3-16-04)~~(10-18-06)T

05. Promotion of Entrance Probationary Employee. Any classified employee on entrance probation may file an application for a promotional opportunity and be placed on a register but may not be appointed until permanent status has been attained. (Ref. Rules 159.01. and 169.03.) (3-16-04)

06. Disclosure of Information for Hiring Purposes. By submitting an application, an individual is

deemed to authorize disclosure of confidential information to state agencies for purposes of screening, testing, interviewing and hiring. (Ref. Section 9-340C, Idaho Code). (12-10-90)

(BREAK IN CONTINUITY OF SECTIONS)

093. CONDUCT AND RATING OF EXAMINATIONS INCLUDING VETERANS' PREFERENCE POINTS.

01. Designation of Examiners. The examinations shall be conducted and rated by persons designated by the administrator. (8-1-81)

02. Scoring of Examinations. Each examination shall be rated for final scores on the basis of one hundred (100) point maximum. The Division of Human Resources' staff shall use appropriate statistical and professional techniques and procedures in determining passing points and final scores. (3-30-01)

03. Veterans Preference. (3-16-04)

a. ~~Was~~ Veterans and disabled veterans points, when applicable under state law, shall be added to the final score achieved in the examinations, notwithstanding the fact that the augmented final score may exceed one hundred (100) points. Veterans preference points are only applicable when the applicant is a resident of Idaho. Five (5) percentage points shall be added to the earned rating of any veteran as defined in Section 65-502, Idaho Code, and the widow or widower of any veteran as defined in Section 65-502, Idaho Code, as long as he or she remains unmarried. Pursuant to Section 65-504, Idaho Code, ten (10) percentage points shall be added to the earned rating of any disabled veteran as defined in Section 65-502, Idaho Code, the widow or widower of the same as long as he or she remains unmarried, or the spouse of any eligible disabled veteran who cannot qualify for any public employment because of a service-connected disability. Employment registers shall be established in order of final score except that the names of all five (5) and ten (10) percentage point preference eligibles resulting from the merit system shall be placed on the register in accordance with their augmented rating. (Ref. Sections 65-5064 and 67-5309(f), Idaho Code) ~~(3-16-04)~~(10-18-06)T

b. ~~Was~~ Veterans and disabled veterans preference points shall not be added to the raw score in order to achieve a passing score. ~~(3-16-04)~~(10-18-06)T

04. Failing Score. Failure in any part of the examination may disqualify the applicant in the entire examination and from having his or her name placed on the register. Final scores shall be computed in accordance with weights assigned the individual factors in the total examination. (4-5-85)

05. Use of Alternate Announcement. An examination may be rated for another classification under current announcement at the discretion of the administrator. (3-16-04)

06. Waiver of Examination. Notwithstanding other provisions in these rules, when ten (10) or fewer applications are received from applicants meeting minimum qualifications for a position announcement and there is no existing register, the announced examination may be waived by the administrator. These applicants shall be eligible for appointment and their placement on the register shall take into account veterans' preference. When using registers developed in this manner, appointing authorities shall provide the opportunity for placement interviews for each applicant on the register. (3-16-04)

07. Examination Upon Reclassification. An employee occupying a position which is reclassified (Rule 067.01) may be required at the discretion of the administrator to pass an examination for the classification to which reclassified. (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

102. PLACEMENT ON REGISTER.

01. Score Order. Eligible candidates shall be placed on the register for a given classification ranked in descending numerical order based on their final score on the examination for such classification. (3-16-04)

02. Veterans' Preference. Eligible veterans or surviving spouses entitled to five (5) point preference shall be placed on the open-competitive register in accordance with their final score on the examination augmented by preference points. (Ref. Rule 093.03, and Section 65-5064, Idaho Code) ~~(3-16-04)~~(10-18-06)T

03. Disabled Veterans' Preference. Eligible ten percent (10%) or more disabled veterans or purple heart recipients or surviving spouses entitled to ten (10) point preference shall be placed at the top of on the open-competitive register ~~above all other non-preference candidates~~ in order of their final score on the examination augmented by preference points. Veterans who have a current service-connected disability of thirty percent (30%) or more, shall be offered an interview when their final score on the hiring list places them within the top ten (10) qualified candidates. If more than ten (10) thirty percent (30%) or greater disabled veterans place in the top ten (10) qualified scores of a hiring list, at least ten (10) shall be offered an interview. (Ref. Rule 093.03 and Section 65-506, Idaho Code) ~~(3-16-04)~~(10-18-06)T

04. Veterans' Preference Points for Initial Appointment Only. The additional points added by reason of veterans' preference shall be used the first time a qualified veteran is hired by any state agency and not for the purpose of promotions. (Ref. Section 65-5064, Idaho Code) ~~(3-16-04)~~(10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

124. REINSTATEMENTS.

01. Eligibility. As determined by the administrator, a current or former employee shall be eligible for reinstatement to a classification in which he or she held permanent status, or if deleted its successor, or to another classification of equal or lower pay grade under the following conditions (salary treatment is covered by Rule 072.05). (3-16-04)

a. Reinstatement is limited to a period equal to the length of the employee's probationary and permanent employment combined. (3-30-01)

b. The current or former employee must have separated from the classification for which reinstatement is desired without prejudice. A former employee must also have separated from state classified service without prejudice. (3-16-04)

c. The current or former employee must meet the current minimum qualifications of the classification to which reinstatement is desired. (3-16-04)

02. Reinstatement Prohibited. Reinstatement of a current or former employee is not permissible as long as there is a departmental register (Rule 101.01) for that classification with names of eligibles who have reemployment preference status. (3-16-04)

03. Examination. The administrator may require a current or former employee to pass an examination for the classification to which reinstatement is desired. (3-16-04)

04. Probationary Period. An appointing authority may negotiate for a probationary period as a condition of reinstatement except where prohibited. (Ref. Rules 124.05 and 145.01). (3-16-04)

05. Return from Military Duty. An employee returning from military leave without pay (Rule

250.05) who is relieved or discharged from military duty under conditions other than dishonorable shall be, upon application, reinstated in his or her former position, or one of comparable classification, without loss of credited state service, status, or pay as prescribed by Sections 46-216, ~~65-508~~, 65-511 and 65-512, Idaho Code, and USERRA or the Military Selective Service Act, Title 38, Chapter 43, U.S. Code. Application for reemployment must be made ~~within ninety (90) calendar days after separation from military duty or from hospitalization continuing after discharge up to one (1) year~~ in accordance with the provisions of USERRA. Salary treatment is covered by Rule 072.08. ~~(3-30-01)~~(10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

141. CALCULATION OF RETENTION POINTS.

There shall be an evaluation of all employees in the classification in the department or organizational unit affected by the reduction in force based on a retention point system. Retention points are derived from experience as described in performance evaluations and classified credited state service. Qualified ~~war~~ veterans are given preference through additional retention points. (Ref. Rule 141.05), The appointing authority will determine a process for the impartial assessment of evaluations to assign points as follows:

Overall Performance Level Documented As:	Retention Points Earned Per Hour of Credited State Service
Superior <u>Exemplary</u> or equivalent	.100
Very Good <u>Solid Sustained</u> or equivalent	.075
Satisfactory <u>Achieves Performance Standards</u> or equivalent	.050
Needs Improvement <u>Does Not Achieve Performance Standards</u> or equivalent	.0
Unsatisfactory	-.0

~~(3-16-04)~~(10-18-06)T

01. No Performance Evaluation on File for a Twelve-Month Period. All credited state service for which there is no performance evaluation shall receive seventy-five thousandths (.075) points per hour. A supervisor's failure to document performance in a timely manner cannot be used to disadvantage an employee during retention point calculation. (3-16-04)

a. Grace period. Supervisors have ninety (90) days after each two thousand eighty (2,080) hours an employee works to complete the performance evaluation documentation. During that ninety (90) day time frame, the evaluation may be written to cover the two thousand eighty (2,080) hours or extended to also cover the time frame up to the date of the evaluation. (3-16-04)

b. Changes in prior periods not allowed. Once an evaluation has been signed by the supervisor, employee, manager, and other applicable reviewers, the document may not be changed, unless the change is a result of a problem solving dispute resolution. (3-16-04)

02. Calculation of Retention Points Since Last Evaluation. The most recent performance evaluation should be used to pro-rate retention points when calculating credited state service since that evaluation, unless that evaluation occurred more than two thousand eighty (2,080) hours from the date of calculation. In such cases, points shall be calculated in conformance with Rule 141.01. (3-16-04)

03. Qualified ~~War~~ Veterans (~~War-Era~~) Preference. ~~War~~ Veterans (~~War-Era~~) as defined in Chapter 5, Title 65, Idaho Code, shall receive preference by the addition of retention points equivalent to three (3) years of satisfactory service at a level that achieves performance standards. ~~(3-16-04)~~(10-18-06)T

04. Calculation Date Cutoff. No points shall be calculated for the sixty (60) days prior to the effective date of the layoff. (3-16-04)

05. Audit of Retention Points. Each employee shall be entitled to an audit of retention points by an independent auditor designated by the administrator in cases of dispute between the appointing authority and the employee. The request for audit must be filed with the appointing authority within five (5) calendar days of the employee's receipt of layoff notification. The decision of the independent auditor shall be binding on both parties unless an appeal is filed within thirty-five (35) calendar days from the date of the auditor's notification to the affected parties. (7-1-87)

(BREAK IN CONTINUITY OF SECTIONS)

150. PROBATIONARY PERIODS.

01. Probationary Period Required. Except as provided in Rule 040, every appointment and promotion to a classified position shall be probationary, or in the absence of adequate registers, provisional. (7-1-87)

02. Types of Probationary Periods. The probationary period serves as a working test period to provide the department an opportunity to evaluate a probationary employee's work performance and suitability for the position. There are three (3) types of probationary periods: (3-30-01)

a. Entrance probation is the probationary service required of an employee at the time of his or her original appointment or any subsequent appointment to state classified service excluding reinstatement and transfer, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (3-30-01)

b. Promotional probation is the probationary service required when an employee is promoted, the duration of which shall be one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who shall serve two thousand eighty (2,080) hours. (3-30-01)

c. Voluntary probation is the probationary period negotiated between employees seeking inter-agency transfer, voluntary demotion, and/or reinstatement and the hiring authority. The probationary period is negotiable but may not exceed one thousand forty (1,040) hours of credited state service except for peace officers (defined in Section 19-5101, Idaho Code), who may serve up to two thousand eighty (2,080) hours. Voluntary probation agreements must be approved by the administrator and kept on file with the Division for the duration of the probationary period. (3-16-04)

03. Extension of Probationary Period. Upon petition by an appointing authority that demonstrates good cause, the administrator may extend the probationary period of an employee for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. Petitions must be received by the administrator before an employee has worked one thousand forty (1,040) hours or two thousand eighty (2,080) hours for peace officers. (3-16-04)

04. Interruption of Probationary Period. The probationary period in any classification must be completed within a single department uninterrupted by resignation, termination (Ref. Rule 152.02) or dismissal (Ref. Rule 190). An employee who separated during the probationary period must begin a new probationary period upon reappointment or promotion. (3-16-04)

05. Acting and Temporary Service Credit. At the request of the hiring agency, the administrator will allow temporary and acting appointment service time in a given classification to be used toward fulfilling the

entrance probationary requirements in that classification as established in Section 67-5309(j), Idaho Code. The temporary or acting appointment duties must be substantially the same as the regular permanent appointment. (Ref. Section 67-5309(x), Idaho Code and Rules 150.01(a), Rule 129, and Rule 122). (10-18-06)T

151. SATISFACTORY SERVICE.

When a probationary employee has satisfactorily served the probationary period, the appointing authority shall no later than thirty (30) calendar days after the expiration of the probationary period provide the employee and the Division of Human Resources a performance evaluation indicating satisfactory performance and shall certify the employee to permanent status. ~~Such~~ Certification to permanent status shall be effective one thousand forty (1,040) hours of credited state service after appointment, except that it shall be effective two thousand eighty (2080) hours of credited state service after appointment for peace officer classifications unless either period has been extended pursuant to Rule 150.03. (Ref. Section 67-5309(j), Idaho Code, and Rule 210.04) ~~(3-30-07)~~(10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

190. DISCIPLINARY ACTIONS.

01. Cause for Disciplinary Actions or Separation from State Service. Dismissal, suspension, demotion, or reduction in pay, may occur for any of the following causes during the employee's employment: (3-16-04)

a. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes, or rules of the department or the Division of Human Resources and Idaho Personnel Commission. (3-16-04)

b. Inefficiency, incompetency, or negligence in performing duties or job performance that fails to meet established performance standards. ~~(4-5-85)~~(10-18-06)T

c. Physical or mental incapability for performing assigned duties, if a reasonable accommodation cannot be made for the disabling condition. (Ref. Rule 010.56) (3-16-04)

d. Refusal to accept a reasonable and proper assignment from an authorized supervisor. (4-5-85)

e. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the department. (4-5-85)

f. Intoxication on duty. (4-5-85)

g. Careless, negligent, or improper use or unlawful conversion of state property, equipment, or funds. (4-5-85)

h. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage. (4-5-85)

i. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude. (4-5-85)

j. Acceptance of gifts in exchange for influence or favors given in ~~an~~ the employee's official capacity. ~~(4-5-85)~~(10-18-06)T

k. Habitual pattern of failure to report for duty at the assigned time and place. (4-5-85)

l. Habitual improper use of sick leave. (4-5-85)

- m.** Unauthorized disclosure of confidential information from official records. (4-5-85)
- n.** Absence without leave. (4-5-85)
- o.** Misstatement or deception in application for employment. (4-5-85)
- p.** Failure to obtain or maintain a current license or certificate lawfully required as a condition in performance of duties. (4-5-85)
- q.** Prohibited participation in political activities. (Ref. Section 67-5311, Idaho Code) (4-5-85)

02. Suspension for Investigation. An appointing authority may suspend with pay an employee for investigation of disciplinary causes enumerated above. Each suspension for investigation shall be superseded by reinstatement to duty, dismissal or disciplinary suspension within thirty (30) calendar days of the suspension for investigation or within an extension of an additional thirty (30) calendar days approved by the administrator. Further extensions may be granted with the approval of the Administrator. (3-30-01)

03. Disciplinary Suspension. An appointing authority may suspend without pay an employee for discipline for causes enumerated above. Disciplinary suspension of an employee with permanent status shall be subject to appeal by the employee to the Commission. (3-16-04)

04. Suspension on Felony Charges. An appointing authority may suspend without pay an employee upon the issuance of a complaint, an information or indictment for felony charges. Such suspensions may remain in effect during the time such charges are pending. Full reinstatement of all benefits and salary that the employee would have otherwise been entitled shall be provided by the appointing authority to the employee upon a subsequent finding that charges or information were without grounds or the employee was not found guilty. For the purpose of this rule, a judgment withheld under Rule 33(d) of the Idaho Rules of Criminal Procedure is a conviction. (7-1-87)

05. Notice to Administrator. Whenever an appointing authority considers it necessary to take disciplinary action against an employee, he or she shall notify the employee and the administrator concurrently in writing; and shall set forth the specific rule(s) violated and the reasons for the action. Suspensions with pay for investigation (Ref. Rule 190.02) may be made without prior notice to the employee; in this case, the appointing authority shall notify the administrator as soon as practical. (7-1-87)

(BREAK IN CONTINUITY OF SECTIONS)

210. PERFORMANCE EVALUATIONS.

01. Performance Evaluations. Each department shall adopt and maintain a system of employee performance evaluations provided it meets the basic objectives of the state's performance evaluation system as approved by the administrator. (3-30-01)

02. Approval of Form. The Division of Human Resources' staff shall make available a standard format for this purpose. An appointing authority may utilize another form provided it meets the basic performance criteria and ratings and is approved by the administrator. (3-16-04)

03. Purpose. The purpose of performance evaluation is to provide an objective evaluation by the immediate supervisor of an employee's performance in comparison with established expectations for the position; and to identify an employee's strengths and weaknesses and where improvement is necessary. All performance evaluations shall be discussed with affected employee who shall be allowed opportunity to submit written comments regarding the evaluation contents. (3-16-04)

04. Use of Evaluations. Performance evaluations should be used in connection with promotions, transfers, demotions, retentions, separations, and reassignments (Ref. Section 67-5309(h), Idaho Code); and used as

the affirmative certification for merit increases and bonuses (Ref. Section 67-5309~~C(b)B(d)~~, Idaho Code); and for certifying a probationary employee to permanent status (Ref. Rule 151). Other uses of performance evaluations are optional with the appointing authority. ~~(3-30-01)~~(10-18-06)T

05. Evaluation Schedule. All classified employees shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion and after each two thousand eighty (2,080) hours of credited state service thereafter. (Ref. Section 67-5309~~C(b)(ii)(h)(j)~~, Idaho Code.) Part time employees shall be evaluated on an annual basis. ~~(3-30-01)~~(10-18-06)T

06. Retention of Evaluation. A copy of the performance evaluation shall be retained in departmental records, and a copy shall be furnished to the employee. The performance rating shall be transmitted to the administrator. Agency records and supporting documentation are subject to review by the Division of Human Resources. All performance evaluation documents shall be copied and forwarded with the employee when an interagency promotion, demotion or transfer occurs. (3-16-04)

07. Supervisors' Requirements. (10-18-06)T

a. Supervisors are required to manage performance on a consistent basis including completion of performance evaluations on all employees under their direct supervision. (Ref. Rule 141.01.a.) ~~(3-16-04)~~(10-18-06)T

b. The Division of Human Resources shall provide standards and resources as available to agencies to ensure all supervisors are properly trained on performance evaluations. (10-18-06)T

(BREAK IN CONTINUITY OF SECTIONS)

230. VACATION LEAVE.

01. Eligibility. All classified employees regardless of status or whether full-time or part-time shall earn vacation leave and be eligible to take and be paid for unused vacation leave in accordance with Sections 67-5334; and 67-5335; ~~and 67-5337~~, Idaho Code. ~~(7-1-87)~~(10-18-06)T

02. Rate of Accrual. All credited state service (ref. Sections 67-5332 and 59-1604, Idaho Code, for definitions) shall be counted in determining leave accrual rate. (4-5-85)

03. Mutual Agreement. Vacation leave requested by the employee may be used only when approved by the department. The employee and the department shall mutually agree upon such time or times when vacation leave will least interfere with the efficient operation of the department taking into consideration the vacation preference of the employee. (7-1-87)

04. Interdepartmental Transfer. An employee who is transferred from one (1) state department to another department shall be credited with accrued vacation leave by the receiving department at the time of transfer. (3-30-01)

231. -- 239. (RESERVED).

240. SICK LEAVE.

01. Eligibility. Sick leave shall be earned in accordance with Section 67-5333, Idaho Code. Sick leave shall only be taken in pay periods subsequent to being earned. (3-30-01)

02. Interdepartmental Transfer. An employee who is transferred from one (1) state department to another shall be credited by the receiving department with the amount of sick leave accrued at the time of transfer. (3-30-01)

03. Reasons for Use. Sick leave shall only be used in cases of actual illness or disability or other medical and health reasons necessitating the employee's absence from work, or in situations where the employee's personal attendance is required or desired because of serious illness, disability, or death and funeral in the family. For purposes of this rule, family means a spouse, child, foster child, parent, brother, sister, grandparent, grandchild, or the same relation by marriage. (3-16-04)

04. Medical, Dental, or Optical Appointments Leave (MDA). Employees are allowed up to two (2) hours for each occasional appointment without charge to sick leave for personal or family-member medical, dental or optical examination or treatment. Occasional appointments are those which are traditionally considered to be preventative, wellness related, or diagnostic. Ongoing treatment for physical or mental illness is not covered by MDA. Use of this benefit may be limited by the appointing authority on a case by case basis where frequency of use is impeding organizational effectiveness or misuse is suspected. If more than two (2) hours are needed for appointments additional time may be charged to sick leave. (Ref. Rule 250.13) (3-16-04)

05. Serious Medical Conditions. Sick leave may be used in conjunction with Family and Medical Leave. (Ref. Rule 242) (3-30-01)

06. Notification. It is the responsibility of the employee to notify his or her supervisor as soon as possible in the event of sickness or injury which prevents the employee from reporting for duty. (4-5-85)

07. Donated Leave. Vacation leave may be transferred to another employee for the purposes of sick leave in accordance with Section 67-5335(7)4, Idaho Code. Such transfers are to be made from employee to employee. Vacation leave is retained by the donating party until it is converted to sick leave in the receiving employee's account. (~~3-16-04~~)(10-18-06)T

08. Sick Leave Abuse. A predictable and reliable level of attendance is an essential function of almost all positions. Consistent with the provisions of the Americans with Disabilities Act and the Family Medical Leave Act, a supervisor may investigate suspected sick leave abuse including a pattern of unscheduled absences which have a negative impact on the requirements of the job and take appropriate action. When an employee is absent due to illness or injury in excess of three (3) days, a doctor's certificate of justifiable cause for the absence may be required of the employee at the discretion of the immediate supervisor. A doctor's certification of illness or injury may be required of an employee for periods of less than three (3) consecutive working days whenever the immediate supervisor or manager believes special investigation of the absence should be made. (Ref. Rule 190 and Section 67-5333, Idaho Code) (3-16-04)

(BREAK IN CONTINUITY OF SECTIONS)

250. SPECIAL LEAVES.

01. Leave of Absence Without Pay. (7-1-93)

a. Approval. In addition to workers' compensation, family medical leave, disability, or other statewide leave policies, the appointing authority may grant an employee leave without pay for a specified length of time when such leave would not have an adverse effect upon the department. The request for leave must be in writing and must establish reasonable justification for approval. (3-16-04)

b. Reemployment. The appointing authority approving the leave of absence assumes full responsibility for returning the employee to the same position or to another position in a classification allocated to the same pay grade for which the employee meets minimum qualifications. (7-1-87)

c. Exhaustion of Accrued Leave. Unless prohibited by workers compensation, family medical leave, disability, or other statewide leave policies, the appointing authority has discretion on whether the employee is required to exhaust accrued vacation leave, earned administrative leave or compensatory time off for overtime before commencing leave without pay. (Ref. Rule 240) (3-16-04)

d. Resignation. If vacation leave, earned administrative leave and compensatory time off for overtime are not exhausted and the employee resigns from state service while on leave, he or she shall be paid for such accruals in accordance with Sections 67-5337~~4~~ and 67-5329~~(3)~~8, Idaho Code. ~~(7-1-87)~~(10-18-06)T

02. Leave of Absence to Assume a Nonclassified Position. (7-1-93)

a. Approval. An appointing authority may approve a leave of absence from classified service to a classified employee to assume a nonclassified position. Such leave of absence shall not extend beyond the time the employee would be eligible for reinstatement to classified service or ninety (90) days past the service of the appointing authority, whichever comes first. (Ref. Rule 124.01.a.) (3-16-04)

b. Credited State Service. An employee on leave of absence to assume a nonclassified position continues to accrue credited state service. (3-16-04)

c. Compensatory time will not accrue but can continue to be used if assuming an "executive" position. (10-18-06)T

03. Leave Defaults. When an employee does not have accrued sick leave to cover an entire absence the following leave types shall be used to the extent necessary to avoid leave without pay: accrued compensatory time; earned administrative leave; vacation. If abuse of sick leave is suspected see Rule 240.08. (3-16-04)

04. Military Leave With Pay. Employees who are members of the national guard or reservists in the armed forces of the United States ~~who are directed by proper military authority to participate in ordered and authorized field training under the National Defense Act shall receive military leave with pay for a maximum fifteen (15) working days in any one (1) calendar year engaged in military duty ordered or authorized under the provisions of law, shall be entitled each calendar year to fifteen (15) days of military leave of absence from their respective duties without loss of pay, credited state service or evaluation of performance.~~ Such leave is ~~exclusive of separate from~~ vacation, ~~and~~ sick leave, ~~and~~ holiday, or compensatory time off for overtime. (Ref. Section 46-216, Idaho Code). ~~(4-5-85)~~(10-18-06)T

05. Military Leave Without Pay. (10-18-06)T

a. An employee whose employment is reasonably expected to continue indefinitely, and who leaves his or her position either voluntarily or involuntarily ~~in order~~ to perform active military duty, has reemployment rights as defined in Rule 124.05. The employee ~~shall either be separated from state service or placed in "inactive" status, at the option of the appointing authority may elect a leave of absence or separation. If on leave of absence, the employee may choose to use accrued vacation or compensatory time.~~ ~~(3-16-04)~~(10-18-06)T

b. Health Insurance for National Guard or Reservist Deployment. All employees who are members of the national guard or reservists in the armed forces of the United States shall be entitled to their existing medical benefits for the first thirty (30) days of a deployment ordered or authorized under the provisions of the National Defense Act. Use of vacation, EAL or compensatory time leave shall not be required for an employee to receive this health insurance benefit. However, an employee may choose to use such existing accrued leave to pay for the employee's share of the health insurance premium (Ref. Section 46-225, Idaho Code, Rules 230.0e, 250.07 and 073 and USERRA). (10-18-06)T

06. Administrative Leave with Pay. At the discretion of the appointing authority, an employee may be granted administrative leave with pay when such leave is in the best interest of the department. (4-5-85)

07. Earned Administrative Leave. (7-1-93)

a. Authority for Use. In any week that an employee would be compensated an amount greater than forty (40) hours times the employee's regular rate of pay, an appointing authority may allow the employee to accumulate earned administrative leave to the extent necessary to reduce the cash compensation to forty (40) hours. An appointing authority may allow a part-time employee to accumulate earned administrative leave for the hours worked between the regularly-scheduled hours and forty (40) hours. Earned administrative leave shall be calculated

based on one hundred sixty (160) hours for police, correctional officers, and fire employees pursuant to Rule 073.02. (3-30-01)

b. Ineligible Employees. Employees who are ineligible for cash compensation and compensatory time for overtime work are ineligible for earned administrative leave. (Ref. Section 67-5329(1), Idaho Code). (12-10-90)

c. Payment and Credited State Service. Earned administrative leave (EAL) balances shall be paid upon transfer or separation. Hours of EAL shall accrue credited state service when worked. (3-30-01)

08. Court and Jury Services and Problem-Solving and Due Process Leave. (7-1-98)

a. Connected with Official State Duty. When an employee is subpoenaed or required to appear as a witness in any judicial or administrative proceeding in any capacity connected with official state duty, he or she shall not be considered absent from duty. The employee shall not be entitled to receive compensation from the court. Expenses (mileage, lodging, meals, and miscellaneous expenses) incurred by the employee shall be reimbursed by his or her respective department in accordance with department travel regulations. (3-16-04)

b. Private Proceedings. When an employee is required to appear as a witness or a party in any proceeding not connected with official state duty, the employee shall be permitted to attend. The employee may use accrued leave or leave without pay. (3-30-01)

c. Jury Service. When an employee is summoned by proper judicial authority to serve on a jury, he or she shall be granted a leave of absence with pay for the time which otherwise the employee would have worked. The employee shall be entitled to keep fees and mileage reimbursement paid by the court in addition to salary. Expenses in connection with this duty are not subject to reimbursement by the state. (7-1-87)

d. Problem-solving and due process procedures. Any employee who has been requested to serve as a mediator as provided by a departmental problem-solving or due process procedure or to appear as a witness or representative during such a proceeding shall be granted leave with pay, without charge to vacation leave or compensatory time off for overtime, to perform those duties. (7-1-98)

e. Notification. An employee summoned for court and jury service or requested to serve as a grievance panelist, witness, or representative shall notify his or her supervisor as soon as possible to obtain authorization for leave of absence. (7-1-87)

09. Election Leave. When requested by an employee, an appointing authority shall grant leave with pay, without charge to vacation leave or compensatory time off for overtime, for voting in primary, general, municipal, school, or special elections in those instances where the employee's work would interfere with his or her being able to vote. (4-5-85)

10. Religious Leave. Appointing authorities shall make reasonable accommodations to an employee's need for leave for religious observances. Such leave shall be charged to the employee's accrued vacation leave or compensatory time off for overtime. (4-5-85)

11. Leave During Facility Closure or Inaccessibility. (7-1-93)

a. Authorization. When a state facility is closed or declared inaccessible because of severe weather, civil disturbances, loss of utilities or other disruptions, affected employees shall be authorized administrative leave with pay (Ref. Rule 250.06) to cover their scheduled hours of work during the closure or inaccessibility. (4-5-85)

b. Compensation for extra hours worked. An employee who works at a state facility during declared closure or inaccessibility shall be, in addition to regular salary, granted time off equal to the number of hours worked. If overtime is involved, it shall be compensated as provided by Section 67-5329, Idaho Code. ~~(4-5-85)~~(10-18-06)T

c. Early release. When the appointing authority or designated representative authorizes early release of employees pursuant to Rule 250.11.a., the resulting time off shall be charged to administrative leave with pay. (Ref. Rule 250.06) (3-16-04)

12. Red Cross Disaster Services Leave. Employees who have been certified by the American Red Cross as disaster service volunteers shall be granted up to one hundred twenty (120) hours of paid leave in any twelve (12) month period to participate in relief services pursuant to Section 67-5338, Idaho Code. (3-30-01)

13. Employee Assistance Program Leave. Up to two (2) hours per visit shall be granted for utilization of the Employee Assistance Program (EAP) during normal working hours. This leave is limited to the number of free program visits provided in the state's Behavioral Health Program. EAP leave shall be coded as MDA. (Ref. Rule 240.04). (3-30-01)

14. Bone Marrow and Organ Donor Leave with Pay. (10-18-06)T

a. Approval. Upon request, a full-time employee shall be granted five (5) work days leave with pay to serve as a bone marrow donor or thirty (30) work days leave with pay to serve as an organ donor. The employee must provide the appointing authority with written verification that the employee is the person serving as the donor. Paid leave as provided in this rule is limited to one-time bone marrow and one-time organ donor leave per employee. (Ref. Section 67-5343, Idaho Code.) (10-18-06)T

b. Use. An employee who is granted such leave of absence shall receive compensation without interruption during the leave period. For purposes of determining credited state service, pay advancement, performance awards, and/or any benefit affected by a leave of absence, the service of the employee shall be considered uninterrupted by the paid leave of absence. (Ref. Section 67-5343, Idaho Code.) (10-18-06)T

251. -- 259. (RESERVED).

260. OVERTIME.

01. Employing Agencies. The state is considered as one (1) employer for determining the number of hours an employee works. If an employee works for more than one (1) department, the department(s) employing the employee when the overtime occurs shall be liable for compensatory time off or cash compensation as provided by law. (7-1-87)

02. Compensation for Overtime. Overtime accrual and compensation for classified employees is covered by Sections 67-53298 ~~and 67-5330~~, Idaho Code, and Section 59-1607 for nonclassified employees. Overtime is defined in Section 67-5302(~~4920~~), Idaho Code. (~~7-1-87~~)(10-18-06)T

03. Forfeiture of Compensatory Time. Employees who become executives within their current agency as set forth by Idaho Code Section 67-5302(12) shall have six (6) months from the date of appointment to use any compensatory time balance. After six (6) months, any remaining compensatory time will be forfeited. Separation or transfer will continue to result in forfeiture of compensatory time. (10-18-06)T

034. Modification of Workweek or Schedule. No department shall alter a previously established work week for the purpose of avoiding overtime compensation. A department may modify the employee's regular schedule of work to avoid or minimize overtime. (7-1-87)

(BREAK IN CONTINUITY OF SECTIONS)

272. POLICY MAKING AUTHORITY.

To address the need for all classified employees to be treated ~~equally~~ fairly, and in situations where the State may be considered as one (1) employer, the Division of Human Resources Administrator may issue guidance to provide consistent interpretation of federal law, state law, executive order or rule. (~~3-16-04~~)(10-18-06)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.04.14 - RULES GOVERNING LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

DOCKET NO. 16-0414-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending and is also adopting this rule as a temporary rule. The action is authorized pursuant to Section 56-202, Idaho Code, and 42 USC Sections 8621 to 8629.

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

The pending rule is being adopted as proposed. The original text of the temporary and proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Vol. 06-9, pages 88 through 94.

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

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: These rule amendments are being made to meet deadlines in federal regulations and to confer a benefit to low-income residents of Idaho.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule or temporary rule, contact Genie Sue Weppner, at (208) 334-5656.

DATED this 1st day of November, 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

DOCKET NO. 16-0414-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-9, September 6, 2006, pages 88 through 94.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 19 - BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-912(4), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006, Idaho Administrative Bulletin, Volume 06-10, at page 346.

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 this administrative rule change.

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.

DATED this 24th day of October, 2006.

Michael J. Sheeley, Executive Director
Idaho State Board of Dentistry
350 North 9th Street, Suite M-100
Boise, Idaho 83702
(208) 334-2369 (telephone)
(208) 334-3247 (facsimile)

DOCKET NO. 19-0101-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, page 346.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 19 - BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0603

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-912(4), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006, Idaho Administrative Bulletin, Volume 06-10, pages 347 through 349.

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 this administrative rule change.

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.

DATED this 24th day of October, 2006.

Michael J. Sheeley, Executive Director
Idaho State Board of Dentistry
350 North 9th Street, Suite M-100
Boise, Idaho 83702
(208) 334-2369 (telephone)
(208) 334-3247 (facsimile)

DOCKET NO. 19-0101-0603 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 347 through 349.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 19 - BOARD OF DENTISTRY

19.01.01 - RULES OF THE IDAHO STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0604

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-912(4), Idaho Code.

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

Rule 040 of the Administrative Rules of the Board of Dentistry contains a number of subsections that identify behavior that constitutes unprofessional conduct on the part of a dentist or dental hygienist. The Board of Dentistry proposes to amend existing Rule 040.18 to clarify the fact that unprofessional conduct not only includes the violation of a law governing dentistry but also includes the violation of any law pertaining to or affecting a person's fitness to practice dentistry. For example, many criminal laws do not govern the practice of dentistry, but a conviction for criminal conduct may pertain to or affect a person's fitness to practice dentistry. The change being made to the pending rule resulted from comments received by the Board of Dentistry and is intended to make it clear that the unprofessional conduct specified in the rule is not inclusive.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2006, Idaho Administrative Bulletin, Vol. 06-10, pages 350 through 352.

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

ASSISTANCE ON TECHNICAL QUESTIONS, 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.

DATED this 24th day of October, 2006.

Michael J. Sheeley
Executive Director
Idaho State Board of Dentistry
350 North 9th Street, Suite M-100
Boise, Idaho 83702
(208) 334-2369 (telephone)
(208) 334-3247 (facsimile)

DOCKET NO. 19-0101-0604 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 350 through 352.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 19-0101-0604

Section 040

040. UNPROFESSIONAL CONDUCT (RULE 40).

A dentist or hygienist shall not engage in unprofessional conduct in the course of his practice. *The conduct specified in this rule shall not be construed as a complete list of unprofessional conduct, or as authorizing or permitting the performance of other or similar conduct, or as limiting or restricting the Board from holding that other or similar acts constitute unprofessional conduct.* Unprofessional conduct by a person licensed under the provisions of Title 54, Chapter 9, Idaho Code, is defined as, but not limited to, one (1) of the following: ~~(7-1-93)~~(_____)

IDAPA 22 - STATE BOARD OF MEDICINE

**22.01.05 - RULES GOVERNING THE LICENSURE OF PHYSICAL THERAPISTS
AND PHYSICAL THERAPY ASSISTANTS**

DOCKET NO. 22-0105-0601 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 13, 2006.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rulemaking procedures. The action is authorized pursuant to Title 54, Chapter 18, Idaho Code.

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

Pursuant to Section 67-5226(1)(b), Idaho Code, the rule is repealed to comply with 2006 amendments to Title 54, Chapter 22, Idaho Code. House Bill 619 transfers rulemaking authority for Physical Therapists and Physical Therapy Assistants to the Department of Self Regulating Agencies, Bureau of Occupational Licenses, Board of Physical Therapy.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) (b) Idaho Code, to comply with amendments to governing law the rule is repealed. House Bill 619 transfers rulemaking authority for Physical Therapists and Physical Therapy Assistants to the Department of Self-Regulating Agencies, Bureau of Occupational Licenses, Board of Physical Therapy.

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

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because repeal was required due to a change in statute.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

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 December 27, 2006.

DATED this 13th day of October, 2006.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Boise, Idaho
PO Box 83720, Boise, Idaho 83720-0058
Phone: (208) 327-7000
Fax: (208) 327-7005

IDAPA 22.10.05 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 22 - STATE BOARD OF MEDICINE

22.01.06 - RULES FOR EMS PERSONNEL

DOCKET NO. 22-0106-0601 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 13, 2006.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted temporary and proposed rulemaking procedures. The action is authorized pursuant to Title 54, Chapter 18, Idaho Code, and amended Section(s) 56-1017, Idaho Code.

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

Pursuant to Section 67-5226(1)(b), Idaho Code, the rule is repealed to comply with amendments to governing law. Senate Bill 1342 transfers rulemaking authority for EMS personnel to the Department of Health and Welfare, Emergency Services Physician Commission.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(b) Idaho Code, to comply with amendments to governing law the rule is repealed. Senate Bill 1342 transferred rule making authority for EMS personnel to the Department of Health and Welfare, Emergency Medical Services Physician Commission.

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

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

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because repeal was required due to a change in statute.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

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 December 27, 2006.

DATED this 13th day of October, 2006.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Boise, Idaho
PO Box 83720
Boise, Idaho 83720-0058
Phone: (208) 327-7000
Fax: (208) 327-7005

IDAPA 22.01.06 IS BEING REPEALED IN ITS ENTIRETY.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-707, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 359 through 362.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-0301-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 359 through 362.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSE

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is June 5, 2006. This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective June 5, 2006, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section(s) 54-831, Idaho Code.

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

Per comments received regarding the proposed/temporary rules and consideration of the Board of Cosmetology the following amendments are being done: Section 100 will remain in the non-codified text and will not be amended as proposed; Subsection 500.04 the subcategory title is being corrected to coincide with the proposed changes; and Subsection 500.09 will remain in the non-codified text and will not be amended as proposed.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Bureau amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 363 through 372.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger. This fee or charge is being imposed pursuant to Section 54-818, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

The haircutting fee is being included in the rules for original license and renewal as provided in legislation passed 2006. The examination is being clarified as the examination fees are paid directly to the test administrator.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 31st day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-0401-0601 - ADOPTION OF PENDING FEE RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 363 through 372.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 24-0401-0601

Subsections 100.01 and 100.01.a.

100. BOARD QUALIFICATIONS -- PROCEDURES -- MEETINGS -- POLICIES. (RULE 100).

01. Board Member ~~and Examiner~~ Qualifications. ~~(6-5-06)F(6-5-06)T~~

a. ~~All The~~ Cosmetology board members ~~and examiners~~ shall meet the requirements set forth in Section 54-829, Idaho Code. ~~(6-5-06)F(6-5-06)T~~

b. Cosmetology school representative: To be eligible for appointment to the Cosmetology Board the individual must: (7-1-97)

i. Currently hold a license as a cosmetologist in this state; and (7-1-97)

ii. For the three (3) years immediately preceding appointment meet the following requirements: (7-1-97)

(1) Monetary interest in school ownership; and (7-1-97)

(2) Actively involved in school management. (7-1-97)

- c. Electrologist board member qualification requirements -- the Electrology board member shall:
(3-30-01)
 - i. Be at least twenty-five (25) years of age; and (7-1-97)
 - ii. Be a resident of this state for at least five (5) years prior to appointment; and (7-1-97)
 - iii. Have been engaged in the practice of electrology for at least three (3) years immediately preceding appointment; and (3-30-01)
 - iv. Be a licensed electrologist under the provisions of this act. (3-30-01)
- 02. Board Meetings - Dates - Places.** (7-1-97)
 - a. The board shall meet at least three (3) times a year in regular session beginning on the first Monday of February, June and October. (7-1-97)
 - b. Board meetings will be held in Boise, Idaho, at the Bureau. (7-1-97)
 - c. Dates and places of board meetings may be changed and other meetings scheduled by the action of a majority of the board. (7-1-97)

Subsections 500.04 and 500.09

500. RULES OF SCHOOLS OF COSMETOLOGY (RULE 500).

Section 54-808, Idaho Code, provides for the rules of schools of cosmetology. Supplementing this section, the board adopts the following rules: (7-1-97)

04. Minimum ~~Two Hundred~~ Hours of Instruction. Students shall not be permitted to render any clinical service to patrons until students have completed at least five percent (5%) of the required hours of instruction. ~~(6-5-06)F(6-5-06)T~~

09. Student Registration. Schools are required to register all students with the board within five (5) days of ~~prior to~~ beginning instruction (post office cancellation date will be accepted). Student registration fee must be submitted at time of registration. ~~Students shall receive credit for only those instruction hours obtained after the date of registration.~~ ~~(6-5-06)F(6-5-06)T~~

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2406, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 373 through 376.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-0501-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 373 through 376.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3003, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 377 and 378.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3003, Idaho Code.

To increase the original license fee and annual renewal fee from \$125 to \$150.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-0701-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 377 and 378.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.09.01 - RULES OF THE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATOR

DOCKET NO. 24-0901-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective April 24, 2006, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Section(s) 54-1604, Idaho Code.

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

Change rule 300 to allow for masters level education to be considered in the experience portion of the rule pertaining to endorsement to allow for qualified administrators to protect the public. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2006, Idaho Administrative Bulletin, Vol. 06-10, pages 379 and 380.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 31st day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-0901-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 6, 2006, pages 379 and 380.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.10.01 - RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-1509, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 381 through 385.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1001-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 381 through 385.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2305, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 386 through 392.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section(s) 54-2307 and 54-2315, Idaho Code.

The fee for renewal of licenses is being increased from \$225 to \$300 and the service extender application and renewal fee is being increased from \$50 to \$100.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1201-0601 - ADOPTION OF PENDING FEE RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 386 through 392.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.13.01 - RULES OF THE PHYSICAL THERAPY LICENSURE BOARD
DOCKET NO. 24-1301-0601 (NEW CHAPTER - FEE RULE)
NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2006, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2206, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 393 through 403.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-2207, Idaho Code.

These rules would set fees allowed in Section 54-2207, Idaho Code for license, examination, reinstatement, and application.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1301-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 393 through 403.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.14.01 - RULES OF THE STATE BOARD OF SOCIAL WORK EXAMINERS

DOCKET NO. 24-1401-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3204, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 404 through 407.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1401-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 404 through 407.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3404, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 408 through 412.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1501-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 408 through 412.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.15.01 - RULES OF THE IDAHO LICENSING BOARD OF PROFESSIONAL COUNSELORS AND MARRIAGE AND FAMILY THERAPISTS

DOCKET NO. 24-1501-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-3404, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the November 1, 2006, Idaho Administrative Bulletin, Vol. 06-11, pages 126 and 127.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3411, Idaho Code.

By increasing the fee for renewal of licenses from \$60 to \$100 the change could have a positive impact of \$54,040 per year on the dedicated funds of the Board.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 1st day of November, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1501-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-11, November 1, 2006, pages 126 and 127.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.17.01 - RULES OF THE IDAHO STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-4705, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 413 and 414.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1701-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 413 and 414.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-4106, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 415 through 421.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1801-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 415 through 421.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL CARE FACILITY ADMINISTRATORS

DOCKET NO. 24-1901-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-4205, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 422 and 423.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4205, Idaho Code.

The fees for application and provisional/temporary permits are being increased from \$50 to \$100.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 25th day of October, 2006.

Rayola Jacobsen
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233
(208)334-3945 fax

DOCKET NO. 24-1901-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 422 and 423.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0603

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 37-2702, 37-2715, and 54-1717 Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 426 and 427.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary and proposed rule, contact R. K. "Mick" Markuson, Director, (208) 334-2356.

DATED this 26th day of October 2006.

R. K. "Mick" Markuson, Director
Idaho State Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise ID 83720-0067
Phone: (208) 334-2356; Fax: (208) 334-3536

DOCKET NO. 27-0101-0603 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 426 and 427.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 33 - IDAHO REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. The Agency requests the final and effective date be July 1, 2006, as authorized by 67-5224(5)(a), Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 54-2007 and 54-2020(1), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Vol. 06-9, page 149 and 150.

FEE SUMMARY: No new fee or charge is being imposed. Rather, this rule reduces the individual licensing fees by \$20 per bi-annual licensing period. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285 ext. 118, or Kimberly Coster, (208) 334-3285 ext 115.

Dated this 1st day of November, 2006.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

DOCKET NO. 33-0101-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-9, September 6, 2006, pages 149 and 150.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 33 - IDAHO REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-0602
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. Agency requests the final and effective date be September 1st, 2006, as authorized by 67-52254(5)(a), Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2007, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 430 and 431.

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, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeane Jackson-Heim, (208) 334-3285 ext 118, or Kimberly Coster (208) 334-3285 ext 115.

Dated this 1st day of November, 2006.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

DOCKET NO. 33-0101-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 6, 2006, pages 430 and 431.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 33 - IDAHO REAL ESTATE COMMISSION
33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION
DOCKET NO. 33-0101-0603
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution. Agency requests the final and effective date be September 1st, 2006, as authorized by 67-5225(5) (a), Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2007, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 432 through 434.

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, since all licensing fee revenues are credited to the Special Real Estate Account.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeane Jackson-Heim, (208) 334-3285 ext 118, or Kimberly Coster (208) 334-3285 ext 115.

Dated this 1st day of November 2006.

Jeanne Jackson-Heim
Executive Director
Idaho Real Estate Commission
633 N. Fourth St., Boise, ID 83702
PO Box 83720, Boise, ID 83720
(208) 334-3285; (208) 334-2050 (fax)

DOCKET NO. 33-0101-0603 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 432 through 434.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.01 - IDAHO INCOME TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section(s) 63-105, Idaho Code.

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

The text of pending Rule 700 of this docket has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. Proposed Income Tax Rule 700.06.c. is amended to remove the reference to Income Tax Rule 701. Rule 701 has been deleted from this docket and Rule 702 will be renumbered to 701.

With the exception of the above referenced section the pending rules are being adopted as proposed. The complete text of the proposed rules was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 435 through 471.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Janice Boyd at (208) 334-7530.

DATED this 2nd day of November, 2006.

Janice Boyd
Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36, Boise, ID 83722-0410

DOCKET NO. 35-0101-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 435 and 471.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 35-0101-0601

Subsection 700.06.c.

700. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY -- IN GENERAL (RULE 700).

Section 63-3029, Idaho Code.

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

06. Limitations. The credit for taxes paid to another state shall be limited as follows: ()

c. The credit may not exceed the proportion of the tax otherwise due to Idaho that the amount of the adjusted gross income of the individual derived from sources in the other state as modified by Chapter 30, Title 63, Idaho Code, bears to total adjusted gross income for the individual so modified. For example, if the adjusted gross income derived in another state is twelve thousand dollars (\$12,000) after taking into account the Idaho additions and subtractions required by the Idaho Income Tax Act, and the individual's total adjusted gross income similarly modified equals fifty thousand dollars (\$50,000), the credit cannot exceed twenty-four percent (24%) of the tax paid to Idaho ($\$12,000/\$50,000 = 24\% \times$ tax paid to Idaho). ()

Section 701

701. CREDIT FOR INCOME TAXES PAID ANOTHER STATE OR TERRITORY -- PART-YEAR RESIDENTS (RULE 701).

Section 63-3029, Idaho Code.

()

01. Income Subject to Tax by Both States. For purposes of the credit for income taxes paid to another state, income subject to tax by both states shall mean the total amount of income a taxpayer receives from sources outside of Idaho during the portion of the year he is domiciled in Idaho. Both the source state and Idaho must impose an income tax on this income. Income received during the portion of the year the taxpayer was not domiciled in Idaho does not qualify. ()

02. Examples. The following examples assume the taxpayer earned only wage income. ()

a. Taxpayer A was domiciled in California and worked in that state from January through June. In July he moved to Idaho and changed his domicile from California to Idaho. He worked in Idaho the rest of the year. California will tax only the wages earned in California and Idaho will tax only the wages earned in Idaho. Because no income is subject to tax by both states, no credit for income taxes paid another state is allowed. ()

b. Taxpayer B was domiciled in Oregon from January through June. On July 1 he moved to Idaho and changed his domicile from Oregon to Idaho. He resided in Idaho the rest of the year. He worked in Oregon for the same employer the entire year. Oregon will tax all the wages earned during the year since they were earned in Oregon. Idaho will tax only the wages he earned in Oregon while residing in Idaho. As a result, only one-half (6 months / 12 months = 1/2) of his wages qualify for credit purposes as being subject to tax by both Idaho and Oregon. ()

c. Taxpayer C was domiciled in California. He resided and worked in California from January through June. On July 1 he moved to Idaho, but did not change his domicile to Idaho as he intended to return to his home in California once his job assignment in Idaho was completed. California will tax all his wages earned during the year since he is domiciled in California. Idaho will tax only the wages he earned in Idaho while residing in Idaho. Taxpayer C will not receive a credit for income taxes paid to California because he is not domiciled in Idaho. ()

~~702.~~ -- 704. (RESERVED).

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.01 - IDAHO INCOME TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0101-0602
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, page 472 and 473.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Janice Boyd at (208) 334-7530.

DATED this November 2, 2006.

Janice Boyd
Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

DOCKET NO. 35-0101-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 6, 2006, pages 472 and 473.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3624, 63-3635 and 63-3039 Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rules were published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 474 through 487.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Husted (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

DOCKET NO. 35-0102-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 474 through 487.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.02 - SALES TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0102-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3624, 63-3635, and 63-3039 Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rules were published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 488 through 491.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Husted (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

DOCKET NO. 35-0102-0602 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 488 through 491.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.02 - SALES AND USE TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0102-0603
NOTICE OF RULEMAKING - TEMPORARY RULE

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

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 63-105, 63-3624, 63-3635, and 63-3039, Idaho Code.

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

Idaho Code Section 63-3619 requires the Tax Commission to publish schedules showing the amount of tax to be collected on sales involving fractions of a dollar. The dates for the schedules in sales tax rule 068 will be incorrect on October 1, 2006, because of the tax rate increase recently enacted by the legislature.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(2), the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

In compliance with deadlines in amendments to governing law or federal programs.

FEE SUMMARY: Pursuant to Section(s) 67-5226(2), the Governor has found that the fee or charge being imposed or increase is justified and necessary to avoid immediate danger and the fee is appropriate for the following reasons:
N/A

FISCAL IMPACT: No fiscal impact to state government.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Jim Husted at (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

THE FOLLOWING IS THE TEXT OF DOCKET NO. 35-0102-0603

068. COLLECTION OF TAX (RULE 068).

01. In General. Idaho Sales Tax is an excise tax which is imposed upon each sale at retail. The tax is computed at the time of each sale and the tax on the total sales for the reporting period, usually monthly, will be reported and paid on or before the due date as established by Rule 105 of these rules. (4-11-06)

02. Sales Tax to Be Collected by Retailer. Sales tax shall be collected by the retailer from the customer. The tax will be computed on and collected for all credit, installment, conditional or similar sales when made or, in the case of rentals, when the rental is charged. (7-1-93)

03. Computation of Tax. The retailer will compute the tax upon the total sale to a purchaser at a given time and not upon each individual item purchased. (7-1-93)

04. Bracket System for Five Percent Tax Rate. The following schedule is to be used in determining the amount of tax to be collected by a retailer at the time of sale ~~beginning~~ if the sales tax rate is 5%. ~~The 5% tax rate was in effect from~~ July 1, 2005 ~~through~~ September 30, 2006. ~~(4-11-06)(10-1-06)T~~

- a. Multiply five cents (\$0.05) for every whole dollar included in the sale, and (7-1-93)
- b. Add for each additional fractional dollar amount of sale the corresponding tax below:

Dollar Amount of Sale	Tax
0.00 - 0.05	.00
0.06 - 0.25	.01
0.26 - 0.45	.02
0.46 - 0.65	.03
0.66 - 0.85	.04
0.86 - 0.99	.05

However, sales to a total amount of eleven cents (\$0.11) or less are exempt from tax. (7-1-93)

05. Bracket System for Six Percent Tax Rate. Beginning ~~May 1, 2003, and ending June 30, 2005~~ October 1, 2006, the sales tax rate is six percent (6%). The following schedule is to be used in determining the amount of tax to be collected by a retailer at the time of sale. ~~(4-11-06)(10-1-06)T~~

- a. Multiply six cents (\$0.06) for every whole dollar included in the sale, and (3-20-04)
- b. Add for each additional fractional dollar amount of sale the corresponding tax below:

Dollar Amount of Sale	Tax
0.00 - 0.03	.00
0.04 - 0.20	.01
0.21 - 0.37	.02
0.38 - 0.53	.03
0.54 - 0.70	.04
0.71 - 0.87	.05
0.88 - 0.99	.06

However, sales to a total amount of eleven cents (\$0.11) or less are exempt from tax. (3-20-04)

06. Tax to Be Separately Displayed. The amount of tax collected by the retailer must be displayed separately from the list price, marked price, the price advertised in the premises or other price on the sales slip or other proof of sale. The retailer may retain any amount collected under the bracket system which is in excess of the

amount of tax for which he is liable to the state during the period as compensation for the work of collecting that tax. (7-1-93)

07. Reimbursement of Tax From the Purchaser to the Seller. If the seller does not collect the sales tax at the time of the sale and it is later determined that sales tax should have been collected, the seller can then collect the sales tax from the purchaser if the delinquent tax has been paid by the seller. The legal incidence of the tax is intended to fall upon the buyer, Section 63-3619, Idaho Code. (7-1-93)

a. Example: The Commission determines that certain nontaxed sales by a seller are subject to sales tax and that the seller did not collect the tax and did not have documentation supporting exemption from the sales tax. The Commission issued a Notice of Deficiency Determination to the seller imposing the tax and interest. The assessment then paid by the seller entitles the seller to reimbursement from the buyer. (7-1-93)

b. The seller is also entitled to collect reimbursement from the buyer of the interest paid on the taxes assessed. (7-1-93)

c. The seller is not entitled to reimbursement from the buyer for penalties imposed as part of the assessment against the seller. (7-1-93)

d. The receivable established by the seller seeking reimbursement from the purchaser is not subject to expiration of the statute of limitations provided in Section 63-3633, Idaho Code. (7-1-93)

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.03 - PROPERTY TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0103-0608

NOTICE OF RULEMAKING - TEMPORARY RULE

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

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 63-105A, Idaho Code, and the repeal of Section 63-602FF, Idaho Code.

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

Property Tax Administrative Rule 803 is being amended to implement the new legislation enacted during the First Extraordinary Session of the Fifty-Eighth Legislature, correcting procedures for certification of property tax fund levies for school districts in 2006.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(2), the Governor has found that temporary adoption of the rule is appropriate for the following reasons: In compliance with deadlines in amendments to governing law.

FEE SUMMARY: Pursuant to Section(s) 67-5226(2), the Governor has found that the fee or charge being imposed or increase is justified and necessary to avoid immediate danger and the fee is appropriate for the following reasons: N/A

FISCAL IMPACT: Not applicable, this rule does not result in any measurable fiscal impact beyond that resulting from the legislation.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Alan Dornfest at (208) 334-7500.

DATED this 6th day of October, 2006.

Alan Dornfest
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

THE FOLLOWING IS THE TEXT OF DOCKET NO. 35-0103-0608

803. BUDGET CERTIFICATION -- DOLLAR CERTIFICATION FORM (L-2 FORM) (RULE 803).
Sections 63-602G(5), 63-803, 63-3029B(4), and 63-3638(10), Idaho Code. (4-6-05)

01. Definitions. (4-5-00)

a. “Dollar Certification Form” (L-2 Form). The Dollar Certification Form (L-2 Form) is the form used to submit to the State Tax Commission the budget request from each Board of County Commissioners for each taxing district. This form shall be presumed a true and correct representation of the budget previously prepared and approved by a taxing district. The budget will be presumed adopted in accordance with pertinent statutory provisions unless clear and convincing documentary evidence establishes that a budget results in an unauthorized levy and action as provided in Section 63-809, Idaho Code. (4-6-05)

b. “Prior Year’s Market Value for Assessment Purposes.” Prior year’s market value for assessment purposes shall mean the value used to calculate levies during the immediate prior year. This value shall be used for calculating the permanent budget increase permitted for cities, pursuant to Section 63-802(1)(f), Idaho Code, and for fire districts, pursuant to Section 31-1420(3), Idaho Code. (4-5-00)

c. “Annual Budget.” For the purpose of calculating dollar amount increases permitted pursuant to Section 63-802(1), Idaho Code, the annual budget shall include any amount approved as a result of an election held pursuant to Sections 63-802(1)(f), 63-802(1)(g), or 31-1420(3), Idaho Code, provided that said amount is certified on the L-2 Form as part of the budget request. If the amount certified does not include the entire amount approved as a result of the election held pursuant to Sections 63-802(1)(f), 63-802(1)(g), and 31-1420(3), then the amount not used shall be added to the foregone increase amount determined for the taxing district. See the following example.

CERTIFIED PROPERTY TAX BUDGET LIBRARY DISTRICT*				
	FY 1999	FY 2000	FY 2001	FY 2002
Annual Budget	\$10,000	\$10,000	\$10,700	\$11,621
3% Increase	\$0	\$300	\$321	\$349
Subtotal	\$10,000	\$10,300	\$11,021	\$11,970
1999 Election Amount	\$0	\$400 of \$1,000	\$600 of \$1,000	\$0
Certified Budget	\$10,000	\$10,700	\$11,621	\$11,970

*The Library District with zero dollars (\$0) in value for new construction and/or annexation approves an additional budget amount of one thousand dollars (\$1,000) in 1999, but only certifies four hundred dollars (\$400) for the year 2000. Note the example does not account for any foregone amount resulting from the district's decision to not increase its budget by three percent (3%) in 1997, 1998 or 1999. (4-6-05)

d. “Property Tax Funded Budget.” Property tax funded budget means that portion of any taxing district’s budget certified to the Board of County Commissioners, approved by the State Tax Commission, and subject to the limitations of Section 63-802, Idaho Code. (3-20-04)

e. “Recovered/Recaptured Property Tax List.” Recovered/recaptured property tax list means the report sent by the county auditor to the appropriate taxing district(s)/unit(s) by the first Monday in August and to the State Tax Commission with the L-2 Forms, listing the amount of revenue distributed to each appropriate taxing district/unit as recovery of property tax under Section 63-602G(5), Idaho Code, and/or as recapture of property tax under Section 63-3029B(4), Idaho Code, during the twelve (12) month period ending June 30 each year. (4-6-05)

f. “Taxing District/Unit.” Taxing district/unit means any governmental entity with authority to levy property taxes as defined in Section 63-201, Idaho Code, and those noncountywide governmental entities without authority to levy property taxes but on whose behalf such taxes are levied or allocated by an authorized entity such as the county or city for such entities as county road and bridge funds or urban renewal agencies, respectively. (4-6-05)

02. Budget Certification. The required budget certification shall be made to each Board of County Commissioners representing each county in which the district is located by submitting the completed L-2 Form prescribed by the State Tax Commission. (4-6-05)

03. Budget Requested Documents. Each Board of County Commissioners shall submit to the State

Tax Commission a budget request for each taxing district in the county that certifies a budget request to finance the property tax funded portion of its annual budget. The Board of County Commissioners shall not submit other documents unless requested to do so by the State Tax Commission. Documents not to be submitted to the State Tax Commission unless requested include newspaper advertisements, school district budget books, entire budget documents, other than the budget request, and similar documents. (4-6-05)

04. L-2 Form Contents. Each taxing district or unit completing an L-2 Form shall include the following information on or with this form. (3-20-04)

a. “Department or Fund.” Identify the department or fund for which the taxing district is requesting a budget for the current tax year. (4-5-00)

b. “Total Approved Budget.” List the dollar amount of the total budget for each department or fund identified. The amounts must include all money that a taxing district has a potential to spend at the time the budget is set, regardless of whether funds are to be raised from property tax. (4-5-00)

c. “Cash Forward Balance.” List any money brought forward from a prior year to help fund the approved budget. Cash forward balance (Column 3) is the difference between the total approved budget (Column 2) and the sum of amounts reported as other revenue not shown in Column 5 (Column 4), agricultural equipment property tax replacement (Column 5), and balance to be levied (Column 6). (3-15-02)

d. “Other Revenue not Shown in Column 5.” List the revenue included in the total approved budget to be derived from sources other than property tax or money brought forward from a prior year. For example, sales tax revenue is included. (3-15-02)

e. “Property Tax Replacement.” Report the sum of only the following: (4-6-05)

i. The amount of money received annually under Section 63-3638(10), Idaho Code, as replacement revenue for the agricultural equipment exemption under Section 63-602EE, Idaho Code (For school districts, the ~~amount of money to be included is only the appropriate amount of such money to be subtracted, as provided in Subsection 803.06 of this rule, not all such money~~ reduction for this replacement revenue must be first from property tax funded funds subject to the limitations of Section 63-802, Idaho Code, then from other property tax funded budgets.); ~~(4-6-05)~~(9-1-06)T

ii. The amount of money received as recovery of property tax exemption under Section 63-602G(5), Idaho Code, and listed on the “Recovered/recaptured property tax list”; (4-6-05)

iii. The amount of money received as recapture of the property tax benefit under Section 63-3029B(4), Idaho Code, and listed on the “Recovered/recaptured property tax list”; and (4-6-05)

iv. The appropriate amount of money listed on the statement and distributed to the county and each appropriate city under Section 63-2603, Idaho Code, as county property tax relief and detention facility debt retirement. (4-6-05)

f. “Balance to be Levied.” Report the amount of money included in the total approved budget to be derived from property tax. (3-15-02)

g. Other Information. Provide the following additional information. (4-5-00)

i. The name of the taxing district or unit; (3-20-04)

ii. The date of voter approval (if required by statute) and effective period for any new or increased fund which is exempt from the budget limitations in Section 63-802, Idaho Code; (4-5-00)

iii. The signature, date signed, printed name, address, and phone number of an authorized representative of the taxing district; and (5-3-03)

- iv. For a hospital district which has held a public hearing, a signature certifying such action. (4-5-00)
- h.** Attached Information. Other information submitted to the county auditor with the L-2 Form. (4-6-05)
- i. For all taxing districts, L-2 worksheet. (3-20-04)
- ii. For newly formed recreation or auditorium districts, a copy of the petition forming the district showing any levy restrictions imposed by that petition. (3-20-04)
- iii. For any new ballot measures (bonds, overrides, permanent overrides, supplemental maintenance and operations funds, and plant facility funds), notice of election and election results. (3-20-04)
- iv. Voter approved fund tracker. (3-20-04)
- v. For fire districts, a copy of any new agreements with utility companies providing for payment of property taxes by that utility company to that fire district. (3-20-04)
- vi. For any city with city funded library operations and services at the time of consolidation with any library district, each such city must submit a certification to the Board of County Commissioners and the Board of the Library District reporting the dedicated portion of that city's property tax funded library fund budget and separately reporting any portion of its property tax funded general fund budget used to fund library operations or services at the time of the election for consolidation with the library district. (3-20-04)
- vii. For any library district consolidating with any city that had any portion of its property tax funded budget(s) dedicated to library operations or services at the time of the election for consolidation, each such library district must submit to the Board of County Commissioners a copy of the certification from that city reporting the information provided for in Subparagraph 803.04.h.vi., of this rule. (4-6-05)

05. Special Provisions for Fire Districts Levying Against Operating Property. To prevent double counting of public utility property values, for any year following the first year in which any fire district increases its budget using the provision of Section 63-802(2), Idaho Code, such fire district shall not be permitted further increases under this provision unless the following conditions are met: (3-30-01)

- a.** The fire district and public utility have entered into a new agreement of consent to provide fire protection to the public utility; and (3-30-01)
- b.** Said new agreement succeeds the original agreement; and (3-30-01)
- c.** In the first year in which levies are certified following the new agreement, the difference between the current year's taxable value of the consenting public utility and public utility value used in previous budget calculations made pursuant to this section is used in place of the current year's taxable value of the consenting public utility. (3-30-01)

06. Special Provisions for Property Tax Replacement Pursuant to Section 63-3638, Idaho Code. Property tax replacement monies received pursuant to Section 63-3638, Idaho Code, must be reported on the L-2 Form. For all taxing districts except school districts, these monies must be subtracted from the "balance to be levied". ~~For school districts, only "appropriate property tax replacement monies" are to be subtracted.~~ The reduced balance shall be used to compute levies, but the maximum amount permitted pursuant to Sections 63-802 and 33-802, Idaho Code, shall be based on the sum of these property tax replacement monies and the amount actually levied; ~~or, for school districts, the sum of "appropriate property tax replacement monies" and the amount actually levied.~~ (4-6-05)(9-1-06)T

~~**a.** "Appropriate property tax replacement monies" is determined only for school districts and means all property tax replacement monies received pursuant to Section 63-3638, Idaho Code, except an amount equal to four thousandths (0.004) multiplied by the year 2000 value of property exempted in Section 63-602EE, Idaho Code. If the amount so determined is greater than the total amount of property tax replacement monies, no property tax~~

~~replacement monies received pursuant to Section 63-3638, Idaho Code, shall be subtracted from the school district maintenance and operation's (M&O) budget.~~ (4-6-05)

ba. After receipt from the counties of the year 2000 tax charges on property exempted in Section 63-602EE, Idaho Code, but no later than July 23, 2001, the State Tax Commission shall notify each county clerk of the amount of property tax replacement money to be paid to each taxing district in that county. Beginning in 2002 and thereafter, the State Tax Commission shall, by the fourth Monday of July, notify each county clerk if the amount of property tax replacement money to be paid to a taxing district ~~or the "appropriate amount of property tax replacement money" to be paid to any school district~~ changes from the amount paid in the preceding year. ~~In 2002,~~ The State Tax Commission shall ~~also notify each county clerk of the amount of the "appropriate property tax replacement monies" to be subtracted before computing the M&O levy for each school district~~ further notify each school district and each county clerk of the amount of property tax replacement money to be received by that school district pursuant to Section 63-3638(10), Idaho Code, as amended by the First Extraordinary Session of the Fifty-eighth Legislature, by September 1, 2006 and, beginning in 2007 and each year thereafter, the State Tax Commission shall, by the first Monday of May, notify the same parties of any changes in such property tax replacement monies for distribution in fiscal year 2008 and thereafter. (~~5-3-03~~)(9-1-06)T

eb. By no later than the first Monday of August of each year, ~~except as provided in Paragraph 803.06.a. of this rule,~~ each county clerk shall notify each appropriate taxing district or unit of the total amount of property tax replacement monies that will be received ~~and shall further notify each school district of the appropriate amount to be subtracted before the M&O levy is computed.~~ (~~5-3-03~~)(9-1-06)T

dc. The subtraction required in Subsection 803.06 of this Rule may be from any fund(s) subject to the limitations of Section 63-802, Idaho Code, ~~and from school district maintenance and operation funds made pursuant to Section 33-802, Idaho Code.~~ (~~4-6-05~~)(9-1-06)T

ed. Levy limits shall be tested against the amount actually levied. (3-15-02)

07. Special Provisions for Library Districts Consolidating with Any City's Existing Library Operations or Services. For any library district consolidating with any city's existing library operations or services, the amount of the dedicated property tax funded general fund and library fund budgets certified by the city under Subparagraph 803.04.h.vi., of this rule shall be added to that library district's property tax funded budget in effect at the time of the election for consolidation. This total shall be used as this district's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

08. Special Provisions for Cities with Existing Library Operations or Services Consolidating with Any Library District. For any city with existing library operations or services at the time of consolidation with any library district, the amount of the dedicated property tax funded library fund budget included in the certification by the city under Subparagraph 803.04.h.vi., of this rule shall be subtracted from that city's total property tax funded budget in effect at the time of the election for the consolidation. This difference shall be used as this city's property tax funded budget for the most recent year of the three (3) years preceding the current tax year for the purpose of deciding the property tax funded budget that may be increased as provided by Section 63-802, Idaho Code. (4-6-05)

09. Special Provisions for Calculating Total Levy Rate for Taxing Districts or Units with Multiple Funds. Whenever the "Calculated Levy Rate" column of the L-2 Form indicates that a levy rate has been calculated for more than one (1) fund for any taxing district or unit, the "Column Total" entry must be the sum of the levy rates calculated for each fund. Prior to this summation, the levy rates to be summed must be rounded or truncated at the ninth decimal place. No additional rounding is permitted for the column total. (4-6-05)

10. Cross Reference for School Districts with Tuition Funds. For any school district certifying a tuition fund levy in 2006 or any year thereafter, see Section 33-1408, Idaho Code, as amended by the First Extraordinary Session of the Fifty-eighth Legislature, for clarification that the amount of property tax revenue for a tuition fund is not subject to the limitations of Section 63-802, Idaho Code. (9-1-06)T

IDAPA 35 - IDAHO STATE TAX COMMISSION
35.01.06 - HOTEL/MOTEL ROOM TAX ADMINISTRATIVE RULES
DOCKET NO. 35-0106-0601
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-3624, 63-3635, and 63-3039 Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rules were published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 492 and 493.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Husted (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

DOCKET NO. 35-0106-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 492 and 493.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.09 - IDAHO KITCHEN AND TABLE WINE TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0109-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105 and 23-1323 Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rules were published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 494 through 499.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Husted (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

DOCKET NO. 35-0109-0601- ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 494 through 499.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.01.10 - IDAHO CIGARETTE AND TOBACCO PRODUCTS TAX ADMINISTRATIVE RULES

DOCKET NO. 35-0110-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 63-105, 63-2501 and 63-2553, Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rules were published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 500 through 502.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Husted (208) 334-7500.

DATED this 30th day of October, 2006.

Jim Husted
Tax Policy Supervisor
State Tax Commission
P.O. Box 36
Boise, ID 83722-0410
(208) 334-7500

DOCKET NO. 35-0110-0601- ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 500 through 502.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 35 - IDAHO STATE TAX COMMISSION

35.02.01 - IDAHO TAX COMMISSION ADMINISTRATION AND ENFORCEMENT RULES

DOCKET NO. 35-0201-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: These rules have been adopted by the agency and are now pending review by the 2007 Idaho State Legislature for final approval. The pending rules become final and effective at the conclusion of the legislative session, unless the rules are approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rules are approved, amended or modified by concurrent resolution, the rules become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has adopted pending rules. The action is authorized pursuant to Section(s) 63-105, Idaho Code.

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

The pending rules are being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 503 through 508.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Janice Boyd at (208) 334-7530.

DATED this 2nd day of November, 2006.

Janice Boyd
Tax Policy Specialist
Idaho State Tax Commission
800 Park Bl., Plaza IV
P.O. Box 36
Boise, ID 83722-0410

DOCKET NO. 35-0201-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 503 through 508.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.06 - RULES GOVERNING PREQUALIFICATION OF CONTRACTORS ON CAPITOL BUILDING PROJECTS

DOCKET NO. 38-0406-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 67-5711C(4), Idaho Code.

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

In the 2005 Legislative session, Idaho Code Section 67-5711C was amended to allow for prequalification. As amended, Section 67-5711C allows for rules regarding prequalification. In the 2006 Legislative session, the Legislature authorized the restoration and expansion of the capitol building. These rules on prequalification will help ensure contractors working on the capitol building have the required skills and experience for the work.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2, 2006 Idaho Administrative Bulletin, Vol. 06-8, pages 91 through 95.

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

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

DATED this 17th day of October, 2006.

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

DOCKET NO. 38-0406-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-8, August 2, 2006, pages 91 through 95.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 41 - PUBLIC HEALTH DISTRICT
41.01.01 - RULES OF PUBLIC HEALTH DISTRICT #1
DOCKET NO. 41-0101-0601
NOTICE OF PUBLIC HEARING

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has scheduled a public hearing. The action is authorized pursuant to Section 39-416, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

December 12, 2006
2:00 p.m.
Panhandle Health District
8500 N. Atlas Road
Hayden, ID 83835

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 summary of this action is found in Idaho Administrative Bulletin Vol. 06-10, dated October 4, 2006, pages 539 through 563.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking or the hearing schedule, contact Dale Peck, 8500 N. Atlas Road, Hayden, ID 83835; (208) 415-5210.

DATED this 10th day of November, 2006.

Jeanne Bock, Director
Panhandle Health District
8500 N. Atlas Road
Hayden, ID 83835
Phone: (208) 415-5100
Fax (208)415-5106

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS

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

DOCKET NO. 46-0101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2105, Idaho Code.

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

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, for consistency and clarification. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 564 through 584.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Karen Ewing, Management Assistant, (208) 332-8588.

DATED this 6th day of November 2006.

Karen Ewing, Management Assistant
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
Boise, Idaho 83707
Phone: (208) 332-8588; Fax: (208) 334-2170

DOCKET NO. 46-0101-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-10, October 4, 2006, pages 564 through 584.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 46-0101-0601

Subsection 015.04

015. MANDATORY CONTINUING VETERINARY EDUCATION.

04. Exemptions. Upon a showing of good cause by a licensee to the board, the board may exempt such licensee from any, all or part of the continuing education requirement or may grant an extension of the ~~three (3) year~~ required period. Written requests for exemptions from continuing education credits shall be sent to the board office. (3-30-01)(____)

Subsection 154.02

154. RECORD KEEPING STANDARDS.

Every veterinarian shall maintain daily medical records of the animals treated. These records may be computerized and shall be readily retrievable to be inspected, duplicated, or submitted when requested by the board. All records, including electronic records, shall be safeguarded against loss, defacement, tampering, and use by unauthorized personnel. In the case of electronic records, the veterinarian shall keep either a duplicate hard-copy record or a back-up unalterable electronic record. Records shall be maintained for a period of three (3) years following the last treatment or examination. Patient medical records shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, or for every animal group (e.g., herd, litter, and flock) treated by a veterinarian. (3-30-01)(____)

02. Consent Forms. Consent forms, signed by the patient's owner or other legal caretaker for ~~any~~ each surgical and/or anesthesia procedure; ~~anesthesia, requiring hospitalization~~ or euthanasia, shall be obtained, except in emergency situations, for each animal and shall be maintained on file with the practitioner. (3-30-01)(____)

IDAPA 47 - DIVISION OF VOCATIONAL REHABILITATION

47.01.02 - RULES AND MINIMUM STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES

DOCKET NO. 47-0102-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 1, 2006. This pending rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section(s) 33-2211 and 33-2303, Idaho Code.

DESCRIPTIVE SUMMARY: These rules provide for administrative oversight of the Extended Employment Services provided by community rehabilitation programs and funded through the Idaho Division of Vocational Rehabilitation. The previous rules were rescinded by the Department of Health and Welfare in July 2004.

Based on further review and on comments received during the comment period, five (5) changes were approved.

1. Clarified that a provider application that has been denied can be reassessed without regard to the reason for denial. The original text allowed a review for only two (2) of the four (4) of the denial criteria.
2. Provides that staff qualifications stated in the rule apply to staff hired after the effective date of the temporary rule.
3. Reduces the length of previous experience with people with disabilities for direct staff less than twenty-one (21) years of age from twenty-four (24) months to six (6) months to allow agencies to hire college students to provide these services after gaining experience and training in related program areas
4. Clarifies that documentation of forty (40) hours of training is due within six (6) months of hire, rather than that the forty (40) hours be completed within the six (6) months.
5. Clarifies that compliance with the rules and the provider agreement will be determined by Idaho Division of Vocational Rehabilitation. The issues of compliance with accreditation standards remains with the accrediting agency.

Comments relating to individual client budgets, new providers, and limiting work services were also received.

1. These issues remain somewhat controversial, and
2. Consensus was not reached before the deadline for submitting rules.
3. The immediate need to promulgate rules in the absence of any other authority to manage the provision of these services.

Amendments relating to these three issues were not presented at this time and there will be continued discussion with stakeholders.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions which have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 10-06 page(s) 585 through 593.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Lynn Fischer at 208-883-8410.

DATED November 6, 2006,

Karen L. Echeverria
Deputy Director
State Board of Education
650 West State Street
PO Box 83720-0037
Boise, ID 83720-0037

DOCKET NO. 47-0102-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 585 through 593.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 47-0102-0601

Subsection 010.04

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following terms and abbreviations are used as herein defined. (8-10-06)T

04. Extended Employment Services. Long term maintenance services that assist Clients in maintaining employment, or in gaining employment skills in preparation for community employment, or which provide assistance to adult Clients with disabilities within an industrial/business community setting, or a community rehabilitation program, intended to maintain paid employment. Such services include individual supported employment, group supported employment, and work services. (~~8-10-06~~)T(11-1-06)T

Subsection 100.03

100. CERTIFICATION OF PROVIDERS.

03. Timeline. For purposes of these rules, the Extended Employment Services Program fiscal year is June 1 of a given year through May 31 of the next succeeding year. An application for certification for a fiscal year must be submitted on or before the first business day of April preceding the fiscal year for which certification is sought. A written decision on certification status in regard to such application will be issued by IDVR on or before the first business day of May preceding such fiscal year. If approved by IDVR, certification status for a provider becomes effective on June 1, the first day of such fiscal year. An application that is denied ~~because there has not been demonstrated need for a new or additional provider in an Extended Employment Services region, or because there is insufficient funding to support a new or additional provider in an Extended Employment Services region,~~ may be reconsidered during the course of a fiscal year if there have been significant developments in a region that require IDVR to add a new or additional provider after June 1. In such event, IDVR will give preference to denied applications based on date of application. (8-10-06)F(11-1-06)T

Subsections 300.02, 300.02.b., and 300.02.d.

300. PROVIDER QUALIFICATIONS.

A Certified Extended Employment Services Provider shall meet all of the following requirements: (8-10-06)T

02. Staff. Assure that all its employees and subcontractors hired after August 10, 2006 who are providing Extended Employment Services: (8-10-06)F(11-1-06)T

b. Are not less ~~then twenty-one~~ than eighteen (218) years of age, ~~or if so, are not and, if less than eighteen than twenty-one (1821)~~ years of age, and have ~~at least two (2) years work~~ not less than six (6) months experience with people with disabilities; (8-10-06)F(11-1-06)T

d. ~~Assure that within six (6) months of hire, all direct service employees and subcontractors who provide work services skill training or job coaching have had at least Document completion of not less than~~ forty (40) hours of training directly related to vocational support for people with disabilities. Training must be documented no later than six (6) months from the date of hire and include all of the following topics: (8-10-06)F(11-1-06)T

Subsection 400.02

400. TERMINATION OR REVOCATION OF PROVIDER STATUS.

IDVR may terminate or revoke the certified status of, and discontinue authorizing or purchasing services from, Certified Extended Employment Services Providers for actions including, but not limited to the following:

(8-10-06)T

02. Out of Compliance. The provider is determined by IDVR to be out of compliance with these rules, or the Extended Employment Services Provider Agreement, ~~or the applicable standards of the accrediting agency (either CARF or RSAS);~~ (8-10-06)F(11-1-06)T

IDAPA 48 - GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48.01.01 - RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

DOCKET NO. 48-0101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 54-3605 and 54-3610, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Vol. 06-10, pages 594 through 596.

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

Assessing taxes and late fees are authorized by Section 54-3610, Idaho Code, and are necessary to fund the Grape Growers and Wine Producers Commission's role in protecting the public health, preventing fraudulent practices relating to the production and promotion of Idaho grapes and grape by-products as set forth in Section 54-3601, Idaho Code.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brad Pintler, Commission Chair, (208) 455-8354.

DATED this 1st day of November 2006.

Brad Pintler, Commission Chair
Idaho Grape Growers and Wine Producers Commission
117 North 9th Ave., Suite 2
Caldwell ID 83605
Phone: (208) 455-8354; Fax: (208) 455-8364

DOCKET NO. 48-0101-0601 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-10, October 4, 2006, pages 594 through 596.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0502

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-ninth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. This rule was adopted as a temporary rule by the Board in February 2006 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 7, 2006, Vol. 06-6, pages 128 through 133. The agency received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0502_temporary_pending.cfm or by contacting the undersigned.

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

IDAHO CODE SECTION 39-107D STATEMENT: This rule is broader in scope than federal law as the federal government has not yet indicated that these particular size and type of dairy farms must obtain air quality permits. The federal government is in the emissions information gathering stage of regulating emissions from dairy farms. This rule may be revised upon completion of additional state and federal scientific research. The negotiated rule group reached consensus that the ammonia control point value associated with the various BMPs is based on the best available peer reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

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: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440, martin.bauer@deq.idaho.gov.

DATED this 17th day of October, 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

DOCKET NO. 58-0101-0502 - ADOPTION OF PENDING RULE

There are no substantive changes from the proposed rule text.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-6, June 7, 2006, pages 128 through 133.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-ninth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2006, Vol. 06-8, pages 105 through 132. After consideration of public comments, the proposed rule has been revised at Sections 006, 107, 665, and 667. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0601_pending.cfm or by contacting the undersigned.

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

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

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: For assistance on technical questions concerning this rulemaking, contact Martin Bauer at (208) 373-0440, martin.bauer@deq.idaho.gov.

Dated this 12th day of October, 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

DOCKET NO. 58-0101-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-8, August 2, 2006, pages 105 through 132.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0101-0601

Subsections 006.43 and 006.49 through 006.127

006. GENERAL DEFINITIONS.

43. Federally Enforceable. All limitations and conditions which are enforceable by EPA and the Department under the Clean Air Act, including those requirements developed pursuant to 40 CFR Parts 60 and 61 requirements within any applicable State Implementation Plan, and any permit requirements established pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Parts 51, 52, 60, or 63. ()

~~449.~~ **Grain Elevator.** Any plant or installation at which grain is unloaded, handled, cleaned, dried, stored, or loaded. (5-1-94)

~~450.~~ **Grain Storage Elevator.** Any grain elevator located at any wheat flour mill, wet corn mill, dry corn mill (human consumption), rice mill, or soybean extraction plant which has a permanent grain storage capacity of thirty five thousand two hundred (35,200) cubic meters (ca. 1 million bushels). (5-1-94)

~~4651.~~ **Grain Terminal Elevator.** Any grain elevator which has a permanent storage capacity of more than eighty-eight thousand one hundred (88,100) cubic meters (ca. 2.5 million bushels), except those located at animal food manufacturers, pet food manufacturers, cereal manufacturers, breweries, and livestock feedlots. (5-1-94)

~~4752.~~ **Hazardous Air Pollutant (HAP).** Any air pollutant listed pursuant to Section 112(b) of the Clean Air Act. Hazardous Air Pollutants are regulated air pollutants. (4-11-06)

~~4853.~~ **Hazardous Waste.** Any waste or combination of wastes of a solid, liquid, semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may: (5-1-94)

a. Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible, or incapacitating reversible illnesses; or (5-1-94)

b. Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties; provided that such wastes do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are allowed under a national pollution discharge elimination system permit, or source, special nuclear, or by-product material as defined by 42 U.S.C. Sections 2014(e),(z) or (aa). (5-1-94)

~~4954.~~ **Hot-Mix Asphalt Plant.** Those facilities conveying proportioned quantities or batch loading of cold aggregate to a drier, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use. (5-1-94)

~~5055.~~ **Incinerator.** Any source consisting of a furnace and all appurtenances thereto designed for the destruction of refuse by burning. "Open Burning" is not considered incineration. For purposes of these rules, the destruction of any combustible liquid or gaseous material by burning in a flare stack shall be considered incineration. (5-1-94)

~~5156.~~ **Indian Governing Body.** The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government. (5-1-94)

57. Integral Vista. A view perceived from within the mandatory Class I Federal Area of a specific landmark or panorama located outside the boundary of the mandatory Class I Federal Area. ()

528. Kraft Pulping. Any pulping process which uses, for a cooking liquor, an alkaline sulfide solution containing sodium hydroxide and sodium sulfide. (5-1-94)

59. Least Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the lowest amount of visibility impairment. ()

5360. Lowest Achievable Emission Rate (LAER). For any source, the more stringent rate of emissions based on the following: (4-5-00)

a. The most stringent emissions limitation which is contained in any State Implementation Plan for such class or category of facility, unless the owner or operator of the proposed facility demonstrates that such limitations are not achievable; or (4-5-00)

b. The most stringent emissions limitation which is achieved in practice by such class or category of facilities. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within the facility. In no event shall the application of the term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance. (4-5-00)

61. Mandatory Class I Federal Area. Any area identified in 40 CFR 81.400 through 81.437. ()

5462. Member of the Public. For purposes of Subsection 006.89103.a.xvi., a person located at any off-site point where there is a residence, school, business or office. (~~4-11-06~~)()

5563. Modification. (4-11-06)

a. Any physical change in, or change in the method of operation of, a stationary source or facility which results in an emission increase as defined in Section 007 or which results in the emission of any regulated air pollutant not previously emitted. (4-11-06)

b. Any physical change in, or change in the method of operation of, a stationary source or facility which results in an increase in the emissions rate of any state only toxic air pollutant, or emissions of any state only toxic air pollutant not previously emitted. (4-11-06)

c. Fugitive emissions shall not be considered in determining whether a permit is required for a modification unless required by federal law. (4-11-06)

d. For purposes of ~~Subsections 006.55.a. and 006.55.b.~~ this definition of modification, routine maintenance, repair and replacement shall not be considered physical changes and the following shall not be considered a change in the method of operation: (~~4-11-06~~)()

i. An increase in the production rate if such increase does not exceed the operating design capacity of the affected stationary source, and if a more restrictive production rate is not specified in a permit; (5-1-94)

ii. An increase in hours of operation if more restrictive hours of operation are not specified in a permit; and (5-1-94)

iii. Use of an alternative fuel or raw material if the stationary source is specifically designed to accommodate such fuel or raw material and use of such fuel or raw material is not specifically prohibited in a permit. (4-5-00)

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

65. Most Impaired Days. The average visibility impairment (measured in deciviews) for the twenty percent (20%) of monitored days in a calendar year with the highest amount of visibility impairment. ()

5766. Multiple Chamber Incinerator. Any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate parameters necessary for maximum combustion of the material to be burned. (5-1-94)

67. Natural Conditions. Includes naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration. ()

5868. New Stationary Source or Facility. (5-1-94)

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

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

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

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

5969. Nonattainment Area. Any area which is designated, pursuant to 42 U.S.C. Section 7407(d), as not meeting (or contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. (5-1-94)

6070. Noncondensibles. Gases and vapors from processes that are not condensed at standard temperature and pressure unless otherwise specified. (5-1-94)

6171. Odor. The sensation resulting from stimulation of the human sense of smell. (5-1-94)

6272. Opacity. A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view, expressed as percent. (5-1-94)

6373. Open Burning. The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney. (5-1-94)

6474. Operating Permit. A permit issued by the Director pursuant to Sections 300 through 386 and/or 400 through 461. (4-5-00)

6575. Particulate Matter. Any material, except water in uncombined form, that exists as a liquid or a solid at standard conditions. (5-1-94)

6676. Particulate Matter Emissions. All particulate matter emitted to the ambient air as measured by an applicable reference method, or any equivalent or alternative method in accordance with Section 157. (4-5-00)

- 677.** **Permit to Construct.** A permit issued by the Director pursuant to Sections 200 through 228. (7-1-02)
- 6878.** **Person.** Any individual, association, corporation, firm, partnership or any federal, state or local governmental entity. (5-1-94)
- 6979.** **PM-10.** All particulate matter in the ambient air with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J of 40 CFR Part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53. (5-1-94)
- 7080.** **PM-10 Emissions.** All particulate matter, including condensible particulates, with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method in accordance with Section 157. (4-5-00)
- 7181.** **Potential to Emit/Potential Emissions.** The maximum capacity of a facility or stationary source to emit an air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or source to emit an air pollutant, ~~provided the limitation or its effect on emissions is state or federally enforceable, shall be treated as part of its design. Limitations may include, but are not limited to, including~~ air pollution control equipment; and restrictions on hours of operation ~~and restrictions~~ or on the type or amount of material combusted, stored or processed, ~~shall be treated as part of its design if the limitation or the effect it would have on emissions is state or federally enforceable. This definition does not alter or affect the term "capacity factor" as defined in 42 U.S.C. Sections 7651 through 7651o.~~ Secondary emissions do not count in determining the potential to emit of a facility or stationary source. (4-5-00)(____)
- 7282.** **Portable Equipment.** Equipment which is designed to be dismantled and transported from one (1) job site to another job site. (5-1-94)
- 7383.** **PPM (parts per million).** Parts of a gaseous contaminant per million parts of gas by volume. (5-1-94)
- 7484.** **Prescribed Fire Management Burning.** The controlled application of fire to wildland fuels in either their natural or modified state under such conditions of weather, fuel moisture, soil moisture, etc., as will allow the fire to be confined to a predetermined area and at the same time produce the intensity of heat and rate of spread required to accomplish planned objectives, including: (5-1-94)
- a. Fire hazard reduction; (5-1-94)
 - b. The control of pests, insects, or diseases; (5-1-94)
 - c. The promotion of range forage improvements; (5-1-94)
 - d. The perpetuation of natural ecosystems; (5-1-94)
 - e. The disposal of woody debris resulting from a logging operation, the clearing of rights of way, a land clearing operation, or a driftwood collection system; (5-1-94)
 - f. The preparation of planting and seeding sites for forest regeneration; and (5-1-94)
 - g. Other accepted natural resource management purposes. (5-1-94)
- 7585.** **Primary Ambient Air Quality Standard.** That ambient air quality which, allowing an adequate margin of safety, is requisite to protect the public health. (5-1-94)
- 7686.** **Process or Process Equipment.** Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stack, etc., the use of which may cause any discharge of an air pollutant into the ambient air but not including that equipment

specifically defined as fuel-burning equipment or refuse-burning equipment. (5-1-94)

7787. Process Weight. The total weight of all materials introduced into any source operation which may cause any emissions of particulate matter. Process weight includes solid fuels charged, but does not include liquid and gaseous fuels charged or combustion air. Water which occurs naturally in the feed material shall be considered part of the process weight. (5-1-94)

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

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

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

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

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

91. Regional Haze. Visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area. Such sources include, but are not limited to, major and minor stationary sources, mobile sources, and area sources. ()

8792. Regulated Air Pollutant. (4-11-06)

a. For purposes of determining applicability of major source permit to operate requirements, issuing, and modifying permits pursuant to Sections 300 through 397, and in accordance with Title V of the federal Clean Air Act amendments of 1990, 42 U.S.C. Section 7661 et seq., "regulated air pollutant" shall have the same meaning as in Title V of the federal Clean Air Act amendments of 1990, and any applicable federal regulations promulgated pursuant to Title V of the federal Clean Air Act amendments of 1990, 40 CFR Part 70; (4-11-06)

b. For purposes of determining applicability of any other operating permit requirements, issuing, and modifying permits pursuant to Sections 400 through 410, the federal definition of "regulated air pollutant" as defined in Subsection 006.8794.a. shall also apply; (~~4-11-06~~)()

c. For purposes of determining applicability of permit to construct requirements, issuing, and modifying permits pursuant to Sections 200 through 228, except Section 214, and in accordance with Part D of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7501 et seq., "regulated air pollutant" shall mean those air contaminants that are regulated in non-attainment areas pursuant to Part D of Subchapter I of the federal Clean Air Act and applicable federal regulations promulgated pursuant to Part D of Subchapter I of the federal Clean Air Act, 40 CFR 51.165; and (4-11-06)

d. For purposes of determining applicability of any other major or minor permit to construct requirements, issuing, and modifying permits pursuant to 200 through 228, except Section 214, "regulated air pollutant" shall mean those air contaminants that are regulated in attainment and unclassifiable areas pursuant to Part C of Subchapter I of the federal Clean Air Act, 40 CFR 52.21, and any applicable federal regulations promulgated pursuant to Part C of Subchapter I of the federal Clean Air Act, 42 U.S.C. Section 7470 et seq. (4-11-06)

8293. Replicable. Any SIP procedures for applying emission trading shall be structured so that two (2) independent entities would obtain the same result when determining compliance with the emission trading provisions. (4-5-00)

- ~~8394.~~ Responsible Official.** One (1) of the following: (5-1-94)
- a.** For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one (1) or more manufacturing, production, or operating facilities applying for or subject to a permit and either: (5-1-94)
 - i. The facilities employ more than two hundred fifty (250) persons or have gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000) (in second quarter 1980 dollars); or (4-5-00)
 - ii. The delegation of authority to such representative is approved in advance by the Department. (5-1-94)
 - b.** For a partnership or sole proprietorship: a general partner or the proprietor, respectively. (5-1-94)
 - c.** For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For the purposes of Section 123, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA). (4-5-00)
 - d.** For Phase II sources: (5-1-94)
 - i. The designated representative in so far as actions, standards, requirements, or prohibitions under 42 U.S.C. Sections 7651 through 7651o or the regulations promulgated thereunder are concerned; and (5-1-94)
 - ii. The designated representative for any other purposes under 40 CFR Part 70. (5-1-94)
- ~~8495.~~ Safety Measure.** Any shutdown (and related startup) or bypass of equipment or processes undertaken to prevent imminent injury or death or severe damage to equipment or property which may cause excess emissions. (4-5-00)
- ~~8596.~~ Salvage Operation.** Any source consisting of any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers, or drums, and specifically including automobile graveyards and junkyards. (5-1-94)
- ~~8697.~~ Scheduled Maintenance.** Planned upkeep, repair activities and preventative maintenance on any air pollution control equipment or emissions unit, including process equipment, and including shutdown and startup of such equipment. (3-20-97)
- ~~8798.~~ Secondary Ambient Air Quality Standard.** That ambient air quality which is requisite to protect the public welfare from any known or anticipated adverse effects associated with the presence of air pollutants in the ambient air. (5-1-94)
- 199. Secondary Emissions.** Emissions which would occur as a result of the construction, modification, or operation of a stationary source or facility, but do not come from the stationary source or facility itself. Secondary emissions must be specific, well defined, quantifiable, and affect the same general area as the stationary source, facility, or modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the primary stationary source, facility or modification. Secondary emissions do not include any emissions which come directly from a mobile source regulated under 42 U.S.C. Sections 7521 through 7590. ()
- ~~88100.~~ Shutdown.** The normal and customary time period required to cease operations of air pollution control equipment or an emissions unit beginning with the initiation of procedures to terminate normal operation and continuing until the termination is completed. (5-1-94)

89101. Significant. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following: (4-11-06)

- a. Pollutant and emissions rate: (4-11-06)
 - i. Carbon monoxide, one hundred (100) tons per year; (5-1-94)
 - ii. Nitrogen oxides, forty (40) tons per year; (5-1-94)
 - iii. Sulfur dioxide, forty (40) tons per year; (5-1-94)
 - iv. Particulate matter, twenty-five (25) tons per year of particulate matter emissions; fifteen (15) tons per year of PM₁₀ emissions; (4-11-06)
 - v. Ozone, forty (40) tons per year of volatile organic compounds; (4-11-06)
 - vi. Lead, six-tenths (0.6) of a ton per year; (5-1-94)
 - vii. Fluorides, three (3) tons per year; (5-1-94)
 - viii. Sulfuric acid mist, seven (7) tons per year; (5-1-94)
 - ix. Hydrogen sulfide (H₂S), ten (10) tons per year; (5-1-94)
 - x. Total reduced sulfur (including H₂S), ten (10) tons per year; (5-1-94)
 - xi. Reduced sulfur compounds (including H₂S), ten (10) tons per year; (5-1-94)
 - xii. Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans), thirty-five ten-millionths (0.0000035) tons per year; (5-1-94)
 - xiii. Municipal waste combustor metals (measured as particulate matter), fifteen (15) tons per year; (5-1-94)
 - xiv. Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride), forty (40) tons per year; (5-1-94)
 - xv. Municipal solid waste landfill emissions (measured as nonmethane organic compounds), fifty (50) tons per year; or (4-11-06)
 - xvi. Radionuclides, a quantity of emissions, from source categories regulated by 40 CFR Part 61, Subpart H, that have been determined in accordance with 40 CFR Part 61, Appendix D and by Department approved methods, that would cause any member of the public to receive an annual effective dose equivalent of at least one tenth (0.1) mrem per year, if total facility-wide emissions contribute an effective dose equivalent of less than three (3) mrem per year; or any radionuclide emission rate, if total facility-wide radionuclide emissions contribute an effective dose equivalent of greater than or equal to three (3) mrem per year. (5-1-95)

b. In reference to a net emissions increase or the potential of a source or facility to emit a regulated air pollutant not listed in Subsection 006.89103.a. above and not a toxic air pollutant, any emission rate; or (4-11-06)(_____)

c. For a major facility or major modification which would be constructed within ten (10) kilometers of a Class I area, the emissions rate which would increase the ambient concentration of an emitted regulated air pollutant in the Class I area by one (1) microgram per cubic meter, twenty-four (24) hour average, or more. (4-5-00)

90102. Significant Contribution. Any increase in ambient concentrations which would exceed the following: (5-1-94)

- a. Sulfur dioxide: (5-1-94)
 - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)
 - ii. Five (5) micrograms per cubic meter, twenty-four (24) hour average; (5-1-94)
 - iii. Twenty-five (25) micrograms per cubic meter, three (3) hour average; (5-1-94)
- b. Nitrogen dioxide, one (1.0) microgram per cubic meter, annual average; (5-1-94)
- c. Carbon monoxide: (5-1-94)
 - i. One-half (0.5) milligrams per cubic meter, eight (8) hour average; (5-1-94)
 - ii. Two (2) milligrams per cubic meter, one (1) hour average; (5-1-94)
- d. PM-10: (5-1-94)
 - i. One (1.0) microgram per cubic meter, annual average; (5-1-94)
 - ii. Five (5.0) micrograms per cubic meter, twenty-four (24) hour average. (5-1-94)

94103. Small Fire. A fire in which the material to be burned is not more than four (4) feet in diameter nor more than three (3) feet high. (5-1-94)

92104. Smoke. Small gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon and other combustible material. (5-1-94)

93105. Smoke Management Plan. A document issued by the Director to implement Sections 606 through 616, Categories of Allowable Burning. (5-1-94)

94106. Smoke Management Program. A program whereby meteorological information, fuel conditions, fire behavior, smoke movement and atmospheric dispersal conditions are used as a basis for scheduling the location, amount and timing of open burning operations so as to minimize the impact of such burning on identified smoke sensitive areas. (5-1-94)

95107. Source. A stationary source. (5-1-94)

96108. Source Operation. The last operation preceding the emission of air pollutants, when this operation: (5-1-94)

a. Results in the separation of the air pollutants from the process materials or in the conversion of the process materials into air pollutants, as in the case of fuel combustion; and (5-1-94)

b. Is not an air cleaning device. (5-1-94)

97109. Stack. Any point in a source arranged to conduct emissions to the ambient air, including a chimney, flue, conduit, or duct but not including flares. (5-1-94)

98110. Standard Conditions. Except as specified in Subsection 576.02 for ambient air quality standards, a dry gas temperature of twenty degrees Celsius (20C) sixty-eight degrees Fahrenheit (68F) and a gas pressure of seven hundred sixty (760) millimeters of mercury (14.7 pounds per square inch) absolute. (4-5-00)

99111. Startup. The normal and customary time period required to bring air pollution control equipment or an emissions unit, including process equipment, from a nonoperational status into normal operation. (5-1-94)

10012. Stationary Source. Any building, structure, facility, emissions unit, or installation which emits or may emit any air pollutant. The fugitive emissions shall not be considered in determining whether a permit is required unless required by federal law. (4-11-06)

1013. Tier I Source. Any of the following: (5-1-94)

a. Any source located at any major facility as defined in Section 008; (4-5-00)

b. Any source, including an area source, subject to a standard, limitation, or other requirement under 42 U.S.C. Section 7411 or 40 CFR Part 60, and required by EPA to obtain a Part 70 permit; (4-11-06)

c. Any source, including an area source, subject to a standard or other requirement under 42 U.S.C. Section 7412, 40 CFR Part 61 or 40 CFR Part 63, and required by EPA to obtain a Part 70 permit, except that a source is not required to obtain a permit solely because it is subject to requirements under 42 U.S.C. Section 7412(r); (4-11-06)

d. Any Phase II source; and (5-1-94)

e. Any source in a source category designated by the Department. (5-1-94)

10214. Total Suspended Particulates. Particulate matter as measured by the method described in 40 CFR 50 Appendix B. (4-5-00)

10315. Toxic Air Pollutant. An air pollutant that has been determined by the Department to be by its nature, toxic to human or animal life or vegetation and listed in Section 585 or 586. (5-1-94)

10416. Toxic Air Pollutant Carcinogenic Increments. Those ambient air quality increments based on the probability of developing excess cancers over a seventy (70) year lifetime exposure to one (1) microgram per cubic meter (1 ug/m³) of a given carcinogen and expressed in terms of a screening emission level or an acceptable ambient concentration for a carcinogenic toxic air pollutant. They are listed in Section 586. (5-1-94)

10517. Toxic Air Pollutant Non-carcinogenic Increments. Those ambient air quality increments based on occupational exposure limits for airborne toxic chemicals expressed in terms of a screening emission level or an acceptable ambient concentration for a non-carcinogenic toxic air pollutant. They are listed in Section 585. (5-1-94)

10618. Toxic Substance. Any air pollutant that is determined by the Department to be by its nature, toxic to human or animal life or vegetation. (5-1-94)

10719. Trade Waste. Any solid, liquid or gaseous material resulting from the construction or demolition of any structure, or the operation of any business, trade or industry including, but not limited to, wood product industry waste such as sawdust, bark, peelings, chips, shavings and cull wood. (5-1-94)

10820. TRS (Total Reduced Sulfur). Hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide and any other organic sulfide present. (5-1-94)

10921. Unclassifiable Area. An area which, because of a lack of adequate data, is unable to be classified pursuant to 42 U.S.C. Section 7407(d) as either an attainment or a nonattainment area. (5-1-94)

11022. Uncontrolled Emission. An emission which has not been treated by control equipment. (5-1-94)

11123. Upset. An unplanned disruption in the normal operations of any equipment or emissions unit which may cause excess emissions. (4-5-00)

124. Visibility Impairment. Any humanly perceptible change in visibility (light extinction, visual range, contrast, coloration) from that which would have existed under natural conditions. ()

125. Visibility in Any Mandatory Class I Federal Area. Includes any integral vista associated with

that area. ()

~~1426.~~ **Wigwam Burner.** Wood waste burning devices commonly called teepee burners, silos, truncated cones, and other such burners commonly used by the wood product industry for the disposal by burning of wood wastes. (5-1-94)

~~1427.~~ **Wood Stove Curtailment Advisory.** An air pollution alert issued through local authorities and/or the Department to limit wood stove emissions during air pollution episodes. (5-1-94)

Subsection 107.03.d.

107. INCORPORATIONS BY REFERENCE.

03. Documents Incorporated by Reference. The following documents are incorporated by reference into these rules: (5-1-94)

d. Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Protection of Visibility, ~~Identification of Integral Vistas, Subsection a,~~ 40 CFR ~~Part~~ 51.301, 51.304(a), 51.307, and 51.308, revised as of July 1, 2005~~6~~. (~~4-11-06~~)()

Section 665

665. REGIONAL HAZE RULES.

The purpose of Sections 665 through 668 is to address regional haze visibility impairment in mandatory Class I Federal Areas. The intent of Sections 665 through 668 is to set forth the requirements to implement the federal programs for visibility protection and regional haze. ()

Subsection 667.01

667. LONG-TERM STRATEGY FOR REGIONAL HAZE.

The purpose of Section 667 is to develop a long-term strategy for making reasonable progress toward the national goal of preventing any future and remedying any existing impairment of visibility in mandatory Class I Federal Areas in which impairment results from man-made air pollution. ()

01. Submittal of Long-Term Strategy. The Department will submit to EPA a long-term strategy that addresses regional haze visibility impairment for each mandatory Class I Federal Area within the state and for each mandatory Class I Federal Area located outside the state which may be affected by emissions from the state. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-0505

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-ninth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 7, 2006, Vol. 06-6, pages 134 through 150. After consideration of public comments, the proposed rule has been revised at Sections 010 and 200. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/water/58_0102_0505_pending.cfm or by contacting the undersigned.

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

IDAHO CODE SECTION 39-107D STATEMENT: The revisions included in this rule are not broader in scope, nor more stringent, than federal regulations and do not regulate an activity not regulated by the federal government.

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: For assistance on questions concerning this rulemaking, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Dated this 12th day of October, 2006.

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DOCKET NO. 58-0102-0505 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, [Volume 06-6, June 7, 2006, pages 134 through 150.](#)

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0102-0505

Subsections 010.13, 010.14, 010.31, and 010.56

010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.02, "Water Quality Standards," the following definitions apply: (4-11-06)

~~153.~~ **Compliance Schedule or Schedule Of Compliance.** A schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard. (8-24-94)

~~14.~~ **Chronic Toxicity.** *The existence of mortality, injury, reduced growth, impaired reproduction, or any other adverse effect on aquatic organisms resulting from a long term (i.e., one tenth (0.1) or more of the organism's life span) exposure to a substance. As applied to toxicity tests, chronic toxicity refers to the response of aquatic organisms to a concentration of a toxic substance or effluent which results in an IC-25.* **Daily Maximum (Minimum).** The highest (lowest) value measured during one (1) calendar day or a twenty-four (24) hour period, as appropriate. For ambient monitoring of dissolved oxygen, pH, and temperature, multiple measurements should be obtained at intervals short enough that the difference between consecutive measurements around the daily maximum (minimum) is less than zero point two (0.2) ppm for dissolved oxygen, zero point one (0.1) SU for pH, or zero point five (0.5) degree C for temperature. (8-24-94)()

~~341.~~ **Ephemeral Waters.** A stream, reach, or water body that flows naturally only in direct response to precipitation in the immediate watershed and whose channel is at all times above the water table. (4-11-06)

~~596.~~ **Natural Background Conditions.** *No measurable change in* The physical, chemical, biological, or radiological conditions existing in a water body without human sources of pollution within the watershed. Natural disturbances including, but not limited to, wildfire, geologic disturbance, diseased vegetation, or flow extremes that affect the physical, chemical, and biological integrity of the water are part of natural background conditions. Natural background conditions should be described and evaluated taking into account this inherent variability with time and place. (3-15-02)()

Subsection 200.09

200. GENERAL SURFACE WATER QUALITY CRITERIA.

The following general water quality criteria apply to all surface waters of the state, in addition to the water quality criteria set forth for specifically designated waters. (4-5-00)

01. Hazardous Materials. Surface waters of the state shall be free from hazardous materials in concentrations found to be of public health significance or to impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

02. Toxic Substances. Surface waters of the state shall be free from toxic substances in concentrations that impair designated beneficial uses. These substances do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

03. Deleterious Materials. Surface waters of the state shall be free from deleterious materials in

concentrations that impair designated beneficial uses. These materials do not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

04. Radioactive Materials. (7-1-93)

a. Radioactive materials or radioactivity shall not exceed the values listed in the Code of Federal Regulations, Title 10, Chapter 1, Part 20, Appendix B, Table 2, Effluent Concentrations, Column 2. (8-24-94)

b. Radioactive materials or radioactivity shall not exceed concentrations required to meet the standards set forth in Title 10, Chapter 1, Part 20, of the Code of Federal Regulations for maximum exposure of critical human organs in the case of foodstuffs harvested from these waters for human consumption. (7-1-93)

05. Floating, Suspended or Submerged Matter. Surface waters of the state shall be free from floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair designated beneficial uses. This matter does not include suspended sediment produced as a result of nonpoint source activities. (8-24-94)

06. Excess Nutrients. Surface waters of the state shall be free from excess nutrients that can cause visible slime growths or other nuisance aquatic growths impairing designated beneficial uses. (8-24-94)

07. Oxygen-Demanding Materials. Surface waters of the state shall be free from oxygen-demanding materials in concentrations that would result in an anaerobic water condition. (7-1-93)

08. Sediment. Sediment shall not exceed quantities specified in Sections 250 and 252, or, in the absence of specific sediment criteria, quantities which impair designated beneficial uses. Determinations of impairment shall be based on water quality monitoring and surveillance and the information utilized as described in Section 350. (4-5-00)

09. Natural Background Conditions as Criteria. When natural background conditions exceed any applicable water quality criteria set forth in Sections 210, 250, 251, 252, or 253, the applicable water quality criteria shall not apply; instead, ~~pollutant levels shall not exceed the~~ there shall be no lowering of water quality from natural background conditions. Provided, however, except that temperature ~~levels~~ may be increased above natural background conditions when allowed under Section 401. (3-15-02)(____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.02 - WATER QUALITY STANDARDS

DOCKET NO. 58-0102-0601

NOTICE OF PUBLIC MEETING

AUTHORITY: This rulemaking action is authorized by Sections 39-105, 39-107, and 39-3601 et seq., Idaho Code.

MEETING SCHEDULE: Those interested in Docket No. 58-0102-0601 are encouraged to attend the following public 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.

**January 9, 2007
1:30 a.m. to 4:30 p.m.
Department of Environmental Quality
Conference Room D
1410 N. Hilton, Boise, Idaho**

DESCRIPTIVE SUMMARY: The Department of Environmental Quality (DEQ) has postponed presenting rulemaking Docket No. 58-0102-0601 to the Idaho Board of Environmental Quality (Board). Docket No. 58-0102-0601 proposes revisions to the current water quality standards that describe how to apply these standards based on low or high flow conditions. The proposed rule was published in the Idaho Administrative Bulletin on September 6, 2006, and public comments were received through October 6, 2006. In response to comments received, DEQ is postponing submittal of the proposed rule to the Board and is instead hosting a public meeting to discuss the proposed rule language and to address concerns and issues raised during the public comment period.

DEQ drafted a support document that contains information used in the development of the proposed rule. The proposed rule language is available at <http://adm.idaho.gov/adminrules/bulletin/bul/06sept.pdf> and the support document is available at www.deq.idaho.gov/rules/water/58_0102_0601_proposed.cfm or by contacting Don Essig at (208)373-0119.

Dated this 7th day of November, 2006.

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IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-0602

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-ninth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. The action is authorized by Chapters 44 and 58, Title 39, Idaho Code. In addition, 40 CFR 271.21(e) and Section 39-4404, Idaho Code, require DEQ to adopt amendments to federal law as proposed under this docket.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, August 2, 2006, Vol. 06-8, pages 133 through 139.

No written public comments were received; however, the rule has been revised at Sections 000, 005, 006, 008 and 009 in response to a verbal suggestion received from the U.S. EPA, Region 10 (EPA). Upon review of the proposed rule, EPA suggested that reference to the Hazardous Waste Management Act of 1983 and the Hazardous Waste Facility Siting Act of 1985 should be clarified by adding the term "as amended" at the end of the full title of each of the acts. EPA also suggested that certain federal regulation citations should be added to clarify the meaning of EPA within the Idaho state rules. The addition of these citations makes DEQ's incorporation by reference of the federal hazardous waste regulations more accurate. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/haz_waste/58_0105_0602_pending.cfm or by contacting the undersigned.

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

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

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: For assistance on questions concerning this rulemaking, contact John Brueck at john.brueck@deq.idaho.gov, (208)373-0458.

Dated this 12th day of October, 2006.

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DOCKET NO. 58-0105-0602 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-8, August 2, 2006, pages 133 through 139.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0105-0602

Sections 000

000. LEGAL AUTHORITY.

These rules are adopted pursuant to the authority vested in the Board of Environmental Quality by the Hazardous Waste Management Act of 1983, *as amended* (HWMA), Sections 39-4401 et seq., Idaho Code, and the authority vested in the Director of the Department of Environmental Quality by the Hazardous Waste Facility Siting Act of 1985, *as amended*, Sections 39-5801 et seq., Idaho Code. (~~3-1-93~~)()

Section 005

005. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE.

40 CFR Part 261 and all Subparts, except the language "in the Region where the sample is collected" in 40 CFR 261.4(e)(3)(iii), except remanded waste codes "K064, K065, K066, K090 and K091" listed in 40 CFR Part 261 Appendix VII, except "49 CFR 173.300" in 40 CFR 261.21(a)(3) as replaced with "49 CFR 173.115 or equivalent test methods in Chapter 7 of SW-846," except "49 CFR 173.151" in 40 CFR 261.21(a)(4) as replaced with "49 CFR 173.127" and except 40 CFR 261.23(a)(8), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2005. For purposes of 40 CFR 261.10 and 40 CFR 261.11, "Administrator" shall be defined as the U.S. Environmental Protection Agency Administrator. For purposes of 40 CFR 261.4(b)(11)(ii) and 40 CFR 261 Appendix IX, "EPA" shall be defined as the U.S. Environmental Protection Agency. (~~4-11-06~~)()

Subsection 006.01

006. STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE.

01. Incorporation by Reference. 40 CFR Part 262 and all Subparts, except for the language "for the Region in which the generator is located" in 40 CFR 262.42(a)(2) and 40 CFR 262.42(b), are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2005. For purposes of 40 CFR 262.55, 262.56, and 262.57(b), "Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. Copies of advance notification, annual reports, and exception reports, required under those sections, shall also be

provided to the Director. For purposes of 40 CFR 262.21, 262.51, 262.53, 262.54(e), 262.54(g)(1), 262.60, and 262.85(g), EPA shall be defined as the U.S. Environmental Protection Agency. For purposes of 40 CFR Part 262 Subparts E, F, H, and 40 CFR 262.41(a)(4), "United States or U.S." shall be defined as the United States.

~~(4-11-06)~~(____)

Section 008

008. STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 264 and all Subparts (excluding 40 CFR 264.1(f), 264.149, 264.150, 264.301(l), 264.1030(d), 264.1050(g), 264.1080(e), 264.1080(f) and 264.1080(g)) are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2005~~6~~. For purposes of 40 CFR Subsection 264.12(a), "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 264.71(a)(3) and 264.1082(c)(4)(ii), "EPA" shall be defined as the U.S. Environmental Protection Agency.

~~(4-11-06)~~(____)

Section 009

009. INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES.

40 CFR Part 265, and all Subparts (excluding Subpart R, 40 CFR 265.1(c)(4), 265.149, 265.150, 265.1030(c), 265.1050(f), 265.1080(e), 265.1080(f), and 265.1080(g)) and except the language contained in 40 CFR 265.340(b)(2) as replaced with, "The following requirements continue to apply even when the owner or operator has demonstrated compliance with the MACT requirements of part 63, subpart EEE of this chapter: 40 CFR 265.351 (closure) and the applicable requirements of Subparts A through H, BB and CC of this part.", are herein incorporated by reference as provided in 40 CFR, revised as of July 1, 2005~~6~~. For purposes of 40 CFR Subsection 265.12(a), "Regional Administrator" shall be defined as the U.S. Environmental Protection Agency Region 10 Regional Administrator. For purposes of 40 CFR 265.71(a)(3) and 265.1083(c)(4)(ii), "EPA" shall be defined as the U.S. Environmental Protection Agency.

~~(4-11-06)~~(____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.11 - GROUND WATER QUALITY RULE

DOCKET NO. 58-0111-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2007 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the First Regular Session of the Fifty-ninth Idaho Legislature unless prior to that date the rule is rejected, amended or modified by concurrent resolution in accordance with Idaho Code Sections 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105, 39-107, 39-120 and 39-126, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 5, 2006, Vol. 06-7, pages 95 through 105. The agency received no public comments; however, a correction has been made to the proposed rule publication error in the footnote for total coliform (Subsection 200.01.a.). In the second sentence of the footnote, "and" has been changed to "or." The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/groundwater/58_0111_0601_pending.cfm or by contacting the undersigned.

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

IDAHO CODE SECTION 39-107D STATEMENT: Section 39-107D, Idaho Code, provides that DEQ must meet certain requirements when it formulates and recommends rules which are broader in scope or more stringent than federal law or regulations. There is no federal law or regulation that is comparable to the Ground Water Quality Rule. Therefore, the changes to the rule are not broader in scope or more stringent than federal law or regulations.

Section 39-107D, Idaho Code, also applies to a rule which "proposes to regulate an activity not regulated by the federal government." This rule may be used to regulate an activity not regulated by the federal government. The following is a summary of additional information required by Sections 39-107D(3) and (4), Idaho Code. Information relating to Section 39-107D(2) has also been provided. The requirements set forth in this rule are based upon best available peer reviewed science and studies and analyses conducted by other states, the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), the U.S. Food and Drug Administration (FDA), and professional scientific and medical journals. The referenced studies and analyses will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding health effects.

Section 39-107D(2)(a), Idaho Code. To the degree that a department action is based on science the department shall utilize the best available peer reviewed science and supporting studies conducted in accordance with sound objective scientific practices.

The presence of E. coli or fecal coliform in water is universally accepted as evidence that the water has been contaminated with the fecal material of man or other animals. Fecal contamination is an indicator that a potential health risk exists for individuals exposed to or ingesting this water. The requirements set forth in this rule are based upon best available peer reviewed science and studies and analyses conducted by other states, the U.S. Environmental Protection Agency (EPA), the Centers for Disease Control and Prevention (CDC), the U.S. Food and Drug Administration (FDA), and professional scientific and medical journals. The referenced studies and analyses will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding health effects.

Section 39-107D(2)(b), Idaho Code. To the degree that a department action is based on science, the department shall utilize data collected by accepted methods or best available methods if the reliability of the method and the nature of the decision justifies use of the data.

Data were not collected or analyzed by DEQ as part of this rulemaking process. DEQ relied on information readily

available to the public from federal and state government publications and articles from medical and scientific professional journals.

Section 39-107D(3)(a), Idaho Code. Identification of each population or receptor addressed by an estimate of public health effects or environmental effects.

Escherichia coli (*E. coli*) is a normal inhabitant of the intestines of all animals including humans. The primary reservoir of this bacterium has been found to be healthy cattle (Jackson et al., 1998). While there are many harmless *E. coli* strains, *E. coli* O157:H7 can cause food- and waterborne illness. *E. coli* O157:H7 causes approximately 73,000 infections and about 61 deaths per year in the U.S (CDC, 2005). It was first recognized in 1982, when it was associated with two foodborne outbreaks of bloody diarrhea and abdominal cramps (Gugnani, 1999).

Hemorrhagic colitis is the name of the acute disease caused by *E. coli* O157:H7 (FDA, 2005). *E. coli* O157:H7 infection often causes severe bloody diarrhea and abdominal cramps; sometimes the infection causes diarrhea or other symptoms. This bacterium produces potent toxins (verotoxins) related to *Shigella* toxins. The incubation period is 3-4 days, and the symptoms occur for 7-10 days (Moe, 1997; Rice, 1999). Usually little or no fever is present. However, in some persons, particularly children under 5 years of age and the elderly, the infection can cause a complication called hemolytic uremic syndrome (HUS), in which the red blood cells are destroyed and the kidneys fail. About 2%-7% of infections lead to this complication. In the United States, HUS is the principal cause of acute kidney failure in children, and most cases of HUS are caused by *E. coli* O157:H7. HUS is a life threatening condition usually treated in an intensive care unit. Blood transfusions and kidney dialysis are often required. With intensive care, the death rate for HUS is 3%-5% (CDC, 2005). In the elderly, HUS, plus two other symptoms, fever and neurologic symptoms constitutes thrombotic purpura (TTP). This illness can have a mortality rate in the elderly as high as 50% (FDA, 2005).

One route of human exposure to *E. coli* is through the consumption of contaminated drinking water. The bacteria are shed in animal and human fecal matter, and drinking water sources may become contaminated during rain or snowmelts that wash *E. coli*-contaminated wastes into surface and ground water. If the source water is not properly treated, drinking water may remain contaminated with *E. coli* (USEPA, 2006a). Additionally, bacteria can contaminate ground water as a result of malfunctioning septic systems, leaking sewer lines, and above-ground pathways that extend below the surface, such as deep cracks in the ground.

Although *E. coli* O157:H7 is not usually a concern in treated drinking water, outbreaks involving consumption of drinking water contaminated with human sewage or cattle feces have been documented (Swerdlow et al., 1992; Bruce-Grey-Owen Sound Health Unit, 2000).

E. coli O157:H7 infections can be deadly. Recent water related outbreaks of *E. coli* O157:H7 in North America include a May 2000 tragedy in Walkerton, Ontario, where 7 people died and approximately 2,300 persons became ill from consuming *E. coli* O157:H7-contaminated ground water. Of the more than 2,300 individuals affected, 65 were hospitalized, 27 developed hemolytic uremic syndrome (HUS), a serious and potentially fatal kidney ailment (Hrudley et al, 2002). In 1999, at a fair near Albany, New York, approximately 804 cases of *E. coli* O157:H7 infections were linked to consumption of contaminated ground water. Sixty-five people were hospitalized and two people died (USEPA, 2006a). There were also drinking water *E. coli* O157:H7 outbreaks reported in Wyoming, Illinois, and Washington in 1997 and 1998; all were associated with contaminated ground water systems (Barwick et al, 2000).

Section 39-107D(3)(b) and (c), Idaho Code. Identification of the expected risk or central estimate of risk for the specific population or receptor and identification of each appropriate upper bound or lower bound estimate of risk.

The U.S. EPA (USEPA, 2006b) reports that preliminary data from eight ground water microbial studies of public water system wells indicate pathogen occurrence rates from 6% to 12% and pathogen indicator occurrence rates of 12% to 38%. If these occurrence rates are extrapolated to Idaho, where approximately 400,000 people are not served by regulated public water systems, but rely on private domestic wells to withdraw ground water for drinking water people, then between 24,000 and 152,000 Idahoans are potentially at risk.

This estimate of risk does not include the approximately 1 million Idahoans served by regulated public water systems. About 95% of these public water systems use ground water as the source of their drinking water. If treatment used by the public water systems fails to work properly during a bacterial contamination event then incidents similar to those

reported in the previous section could occur. The threat associated with this possibility is not quantified.

In 1995, a significant bacterial contamination event occurred in Island Park, Idaho resulting in 82 cases of shigellosis. The likely cause of the contamination is believed to be leakage from nearby septic tanks or sewer lines. The findings of the investigation indicated possible transmission from multiple wells in the same area, suggesting the spread of organisms through the groundwater (CDC, 1996).

Section 39-107D(3)(d), Idaho Code. Identification of each significant uncertainty identified in the process of the assessment of public health effects or environmental effects and any studies that would assist in resolving the uncertainty.

According to the Center for Risk Science and Public Health at The George Washington University School of Public Health and Health Services, “much of what is known about the risk factors in populations comes from outbreak data. In the United States, waterborne disease outbreaks are tracked using voluntary passive surveillance techniques by the Centers for Disease Control and Prevention (CDC) in collaboration with the Environmental Protection Agency. State and local health departments may report the epidemiologic data from an outbreak to CDC, but reporting varies by the type of outbreak, state, infectious agent, and time period. Such data often do not include the demographic or other characteristics essential for assessing inter-individual differences in susceptibility. Exposure analysis is also very limited, and water quality parameters are not always included in the analysis” (Balbus and Embrey, 2002).

“The likelihood that individual cases of illness will be detected, epidemiologically linked, and associated with water is slim. For an outbreak to be detected, a series of events must happen. First, people who are ill must consult a health care provider, and generally, at least two patients must consult the same provider for an association to be made. Next, the health care provider must recognize the possibility of an outbreak and perform appropriate laboratory testing or report the cases to a local or state health department. The availability and patterns of use of laboratory testing, the requirements for laboratories or physicians to report results to local or state health departments, and the activities of state and local health and environmental agencies all affect the likelihood that an outbreak will be recognized and reported. Often, pathogens are not identified because the appropriate tests are not ordered. For example, most laboratories do not test for *Cryptosporidium parvum* on a routine ova and parasites examination, and *E. coli* O157:H7 will not be detected from a routine stool culture. The most frequently identified etiologic agents traced to both drinking water and recreational water outbreaks representing the three pathogen classifications, protozoa, viruses, and bacteria, are *Giardia* and *Cryptosporidium*, Norwalk-like viruses, and *E. coli* O157:H7” (Balbus and Embrey, 2002).

According to information from the U.S. Food and Drug Administration (FDA, 2005) the infective dose of *E. coli* is unknown, but from a compilation of outbreak data, the dose may be similar to that of *Shigella* spp (as few as 10 organisms). A study of outbreak data indicates less than 50 *E. coli* organisms can result in an infective dose (Tilden et al, 1996).

Studies have shown that the *E. coli* dose required to produce symptoms is lower than that for most other enteric pathogenic bacteria. The probability of becoming ill depends on the number of organisms ingested, the health status of the person, and the resistance of the person to the organism or toxin (AWWA Committee Report, 1999). Children and the elderly are most susceptible to HUS complications. In susceptible individuals such as infants, the elderly, and immunocompromised individuals, the effects may be severe, chronic (e.g., kidney damage), or even fatal.

Section 39-107D(3)(e), Idaho Code. Identification of studies known to the department that support, are directly relevant to, or fail to support any estimate of public health effects or environmental effects and the methodology used to reconcile inconsistencies in the data.

The referenced studies and analyses will be included in the rulemaking record and can be reviewed during the public comment period for further detailed information regarding health effects.

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USEPA (U.S. Environmental Protection Agency), (2006b). Office of Ground Water and Drinking Water, Ground Water Rule: Public Health Concerns. Available: <http://www.epa.gov/safewater/standard/phs.html>

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: For assistance on technical questions concerning this rulemaking, contact Edward Hagan at ed.hagan@deq.idaho.gov, (208)373-0356.

Dated this 12th day of October 2006.

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DOCKET NO. 58-0111-0601 - ADOPTION OF PENDING RULE

There are substantive changes from the proposed rule text.

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

The text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 06-7, July 5, 2006, pages 95 through 105.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2007 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0111-0601

Subsection 200.01.a.

200. GROUND WATER QUALITY STANDARDS.

The following numerical and narrative standards apply to all ground water of the state and shall not be exceeded unless otherwise allowed in this rule. (3-20-97)

01. Numerical Ground Water Quality Standards. (3-20-97)

a. The Primary Constituent Standards are based on protection of human health and are identified in Table II.

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
7440-36-0	Antimony	0.006
7440-38-2	Arsenic	0.05

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
1332-21-4	Asbestos	7 million fibers/l longer than 10 um
7440-39-3	Barium	2
7440-41-7	Beryllium	0.004
7440-43-9	Cadmium	0.005
7440-47-3	Chromium	0.1
7440-50-8	Copper	1.3
57-12-5	Cyanide	0.2
16984-48-8	Fluoride	4
7439-92-1	Lead	0.015
7439-97-6	Mercury	0.002
*1	Nitrate (as N)	10
*1	Nitrite (as N)	1
*1	Nitrate and Nitrite (both as N)	10
7782-49-2	Selenium	0.05
7440-28-0	Thallium	0.002
15972-60-8	Alachlor	0.002
1912-24-9	Atrazine	0.003
71-43-2	Benzene	0.005
50-32-8	Benzo(a)pyrene (PAH)	0.0002
75-27-4	Bromodichloromethane (THM)	0.1
75-25-2	Bromoform (THM)	0.1
1563-66-2	Carbofuran	0.04
56-23-5	Carbon Tetrachloride	0.005
57-74-9	Chlordane	0.002
124-48-1	Chlorodibromomethane (THM)	0.1
67-66-3	Chloroform(THM)	0.002
94-75-7	2,4-D	0.07
75-99-0	Dalapon	0.2
103-23-1	Di(2-ethylhexyl) adipate	0.4
96-12-8	Dibromochloropropane	0.0002
541-73-1	Dichlorobenzene m-	0.6

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
95-50-1	Dichlorobenzene o-	0.6
106-46-7	1,4(para)-Dichlorobenzene or Dichlorobenzene p-	0.075
107-06-2	1,2-Dichloroethane	0.005
75-35-4	1,1-Dichloroethylene	0.007
156-59-2	cis-1, 2-Dichloroethylene	0.07
156-60-5	trans-1, 2-Dichloroethylene	0.1
75-09-2	Dichloromethane	0.005
78-87-5	1,2-Dichloropropane	0.005
117-81-7	Di(2-ethylhexyl)phthalate	0.006
88-85-7	Dinoseb	0.007
85-00-7	Diquat	0.02
145-73-3	Endothall	0.1
72-20-8	Endrin	0.002
100-41-4	Ethylbenzene	0.7
106-93-4	Ethylene dibromide	0.00005
1071-83-6	Glyphosate	0.7
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
118-74-1	Hexachlorobenzene	0.001
77-47-4	Hexachlorocyclopentadiene	0.05
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
108-90-7	Monochlorobenzene	0.1
23135-22-0	Oxamyl (Vydate)	0.2
87-86-5	Pentachlorophenol	0.001
1918-02-1	Picloram	0.5
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
122-34-9	Simazine	0.004
100-42-5	Styrene	0.1
1746-01-6	2,3,7,8-TCDD (Dioxin)	3.0 x 10 ⁻⁸
127-18-4	Tetrachloroethylene	0.005

Table II - Primary Constituent Standards		
Chemical Abstract Service Number	Constituent	Standard (mg/l unless otherwise specified)
108-88-3	Toluene	1
*1	Total Trihalomethanes [the sum of the concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform), and trichloromethane (chloroform)]	0.1
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-TP (Silvex)	0.05
120-82-1	1,2,4-Trichlorobenzene	0.07
71-55-6	1,1,1-Trichloroethane	0.2
79-00-5	1,1,2-Trichloroethane	0.005
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl Chloride	0.002
1330-20-7	Xylenes (total)	10
*1	Gross alpha particle activity (including radium -226, but excluding radon and uranium)	15 pCi/l
*1	Combined beta/photon emitters	4 millirems/year effective dose equivalent
*1	Combined Radium - 226 and radium 228	5 pCi/l
*1	Strontium 90	8 pCi/l
*1	Tritium	20,000 pCi/l
*1	Total Coliform ²	1 colony forming unit/100 ml
	<u>Escherichia coliform (E. coli)</u>	<u>Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method</u>
	<u>Fecal coliform</u>	<u>Less than 1 viable colony or colony forming unit/100 ml using any EPA approved method</u>
Table Footnotes		
*1 No Chemical Abstract Service Number exists for this constituent.		
² An exceedance of the primary ground water quality standard for total coliform is not a violation of these rules. If the primary ground water quality standard for total coliform is exceeded, additional analysis for fecal coliform or E. coli will be conducted. An exceedance of the primary ground water quality standards for either fecal coliform or E. coli is a violation of these rules.		

(3-20-97)()

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LEGAL NOTICE

Summary of Proposed Rulemakings

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

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

IDAPA 22 - IDAHO STATE BOARD OF MEDICINE

PO Box 83720, Boise, ID 83720-0058

22-0105-0601, Rules Governing the Licensure of Physical Therapists and Physical Therapy Assistants. (Temporary and Proposed) Repeal of chapter. Comment by: 12/27/06.

22-0106-0601, Rules for EMS Personnel. (Temporary and Proposed) Repeal of chapter. Comment by: 12/27/06.

(Temporary Rules Have Been Adopted in the Following Rulemakings)

IDAPA 15 - Division of Human Resources and Personnel Commission

15-0401-0601, Rules of the Division of Human Resources and Personnel Commission

IDAPA 35 - Idaho State Tax Commission

35-0102-0603, Sales and Use Tax Administrative Rules

35-0103-0608, Property Tax Administrative Rules

(Public Hearings Have Been Scheduled for the Following Rulemakings)

IDAPA 41 - Public Health District #1

41-0101-0601, Rules of Public Health District #1

IDAPA 58 - Idaho Department of Environmental Quality

58-0102-0601, Water Quality Standards

Please refer to the Idaho Administrative Bulletin **Volume 06-12, December 6, 2006**, for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

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

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

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

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**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
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