

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 06-1 refers to the first Bulletin issued in calendar year 2006; Bulletin 07-1 refers to the first Bulletin issued in calendar year 2007. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 07-1 refers to January 2007; Volume No. 07-2 refers to February 2007; and so forth. Example: The Bulletin published in January of 2007 is cited as Volume 07-1. The December 2006 Bulletin is cited as Volume 06-12.

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 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 only published in the Bulletin and **not** printed in the Administrative Code.*

*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 requires 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 rule that is being vacated, the agency, in most instances, should rescind the temporary rule.

PENDING RULEMAKING

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

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

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

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

FINAL RULEMAKING

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

No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule reviewed by the legislature and not rejected, amended or modified becomes 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 83720-0306, 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 a table 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 38.05.01.200.02.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.*

*“**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 “-”, (38-0501-0701). 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 number:

“DOCKET NO. 38-0501-0701”

“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**).

“0701” denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rule-making action published in **calendar year 2007**. A subsequent rulemaking on this same rule chapter in calendar year 2007 would be designated as “0702”. The docket number in this scenario would be 38-0501-0702.

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 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 25, 2007
07-5	May 2007	April 6, 2007	May 2, 2007	May 23, 2007
07-6	June 2007	May 4, 2007	June 6, 2007	June 27, 2007
07-7	July 2007	June 1, 2007	July 4, 2007	July 25, 2007
07-8	August 2007	June 29, 2007	August 1, 2007	August 22, 2007
07-9	September 2007	August 3, 2007	September 5, 2007	September 26, 2007
07-10	October 2007	**August 24, 2007	October 3, 2007	October 24, 2007
07-11	November 2007	October 5, 2007	November 7, 2007	November 28, 2007
07-12	December 2007	November 2, 2007	December 5, 2007	December 26, 2006

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2008

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
08-1	January 2008	*November 14, 2007	January 2, 2008	January 22, 2008
08-2	February 2008	January 4, 2008	February 6, 2008	February 27, 2008
08-3	March 2008	February 8, 2008	March 5, 2008	March 26, 2008
08-4	April 2008	March 7, 2008	April 2, 2008	April 23, 2008
08-5	May 2008	April 4, 2008	May 7, 2008	May 28, 2008
08-6	June 2008	May 2, 2008	June 4, 2008	June 25, 2008
08-7	July 2008	May 30, 2008	July 2, 2008	July 23, 2008
08-8	August 2008	July 3, 2008	August 6, 2008	August 27, 2008
08-9	September 2008	August 1, 2008	September 3, 2008	September 24, 2008
08-10	October 2008	**August 20, 2008	October 1, 2008	October 22, 2008
08-11	November 2008	October 3, 2008	November 5, 2008	November 26, 2008
08-12	December 2008	October 31, 2008	December 3, 2008	December 24, 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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IDAPA 38	Administration , Department of
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IDAPA 02	Agriculture , Idaho Department of
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IDAPA 03	Athletic Commission
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IDAPA 45	Human Rights Commission
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IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 41	Public Health Districts
IDAPA 31	Public Utilities Commission
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THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2007-12

**DESIGNATING THE STATE ENTITY RESPONSIBLE FOR DEVELOPING AND DELIVERING
COMPREHENSIVE COMPUTER-BASED CAREER INFORMATION
REPEALING AND REPLACING EXECUTIVE ORDER 2006-04**

WHEREAS, the Carl D. Perkins Career and Technical Education Act of 2006 (P.L. 109-270) mandates that in order to receive a grant under Section 118 of the Act the Idaho Division of Professional-Technical Education and the Governor of the State of Idaho shall jointly designate an entity in the state to:

1. Provide support for career guidance and academic counseling programs designed to promote improved career and education decision making by students (and parents, as appropriate) regarding education (including postsecondary education) and training options and preparations for high skill, high wage, or high demand occupations and non-traditional fields;
2. Make available to students, parents, teachers, administrators, faculty, and career guidance and academic counselors, and to improve accessibility with respect to, information and planning resources that relate academic and career and technical educational preparation to career goals and expectations;
3. Provide academic and career and technical education teachers, faculty, administrators, and career guidance and academic counselors with the knowledge, skills, and occupational information needed to assist parents and students, especially special populations, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and non-traditional fields, including occupations and fields requiring a baccalaureate degree;
4. Assist appropriate State entities in tailoring career related educational resources and training for use by such entities, including information on high skill, high wage, or high demand occupations in current or emerging professions and on career ladder information;
5. Improve coordination and communication among administrators and planners of programs authorized by this Act and by section 15 of the Wagner-Peyser Act at the Federal, State, and local levels to ensure nonduplication of efforts and the appropriate use of shared information and data;
6. Provide ongoing means for customers, such as students and parents, to provide comments and feedback on products and services and to update resources, as appropriate, to better meet customer requirements; and
7. Provide readily available occupational information such as information relative to employment sectors; information on occupation supply and demand; and other information provided pursuant to section 15 of the Wagner-Peyser Act as the jointly designated State entity considers relevant;

WHEREAS, career information is critical in helping people make successful career decisions, understand the link between educational preparation and work, explore education and career alternatives, and successfully seek work;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby:



1. *Designate the Department of Labor as the entity responsible for oversight and management of Idaho's comprehensive, computer-based system of career information known as the Idaho Career Information System; and*
2. *Designate the Idaho Workforce Development Council to support and assist the Department of Labor in the development and implementation of the Idaho Career Information System; and*
3. *Direct the Division of Professional-Technical Education to enter into an agreement with the Department of Labor for the period of July 1, 2007, through June 30, 2008, to immediately implement Paragraph 1 of this Executive Order.*

This Executive Order shall cease to be effective one (1) year after its entry into force.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 27th day of September in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2007-13

ESTABLISHING THE GOVERNOR'S SELECT COMMITTEE ON HEALTH CARE

WHEREAS, the Idaho Health Care Summit (Summit) was convened in August to identify and address the State's most pressing health care issues; and

WHEREAS, the Summit identified many health care issues facing Idahoans today and recommendations for addressing these issues; and

WHEREAS, one of the issues identified by the Summit was the need to build Idaho's health care workforce, especially as the need for physicians, nurses and other skilled professionals increases across the State; and

WHEREAS, the Summit also identified prevention and early intervention as important aspects of the continuum of care that cannot be overlooked; and

WHEREAS, the Summit confirmed the need for affordable, comprehensive insurance coverage in Idaho; and

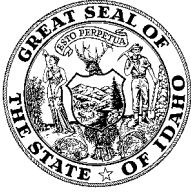
WHEREAS, the Summit recognized the important role that personal responsibility plays in health care today, including, but not limited to, individuals making healthy choices; and

WHEREAS, the State has a vested interest in finding workable, realistic solutions to health care issues raised during the Summit;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby:

- 1. Create the Governor's Select Committee on Health Care (Committee);*
- 2. Members of the Committee shall be appointed by and serve at the pleasure of the Governor;*
- 3. The chair of the Committee shall be appointed by and serve at the pleasure of the Governor; and*
- 4. The Committee shall:*
 - a. Review and evaluate the recommendations of the Idaho Health Care Summit and periodically report its findings to the Governor;*
 - b. Provide additional recommendations to the Governor, beyond those proposed at the Summit, for addressing Idaho's health care issues;*
 - c. Gather, review and evaluate health care data and information from State agencies, within the limits of state and federal law, and report its findings and analysis to the Governor;*
 - d. Conduct meetings in each region of the State to gather public comments and perspectives;*
 - e. Propose ways to further encourage public and private sector partnerships for providing health care services in Idaho; and*
 - f. Work closely with the Governor and Legislature to evaluate existing state laws, policies and procedures concerning health care in Idaho.*
- 5. Committee members will serve without compensation; however, they shall receive reimbursement for the actual costs of attending Committee meetings.*

This Executive Order shall cease to be effective December 31, 2010.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Idaho Falls on this 28th day of September in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2007-14

ESTABLISHING A STATEWIDE WILDFIRE REHABILITATION COMMITTEE

WHEREAS, numerous uncontrolled wildfires burn throughout many counties in Idaho each year; and

WHEREAS, over 2 million acres of private, county, state and federal land burned in Idaho during the 2007 fire season; and

WHEREAS, there is a tremendous threat to the sagebrush steppe ecosystem and other landscapes from invasive plant species and noxious weeds, including cheat grass, in the aftermath of these wildfires across Idaho; and

WHEREAS, there is a need to coordinate rehabilitation efforts among private landowners, local governments, state and federal agencies in the wake of these wildfires to recover our private and public lands; and

WHEREAS, cooperation among the private and public sectors will help efficiently and effectively rehabilitate the lands we all use; and

WHEREAS, the loss of vegetation necessary to intercept and retain normal precipitation will significantly increase the danger of mudflows, erosion and flooding in burned areas and areas below or downstream of burned areas, which in turn can cause the loss of top soil resulting in negative, long-term impacts; and

WHEREAS, the State of Idaho should lead a statewide rehabilitation effort for areas impacted by wildfire this year, coordinating private, local and federal efforts;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order:

1. *The establishment of the "Statewide Wildfire Rehabilitation Committee" (Committee).*
2. *The Committee shall consist of the following representatives (or their designees) who shall serve at the pleasure of the Governor:*
 - a. *Director of the Idaho Department of Agriculture;*
 - b. *Director of the Idaho Department of Environmental Quality;*
 - c. *Director of Idaho Fish and Game;*
 - d. *Director of the Idaho Department of Lands;*
 - e. *Director of the Idaho State Police;*
 - f. *Administrator of the Governor's Office of Species Conservation;*
 - g. *Director of the Idaho Department of Water Resources; and*
 - h. *Director of the Idaho Department of Transportation.*
3. *Additionally the Governor may appoint representatives to the Committee, who will serve at the pleasure of the Governor, from the following:*
 - a. *Developed outdoor recreation, off highway vehicle users, or commercial recreation activities;*
 - b. *Federal grazing permittees, or other land-use permittees within areas impacted by wildfire;*
 - c. *Nationally recognized conservation organizations;*
 - d. *Regionally or locally recognized conservation organizations;*
 - e. *The timber industry;*
 - f. *County or local elected officials; or*
 - g. *American Indian tribes within or adjacent to the area impacted by wildfire.*
4. *The Chair of the Committee shall be appointed by the Governor from the membership of the Committee. The*

Chair serves at the pleasure of the Governor.

5. *The Committee shall:*
- a. *Coordinate with all private, local and federal rehabilitation efforts;*
 - b. *Cooperate with local and federal agencies in developing a long-term strategy for recovering areas burned or directly impacted by wildfire this year;*
 - c. *Coordinate and cooperate with surrounding states, including but not limited to Nevada, Utah and Wyoming, on wildfire prevention and suppression as well as rehabilitation efforts;*
 - d. *Work with appropriate local and federal agencies to identify available state or federal land or alternative feed sources for livestock permittees in Idaho displaced by wildfire;*
 - e. *Develop a long-term monitoring strategy to evaluate rehabilitation efforts in areas impacted by wildfire this year;*
 - f. *Evaluate ways to reduce or prevent areas of continuous fine fuel on private and public land, including but not limited to "green strips";*
 - g. *Coordinate with federal and county officials to protect recently reseeded private and public lands by closing public lands if necessary to prevent disturbance of these areas, as well as, identifying alternative public land for recreation. This includes, but is not limited to, utilizing state employees who are Peace Officer Standards and Training (POST) certified, to enforce and coordinate closures, educate the public about alternative recreational opportunities and aid local or federal entities with closures on county or federal land;*
 - h. *Seek federal and private funding for State rehabilitation projects; and*
 - i. *Evaluate and implement projects to restore areas impacted by wildfire this season for wildlife, aquatic species and plants, including but not limited to, rare and declining, petitioned or listed species.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 2nd day of October in the year of our Lord two thousand and seven and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.01.04 - RULES GOVERNING THE IDAHO PREFERRED® PROMOTION PROGRAM

DOCKET NO. 02-0104-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 22-112, 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 in the pending rule. The proposed rule changes are to clarify product qualification requirements for processed products.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, Book 1, pages 19 and 20.

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 Laura Johnson, Section Manager at (208) 332-8533 or Leah Clark, Trade Specialist at (208) 332-8684.

DATED this 18th day of October, 2007.

Brian J. Oakey
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. 02-0104-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 19 and 20.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0702

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2007.

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 71-111, Idaho Code.

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

Adopt by reference of the date specific standard ASTM D 4814-07a, "Standard Specification for Automotive Spark-Ignition Engine Fuel". To state in rule that the specifications for gasoline blended with ethanol be no more restrictive than those adopted under the rules, regulations, and the Clean Air Act waivers of the U.S. Environmental Protection Agency. The temporary rule will facilitate ethanol use in the state.

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

To confer a benefit to have gasoline and gasoline-oxygenate blend specifications and exceptions to those specifications as adopted under the rules, regulations and Clean Air Act waivers of the EPA in rule to facilitate refiners, distributors and retailers in the use of ethanol in the state of Idaho. Some refiners are reluctant to provide gasoline-oxygenate blends without the waivers and exceptions cited in IDAPA rules.

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: NA

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Tom Schafer at 332-8690.

DATED this 31st day of October, 2007.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 790
Boise, Idaho 83701-0790
Phone 332-8500, Fax 334-4062

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0214-0702

004. INCORPORATION BY REFERENCE.

01. Required Reference Materials. The 2006 edition of Handbook No. 44 of the National Institute of Standards and Technology, United States Department of Commerce, "Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices," hereby incorporated by reference, shall be the specifications, tolerances and other technical requirements for commercial weighing and measuring devices, unless otherwise stated in these rules. (3-30-07)

02. Required Reference Materials for Checking Prepackaged Commodities. The 4th Edition of Handbook No. 133 of the National Institute of Standards and Technology, United States Department of Commerce, "Checking the Net Contents of Packaged Goods," hereby incorporated by reference, shall be the authority in checking packaged commodities, unless otherwise stated in these rules. (2-13-04)

03. Specifications for Gasoline. American Society of Testing and Materials (ASTM) D 4814-07 a, "Standard Specification for Automotive Spark-Ignition Engine Fuel," dated October 17, 2007, is hereby incorporated by reference and is the specification for gasoline. (11-01-07)T

034. Local Availability. Copies of ~~Handbook No. 44 and Handbook No. 133~~ the incorporated documents are on file with the ~~State Law Library and the~~ Idaho State Department of Agriculture, 2216 Kellogg Lane, Boise, Idaho 83712, or may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies are available for downloading on the internet by going to <http://nist.gov>. (~~2-13-04~~)(11-01-07)T

(BREAK IN CONTINUITY OF SECTIONS)

350. SALE AND LABELING OF GASOLINE WHICH CONTAINS OXYGENATES.

- 01. Definitions.** For purposes of this rule, the following definitions shall apply: (7-1-93)
- a. Spark-Ignition Motor Fuel.** The terms "spark-ignition motor fuel" or "spark-ignition engine fuel" mean gasoline and its blends with oxygenates such as co-solvent and ethers. (10-26-94)
 - b. Gasoline-Oxygenate Blend.** For labeling purposes, the term "gasoline-oxygenate blend" means any spark-ignition motor fuel containing one percent (1%) or more by volume of oxygenates or combination of oxygenates, such as but not restricted to ethanol, methanol, or methyl-tertiary-butyl ether. (10-26-94)
 - c. Alcohol.** A volatile flammable liquid having the general formula $C_nH_{(2n+1)}OH$ used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as an alcohol, including ethanol and methanol. (7-1-93)
 - d. Co-solvent.** An alcohol or any other chemical with higher molecular weight than methanol or ethanol which is blended with either or both to prevent phase separation in gasoline. (7-1-93)
 - e. Ethanol.** Ethyl alcohol, a flammable liquid having the formula C_2H_5OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as ethanol or ethyl alcohol. (7-1-93)
 - f. Gasoline.** Any fuel sold for use in motor vehicles and commonly or commercially known or sold as gasoline whether leaded or unleaded. (7-1-93)
 - g. Methanol.** Methyl alcohol, a flammable liquid having the formula CH_3OH used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and commonly or commercially known or sold as methanol or methyl alcohol. (7-1-93)
 - h. Motor vehicles.** Include all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances that are propelled by internal combustion engines or motors. (7-1-93)
 - i. Person.** The word "person" shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this rule, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office shall in every case be

also deemed to be the act, omission, or failure of such corporation, company, society or association as well as that of the person. (7-1-93)

j. Retail dealer. Any person who owns, operates, controls, or supervises an establishment at which gasoline is sold or offered for sale to the public. (7-1-93)

k. Wholesale dealer. Any person engaged in the sale of gasoline to others who the seller knows or has reasonable cause to believe intends to resell the gasoline in the same or an altered form to another. (7-1-93)

02. Pump Labeling Requirements. (7-1-93)

a. All spark ignition engine fuel kept, offered, or exposed for sale, or sold, at retail containing at least one percent (1%) by volume of any oxygenate or combination of oxygenates shall be identified as “with” or “containing” (or similar wording) the specific type of oxygenate(s) in the engine fuel. For example, the label may read “contains ethanol” or “with MTBE/ETBE.” This information shall be posted on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least one half (1/2) inch in height, one-sixteenth (1/16) inch stroke (width of type). (10-26-94)

b. The labels shall be furnished by the retail owner or operator. (7-1-93)

03. Oxygenates Content Labels. (10-26-94)

a. The label shall have letters in bold face, block not less than one-half (1/2) inch high. The lettering shall be in black on a contrasting background. Both colors shall be non-fade. (10-26-94)

b. The label shall be displayed on both faces of the dispenser on the upper one-half (1/2) of the dispenser as near the unit price display as practical. (10-26-94)

04. Documentation for Dispenser Labeling Purposes. The retailer must be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of any oxygenate or combination of oxygenates present in concentrations of at least one percent (1%) by volume of the fuel. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending. (10-26-94)

05. Fuel Specifications for Gasoline and Gasoline-Oxygenate Blends. (11-01-07)T

a. The version of ASTM D 4814 “Standard Specification for Automotive Spark-Ignition Engine Fuel” incorporated by reference in this rule is the standard for gasoline and gasoline oxygenate blends, except the volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol shall be blended under any of the following three options. (11-01-07)T

i. The base gasoline used in such blends shall meet the requirements of ASTM D 4814, or (11-01-07)T

ii. The blend shall meet the requirements of ASTM D 4814, or (11-01-07)T

iii. The base gasoline used in such blends shall meet all the requirements for gasoline of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM specification. (11-01-07)T

b. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than one point zero (1.0) psi. (11-01-07)T

056. Penalties. Any person who shall violate any provisions of these rules shall be punished as provided for in Section 37-2501 and Section 37-2520, Idaho Code. (7-1-93)

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.03.01 - RULES GOVERNING PESTICIDE MANAGEMENT PLANS
FOR GROUND WATER PROTECTION

DOCKET NO. 02-0301-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 22-3418, 22-3419, 22-3420, and 22-3421, 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 additional chemical-specific rules will be associated with steps to prevent DCPA from impacting Idaho's ground water in the future. In addition, to update the incorporation by reference and the abbreviations sections.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 18 through 22.

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 Gary Bahr, Agriculture Section Manager at 208-332-8597.

DATED this 31st day of October, 2007.

Brian Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
PO Box 790, Boise, Idaho 83701
Phone: 208-332-8500
Fax: 208-334-2170

DOCKET NO. 02-0301-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 18 through 22.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.17 - RULES GOVERNING DEAD ANIMAL MOVEMENT AND DISPOSAL

DOCKET NO. 02-0417-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 25-237, 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 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 23 through 26.

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 John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 23rd day of October, 2007.

Brian J. Oakey, 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. 02-0417-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 23 through 26.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.19 - RULES GOVERNING DOMESTIC CERVIDAE

DOCKET NO. 02-0419-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 25-601 and 25-3704, 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 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 27 through 38.

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 John Chatburn, Deputy Administrator at (208) 332-8540.

DATED this 23rd day of October, 2007.

Brian J. Oakey, 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. 02-0419-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 23 through 38

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.10 - RULES GOVERNING THE POTATO CYST NEMATODE
(GLOBODERA PALLIDA)
DOCKET NO. 02-0610-0601
NOTICE OF RULEMAKING - RESCISSION OF TEMPORARY RULE

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 22-2013, Idaho Code.

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

This temporary rule parallels a U.S. Department of Agriculture Order published on August 28, 2006. That Federal Order will be replaced on November 1, 2007 with new and revised interim rules and regulations, as published in the Federal Register Vol. 72, No. 176, Wednesday, September 12, 2007. A new State of Idaho temporary rule will be promulgated to incorporate by reference the interim rules and regulations and will also be made effective on November 1, 2007.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the rescission of this temporary rule, contact Michael E. Cooper or Thomas Dayley at (208) 332-8620.

DATED this 18th day of October, 2007.

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

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.10 - RULES GOVERNING THE POTATO CYST NEMATODE (*GLOBODERA PALLIDA*)

DOCKET NO. 02-0610-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2007.

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 22-2013, Idaho Code and 7 CFR Part 301, Subpart – Potato Cyst Nematode Sections 301.86 through 301.86-9, as published in the Federal Register Vol. 72, No. 176, Wednesday, September 12, 2007.

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

A new chapter, IDAPA 02.06.10 - Rules Governing the Potato Cyst Nematode (*Globodera pallida*) will be promulgated. The rule will incorporate by reference the U.S. Department of Agriculture Animal and Plant Health Inspection Service, interim rules and regulations for the potato cyst nematode as published in the Federal Register on September 12, 2007. The rule will specify its purpose, the regulated articles and quarantined areas, the restrictions governing the regulated articles and conditions governing the movement of the regulated articles, inspection and disposition of the regulated articles, and the penalties for violation of quarantine rules. These rules must be promulgated to prevent the further introduction and dissemination of potato cyst nematode into other states and areas of Idaho not included in the quarantined area, as outlined in the rule, through the movement of infested plant material, plant products and soil.

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

To protect the public health, safety or welfare, to confer a benefit, and to comply with a deadline of November 1, 2007 whereupon the federal government will adopt interim potato cyst nematode rules and regulations.

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 Michael E. Cooper or Thomas Dayley at (208) 332-8620.

DATED this 18th day of October, 2007.

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

THE FOLLOWING IS THE TEXT OF DOCKET NO. 02-0610-0701

IDAPA 02
TITLE 06
CHAPTER 10

02.06.10 - RULES GOVERNING THE POTATO CYST NEMATODE (*GLOBODERA PALLIDA*)

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2013, Idaho Code. (11-1-07)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.10, "Rules Governing the Potato Cyst Nematode (*Globodera pallida*)."
(11-1-07)T

02. Scope. The purpose and goal of this rule is to prevent the spread of Potato Cyst Nematode (*Globodera pallida*) throughout Idaho and the United States. (11-1-07)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (11-1-07)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (11-1-07)T

004. INCORPORATION BY REFERENCE.

Copies of these documents may be viewed at the Idaho State Department of Agriculture, 2270 Old Penitentiary Road, PO Box 790, Boise, Idaho 83701. IDAPA 02.06.10 incorporates by reference: (11-1-07)T

01. 7 CFR Part 301 SubPart - Potato Cyst Nematode Sections 301.86 through 301.86-9 as published in the Federal Register Volume 72, No. 176, Wednesday, September 12, 2007, except as amended below in this rule. (11-1-07)T

02. USDA APHIS PPQ Treatment Manual Schedule T406-d, Revision 10, September 2006. (11-1-07)T

03. 7 CFR Part 305 – Phytosanitary Treatments, as revised September 12, 2007. (11-1-07)T

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

01. Street Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (11-1-07)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (11-1-07)T

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701-0790. (11-1-07)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (11-1-07)T

05. Fax Number. The fax number of the central office is (208) 334-2283. (11-1-07)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records and are available for inspection and copying at the department. (11-1-07)T

007. -- 009. (RESERVED).

010. DEFINITIONS AND TERMS.

The Idaho State Department of Agriculture adopts the definitions set forth in Title 22, Chapter 20, Idaho Code. In addition as used in this chapter: (11-1-07)T

01. Inspector. Any employee of ISDA, APHIS, the U.S. Department of Agriculture, or other person authorized by the USDA APHIS Administrator or ISDA Director to perform the duties required under this rule. (11-1-07)T

02. Interstate. From any state into or through any other state. (11-1-07)T

03. Intrastate. Movement within the boundaries of the state of Idaho. (11-1-07)T

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (11-1-07)T

02. ISDA. Idaho State Department of Agriculture. (11-1-07)T

03. PCN. Potato Cyst Nematode. (11-1-07)T

04. PPQ. Plant Protection and Quarantine. (11-1-07)T

05. USDA. United States Department of Agriculture. (11-1-07)T

012. INTRASTATE MOVEMENT.

No regulated articles may move within the State of Idaho without complying with the federal regulations, as incorporated by reference in Section 004.01 in this rule. (11-1-07)T

013. (RESERVED).

014. RESTRICTIONS.

01. Movement From a Non-Quarantined Area. Movement of regulated articles from a non-quarantined area is subject to inspection by an inspector. Permits and certifications are not required. (11-1-07)T

02. Movement From a Quarantined Area. Movement of regulated articles from a quarantined area is subject to the provision of Section 02.06.10.015 of this rule. (11-1-07)T

03. Other Restrictions. No potatoes, tomatoes, eggplants or any other known host crops may be planted in the infested fields. Soil must not be moved from the infested fields. Any equipment leaving the infested fields must be sanitized and certified using USDA APHIS approved protocols. (11-1-07)T

04. Seed Potatoes. Seed potatoes may not be grown in a quarantined area. (11-1-07)T

015. CONDITIONS FOR INTRASTATE OR INTERSTATE MOVEMENT OF REGULATED ARTICLES.

Regulated articles may only be moved intrastate or interstate from a quarantined area by a person under a compliance agreement if accompanied by a certificate or limited permit issued by an inspector in accordance with 7 CFR Part 301 Sections 301.86-4 and 5. (11-1-07)T

016. -- 019. (RESERVED).

020. INSPECTION, SAMPLING AND TESTING.

In order to accomplish the purposes of this rule, an inspector may enter upon and inspect any public or private premises, lands, means of conveyance, or article of any person within this state, for the purpose of inspecting, surveying, sampling, testing, treating, controlling or destroying any soil, plant or plant material thought to or found to contain or be infested with Potato Cyst Nematode. (11-1-07)T

021. -- 024. (RESERVED).

025. PENALTIES.

Any person violating any of the provisions of these rules will be subject to the penalty provisions of Title 22, Chapter 20, Idaho Code. (11-1-07)T

026. -- 999. (RESERVED).

IDAPA 03 - STATE ATHLETIC COMMISSION

03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 03-0101-0701 (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 2008 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 54-416, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 34 through 64.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-416, Idaho Code:

Fees are currently being collected as established by the commissioner. Listing the fees in rules would create uniformity.

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 26th day of October, 2007.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 03-0101-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 34 through 64.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES FOR CONTRACT PROVIDERS

DOCKET NO. 05-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 20-504(9), 20-504(11), 20-531(4), 20-545(1), Idaho Code, and Prison Rape Elimination Act of 2003 (Public Act 108-79).

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.

Further clarification of additional reporting requirements in Subsection 200.03 and clarification regarding sexual misconduct in Section 216 was needed based upon written comments.

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 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 65 through 112.

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, Deputy Attorney General, at 334-5100, extension 384.

DATED this 2nd day of November, 2007.

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

DOCKET NO. 05-0101-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-10, October 3, 2007, pages 65 through 112.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE #05-0101-0701

Subsection 200.03

200. AUTHORITY TO INSPECT.

03. Additional Reporting Requirements. In situations where the department has determined that the safety, security, or order of a program are at risk, more frequent and more detailed reporting will be required by the director, or designee. The department has a responsibility at all times to monitor the overall safety, security, and order of a facility or program for the protection and well-being of the juvenile offenders. For these reasons, the contract provider shall report to the department any and all incidents of the type normally requiring immediate notice to the department, as identified in Subsection 262.02, that occur in their program or facility regardless of whether or not the juveniles involved are in the department's custody. Any such reports regarding juveniles not in department custody shall include the type and scope of the incident without any information identifying the juvenile shall be made to the department's quality assurance staff. (4-6-05)()

Subsection 216.01.h.

216. PROHIBITED CONTACT AND PRISON RAPE ELIMINATION ACT COMPLIANCE (PREA).

01. Sexual Misconduct. The contract provider, in accordance with the PREA, shall have written policy and procedures that promote zero tolerance of sexual activity among juvenile offenders or between juvenile offenders and staff or volunteers, regardless of consensual status. The policy and procedures shall contain, at a minimum, the following provisions: ()

h. Contract provider shall report alleged sexual misconduct to law enforcement for external investigation when sexual misconduct is suspected. ()

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.02 - RULES AND STANDARDS FOR SECURE JUVENILE DETENTION CENTERS

DOCKET NO. 05-0102-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 20-504(2), 20-504(9), 20-504(11), 20-504(14), 20-531(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 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 113 and 114.

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 Nancy Bishop, Deputy Attorney General, at 334-5100, extension 384.

DATED this 2nd day of November, 2007.

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

DOCKET NO. 05-0102-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 113 and 114.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.03 - RULES OF THE CUSTODY REVIEW BOARD

DOCKET NO. 05-0103-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 20-520(1)(q), 20-532, 20-504(11), 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 purpose of the pending rule is to formalize the use of Custody Review Board member alternates, clarify the board's power and duties regarding determinations, and add a subsection about reconsiderations as it relates to the board's determinations.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 115 through 120.

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 Nancy Bishop, Deputy Attorney General, at 334-5100, extension 384.

DATED this 2nd day of November, 2007.

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

DOCKET NO. 05-0103-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 115 through 120.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.01 - RULES GOVERNING ELECTRICAL INSPECTION TAGS

DOCKET NO. 07-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1005 and 54-1006, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 121 through 124.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 121 through 124.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.02 - RULES GOVERNING FEES FOR ELECTRICAL INSPECTIONS

DOCKET NO. 07-0102-0701

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 2008 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 54-1001D, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 125 through 128.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being increased pursuant to Sections 39-4302, 39-4303, and 54-1001D, Idaho Code:

This rulemaking increases electrical permit fees and provides for a new system to calculate these permit 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:

There is no negative fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

DOCKET NO. 07-0102-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 125 through 128.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.03 - RULES OF ELECTRICAL LICENSING AND REGISTRATION - GENERAL

DOCKET NO. 07-0103-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 129 through 132.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
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(208) 855-2164 fax

DOCKET NO. 07-0103-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 129 through 132.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.01.04 - RULES GOVERNING ELECTRICAL SPECIALTY LICENSING
DOCKET NO. 07-0104-0701
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 133 and 134.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0104-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 133 and 134.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective July 1, 2008, 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 54-1001, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 135 through 137.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0106-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 135 through 137.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.07 - RULES GOVERNING CONTINUING EDUCATION REQUIREMENTS

DOCKET NO. 07-0107-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 138 through 141.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
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(208) 855-2164 fax

DOCKET NO. 07-0107-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 138 through 141.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.03 - RULES GOVERNING PERMIT FEE SCHEDULE

DOCKET NO. 07-0203-0701 (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 2008 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 54-1001D, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 142 through 145.

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 54-1001D, Idaho Code:

This rulemaking provides for a new system to calculate, and increases, plumbing permit 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:

There is no fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net increase in permit fee revenue attributable to an increase in fees for non-residential installations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

DOCKET NO. 07-0203-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 142 through 145.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.02.05 – RULES GOVERNING PLUMBING SAFETY LICENSING
DOCKET NO. 07-0205-0701
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

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

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 146 through 148.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
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(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0205-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 146 through 148.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.07 - RULES GOVERNING CIVIL PENALTIES

DOCKET NO. 07-0207-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 54-2605, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 149 and 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 Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
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(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0207-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, 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 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.03 - RULES FOR MODULAR BUILDINGS

DOCKET NO. 07-0303-0701 (FEE RULE) (NEW CHAPTER)

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 2008 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 39-4302 and 39-4303, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 151 through 157.

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 39-4303, Idaho Code:

Pursuant to Section 39-4303, Idaho Code, applicable fees shall be established by the Modular Building Advisory Board through rulemaking. This is the initial set of rules of the Board, including setting fees, which the Governor's Office has approved as necessary in the public's interest to implement the provisions of new Chapter 43, Title 39, 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 Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
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DOCKET NO. 07-0303-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 151 through 157.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.04.02 - SAFETY RULES FOR ELEVATORS, ESCALATORS, AND MOVING WALKS

DOCKET NO. 07-0402-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 39-8605 and 39-8614, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 158 and 159.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
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(208) 855-2164 fax

DOCKET NO. 07-0402-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 158 and 159.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.05.01 - PUBLIC CONTRACTORS LICENSE BOARD

DOCKET NO. 07-0501-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 160 through 171.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
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(208) 855-2164 fax

DOCKET NO. 07-0501-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 160 through 171.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-5005(2), 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 172 and 173.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
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(208) 855-2164 fax

DOCKET NO. 07-0701-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 172 and 173.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-5005(2), 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 174 and 175.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0701-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 174 and 175.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-5005(2), 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 176 and 177.

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 L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone
(208) 855-2164 fax

DOCKET NO. 07-0701-0703 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 176 and 177.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0704 (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 2008 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 54-5005, 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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 178 through 180.

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 54-5005, Idaho Code:

This rulemaking provides for the calculation of, and establishes, HVAC inspection 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:

There is no anticipated negative fiscal impact on the state general fund. However, the Division of Building Safety anticipates a net decrease in permit fee revenue attributable to a decrease in fees for non-residential installations.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Stephen L. Keys, Deputy Administrator - Operations, at (208) 332-8986.

DATED this 1st day of November, 2007.

Stephen L. Keys
Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St., Meridian, Idaho
P. O. Box 83720, Boise, Idaho 83720
(208) 332-8986 phone / (208) 855-2164 fax

DOCKET NO. 07-0701-0704 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 1, pages 178 through 180.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0607

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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, 33-116, 33-118, and 33-1612, Idaho Code and ESEA No Child left Behind Act.

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. Over the past few years more emphasis has been placed on standards and the alignment of standards to the state assessment in order to meet the intent of the Individuals with Disabilities Act (IDEA) and No Child Left Behind Act (NCLB). One of the requirements of NCLB is to ensure students with significant cognitive disabilities meet proficiency on rigorous state content standards. This was accomplished through aligning the Alternative Assessment Extended Content Standards with the Idaho Content Standards, setting of appropriate cut scores, and implementing the alternative Assessment Extended Achievement Standards. The alignment process was coordinated by the State Department of Education Bureau of Special Populations and included input from teachers, administrators, and higher education representatives.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 3, 2007 Idaho Administrative Bulletin, Vol. 07-1, 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 Sandra DeKlotz at (208) 332-1580.

DATED this 11th day of October, 2007.

Mike Rush, Interim Executive 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. 08-0203-0607 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-1, January 3, 2007, 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 2008 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 33-107, Idaho Code and Public Law 107-110 ("No Child Left Behind") Section 1111.b.3.C.ix.III.

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 in the pending rule. The State Board of Education, in conjunction with the Superintendent of Public Instruction will be consolidating all statewide assessments into the office of the State Board. Subsection 113.03 is being amended to reflect the Board's role in identifying and recognizing schools for rewards.

The State Board of Education will determine adequate yearly progress in compliance with No Child Left Behind. Subsection 112.03 is being amended to reflect the Board's role in determining adequate yearly progress (AYP) for schools and districts in the state. Language is being clarified that AYP must be determined early enough to assure at least thirty days for appeal and final determinations available to schools and districts in time to notify parents before school starts in the fall.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 55 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 Sandra DeKlotz at (208) 332-1580.

DATED this 11th day of October, 2007.

Mike Rush, Interim Executive 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. 08-0203-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, pages 55 through 58.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 08 - STATE BOARD OF EDUCATION

08.02.03 - RULES GOVERNING THOROUGHNESS

DOCKET NO. 08-0203-0703

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 11, 2007. This rule has been adopted by the agency and is now pending review by the 2008 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 33-107, 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.

As the State Board of Education moves toward a new delivery model for deaf/hard of hearing and blind/visually impaired students, new standards need to be developed. The new standards will provide guidance for the development of the education programs for students who are deaf or hard of hearing and /or those who are blind or visually impaired.

“*Program Standards for Infants, Toddlers, Children, and Youth who are Blind or Visually Impaired*” and “*Program Standards for Infants, Toddlers, Children, and Youth who are Deaf or Hard of Hearing*” are incorporated by reference into this rule.

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 August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 59 through 61.

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 Gerene Hamilton at (208) 332-1597 or Aylee Schaefer at (208) 332-1596.

DATED this 2nd day of November, 2007.

Mike Rush
Interim Executive 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. 08-0203-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-8, August 1, 2007, pages 59 through 61.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

FOLLOWING IS THE AMENDED TEXT OF PENDING RULE #08-0203-0703

Subsections 004.08 and 004.09

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule:

(3-30-07)

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on ~~June 14~~ October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ~~(6-14-07)~~(10-11-07)T

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on ~~June 14~~ October 11, 2007. Copies of the document can be found on the State Board of Education website at <http://www.boardofed.idaho.gov/index.asp>. ~~(6-14-07)~~(10-11-07)T

IDAPA 09 - DEPARTMENT OF LABOR

09.01.06 - RULES OF THE APPEALS BUREAU

DOCKET NO. 09-0106-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 72-1333(2), 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 in the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Volume 07-9, pages 70 through 72.

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 Joe Karpach, Appeals Bureau Chief, 332-3570 ext. 3572.

DATED this 29th day of October, 2007.

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

DOCKET NO. 09-0106-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 70 through 72.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - RULES OF THE BENEFITS BUREAU

DOCKET NO. 09-0130-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 72-1333(2), 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 in the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Volume 07-9, pages 73 through 74.

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

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

DATED this 29th day of October, 2007.

Roger Holmes
UI Benefits Bureau Chief
Department of Labor
317 W. Main St.
Boise, ID 83735
332-3570 ext. 3233
334-6400 fax

DOCKET NO. 09-0130-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 73 through 74.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 09 - DEPARTMENT OF LABOR
09.02.01 - RULES OF THE DISABILITY DETERMINATIONS SERVICE
DOCKET NO. 09-0201-0701 (NEW CHAPTER)
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 72-1333, 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 in the pending rule. The pending rule is being adopted as originally proposed. The original text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Volume 07-9, pages 75 through 77.

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 Nancy Vazquez, Administrator, Disability Determinations Service, 332-3570 ext. 2303.

DATED this 29th day of October, 2007.

Nancy Vazquez, Administrator
Disability Determinations Service
1505 McKinney
P.O. Box 21
Boise ID 83704
(208)332-3570 ext. 2303
(208)327-7331 fax

DOCKET NO. 09-0201-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 75 through 77.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 11-1101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 222 through 248.

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 2nd day of November, 2007.

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

DOCKET NO. 11-1101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 222 through 248.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 11-1104-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 249 through 258.

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 2nd day of November, 2007.

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

DOCKET NO. 11-1104-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 249 through 258.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 12 - IDAHO DEPARTMENT OF FINANCE

12.01.10 - RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGES PRACTICES ACT

DOCKET NO. 12-0110-0701

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of this temporary rule is January 1, 2008.

AUTHORITY: In compliance with Sections 67-5226, 26-3105(1)(e), and 26-3105(2)(b), Idaho Code, notice is hereby given that the Idaho Department of Finance (Department) has adopted temporary rules. The action is authorized pursuant to Section 26-3105(2)(b), Idaho Code.

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

In Section 26-3105(2), Idaho Code, the Idaho Legislature determined that a uniform multistate administration of an automated licensing system for mortgage brokers, mortgage lenders, and mortgage loan originators is consistent with both the public interest and the purposes of the Idaho Residential Mortgage Practices Act, chapter 31, title 26, Idaho Code (the Act). In Section 26-3105(2)(b) of the Act, the Legislature authorized the Director of the Idaho Department of Finance to establish by rule such new requirements as are necessary for the State of Idaho to participate in a uniform multistate licensing system upon the Director's finding that such new requirements are consistent with both the public interest and the purposes of the Act. The Director finds that the requirements set forth in the rules to be temporarily adopted as IDAPA 12.01.10.100 and 12.01.10.101 are consistent with the public interest and the purposes of the Act, and that they establish requirements necessary for the State of Idaho to participate in the Nationwide Mortgage Licensing System (NMLS).

The temporary rules also include amendments to existing rules regarding continuing professional education for licensees under the Idaho Residential Mortgage Practices Act, Section 26-3101 *et seq.*, Idaho Code, that establish uniformity with continuing professional education standards of other states; require ethics credits; eliminate an incorrect reference; extend the time to apply to the Department for continuing education credit after course completion; and add a category of approved courses. The Director finds these amendments to existing rules concerning continuing professional education standards for licensees under the Act to be necessary to execute, enforce, and effectuate the purposes of the Act.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(c), 26-3105(1)(e), and 26-3105(2)(b), Idaho Code, the Governor has found that temporary adoption of the rules is appropriate for the following reasons:

Through the uniform multistate automated licensing system, Idaho mortgage companies will be able to apply for and manage their licenses electronically. The system should reduce industry and Department costs for processing licenses, streamlining and updating the licensing process, reducing fraud, and providing better overall supervision of the mortgage industry as Idaho links with other states to protect consumers, and thus confers a benefit on licensees and Idaho consumers. The NMLS becomes operative on January 2, 2008, at which time Idaho will begin its participation in that system. Adoption of these rules as temporary rules is necessary to establish requirements necessary for participation in the NMLS by January 2, 2008.

FEE SUMMARY: Pursuant to Section 67-5226(2), Idaho Code, 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: Michael Larsen, Consumer Finance Bureau Chief, Idaho Department of Finance at (208) 332-8000.

DATED this 23RD day of October, 2007.

Gavin M. Gee, Director
Idaho Department of Finance
800 Park Blvd., Suite 200
Boise, Idaho 83712
(208) 332-8000
(208) 888-346-3378 (Toll free in Idaho)

Mailing address:
P.O. Box 83720
Boise, Idaho 83720-0031

THE FOLLOWING IS THE TEXT OF DOCKET NO. 12-0110-0701

006. DEFINITIONS (RULE 6).

Except where otherwise stated, terms used in these rules which are defined in the Idaho Residential Mortgage Practices Act shall have the same meaning as set forth in that Act. As used in these rules: (3-30-06)

01. Accredited Instruction. Means a course, video, motion picture, sound recording, or dissemination through electronic means of instructional material, which has been approved by the director for continuing professional education credit. (3-30-06)

02. Act. Means the Idaho Residential Mortgage Practices Act, Title 26, Chapter 31, Idaho Code. (3-30-06)

03. Certificate of Completion. Means written documentation issued by an education provider to a participant, in a manner approved by the director, evidencing the completion of a specific amount of credit hours of accredited instruction. (3-30-06)

04. Closing. Means the process of executing legally binding documents regarding a lien on property that is subject to a residential mortgage loan and includes the day agreed upon by a borrower and a licensee to complete such process. (3-30-06)

05. Credit Hour. Means ~~sixty~~ fifty (650) minutes of accredited instruction attained through actual course attendance ~~of a course~~ or an allotted increment of time of accredited instruction through independent study, as predetermined by the director. (~~3-30-06~~)(1-1-08)T

06. Director. Means the director of the Idaho Department of Finance. (3-30-06)

07. Education Provider. Means a provider of accredited instruction. (3-30-06)

08. Participant. Means a person who attends accredited instruction for the purpose of accruing credit hours. (3-30-06)

09. Real Estate Settlement Procedures Act. Means the act set forth in 12 USCA 2601, et seq., as amended to and including January 1, 2007. (3-30-07)

10. Regulation X. Means Regulation X as promulgated by the Department of Housing and Urban Development and codified in 24 CFR 3500 et seq., as amended to and including January 1, 2007. (3-30-07)

11. Regulation Z. Means Regulation Z as promulgated by the Board of Governors of the Federal Reserve System and codified in 12 CFR 226 et seq., as amended to and including January 1, 2007. (3-30-07)

12. Reporting Period. Means a two (2) year period of time commencing on November 1st and ending on October 31st unless otherwise specified by order of the director. (3-30-06)

13. Truth in Lending Act. Means the act set forth in 15 USCA 1601, et seq., as amended to and including January 1, 2007. (3-30-07)

007. -- 009. (RESERVED).

010. REQUIREMENTS FOR CONTINUING PROFESSIONAL EDUCATION (RULE 10).

01. Licensee. For purposes of the “Requirements for Continuing Professional Education” provisions of this rule, the term “licensee” means a person: (3-30-06)

a. Who is a loan originator licensed under the Act; or (3-30-06)

b. Who is designated pursuant to Section 26-3108, Idaho Code, as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act. (3-30-06)

02. Minimum Requirements. (3-30-06)

a. A loan originator licensed under the Act shall attain sixteen (16) credit hours within each reporting period. (3-30-06)

b. Persons designated in the director’s files, as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act shall attain sixteen (16) credit hours within each reporting period. (3-30-06)

c. Credit hours accrued in excess of the required sixteen (16) credit hours in any reporting period shall not carry over nor be credited to any subsequent reporting period. (3-30-06)

03. Accrual of Credit Hours. (3-30-06)

a. For the purpose of accruing credit hours within any reporting period, a licensee shall attain no less than two (2) credit hours directly related to the Act and these rules. (3-30-06)

b. For the purpose of accruing credit hours ~~within any reporting period for the reporting period commencing November 1, 2008, and for every reporting period thereafter,~~ a licensee shall attain no less than ~~fourteen~~ two (2) credit hours ~~directly related to the following:~~ ethics. (~~3-30-06~~)(1-1-08)T

c. For the purpose of accruing credit hours within any reporting period, a licensee shall attain no less than twelve (12) credit hours related to the following: (1-1-08)T

i. Basics of home purchase and ownership; (3-30-06)

ii. The mortgage industry generally; (3-30-06)

iii. Loan evaluation and documentation; (3-30-06)

iv. Features of various loan products; (3-30-06)

v. State and federally required disclosures; (3-30-06)

vi. Ethical considerations; (3-30-06)

vii. The Idaho Credit Code; (3-30-06)

viii. The Idaho Mortgage Company Act; (3-30-06)

ix. The Idaho Escrow Act; (3-30-06)

- x. ~~The Uniform Commercial Credit Code~~ The Idaho Residential Mortgage Practices Act;
(3-30-06)(1-1-08)T
- xi. Law related to mortgages, deeds of trust, liens, and pledges; (3-30-06)
- xii. Real estate and appraisal law; (3-30-06)
- xiii. Principal and agency law; (3-30-06)
- xiv. Contract law; (3-30-06)
- xv. The Real Estate Settlement Procedures Act; or (3-30-06)
- xvi. Truth in Lending and the federal Consumer Credit Protection Act. (3-30-06)
- c.** Accredited instruction shall be of a minimum duration of one (1) credit hour and shall contribute to the goal of maintaining or increasing the knowledge, skill and competence of licensees. The principal focus of accredited instruction shall not be sales, marketing, commercial lending or commercial loan brokering, motivational, or skills pertaining to running a business. (3-30-06)
- d.** A participant who successfully completes a course of accredited instruction may not repeat that course for credit hours with the same education provider within the same reporting period. (3-30-06)
- e.** A participant may accrue credit hours within ninety (90) days prior to initial submission of an application for a loan originator license under the Act. Such credit hours shall not accrue to the participant unless the initial license application is subsequently approved by the director and a license is issued. Credit hours shall not be granted to a participant under this provision unless the participant provides the director with a copy of the certificate of completion for such accredited instruction within sixty (60) days of initial licensure. (3-30-06)
- f.** Persons designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act may accrue credit hours for accredited instruction attended within ninety (90) days prior to the date of approval by the director of such designation. (3-30-06)
- g.** Persons who, as of January 1, 2006, are designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act may accrue credit hours for accredited instruction completed on or after October 1, 2005. (3-30-06)
- 04. Recordkeeping and Reporting of Accrued Credit Hours.** (3-30-06)
- a.** Every licensee shall maintain copies of certificates of completion for a period of no less than three (3) years following completion of the accredited instruction. (3-30-06)
- b.** The initial reporting period for a loan originator licensed under the Act shall commence on November 1st immediately succeeding his initial licensure. (3-30-06)
- c.** The initial reporting period for persons who are not loan originators, but who have been designated in the director's files as being in charge of a licensed location of a mortgage broker or mortgage lender licensed under the Act shall commence: (3-30-06)
- i. On November 1, 2006, if the person has been so designated prior to November 1, 2006; or (3-30-06)
- ii. On November 1st immediately following the director's approval of the person's designation, if the person is so designated on or after November 1, 2006. (3-30-06)
- d.** Within thirty (30) days following the expiration of each reporting period a licensee shall deliver copies of certificates of completion to the director demonstrating the licensee's completion of the credit hours

required under these rules. (3-30-06)

e. A licensee who fails to attain the credit hours required by these rules, or fails to maintain records as required in Section 010 of these rules, or fails to timely report compliance with the credit hour requirements of these rules shall be subject to license revocation or suspension as prescribed in Section 26-3109, Idaho Code. (3-30-06)

f. Upon revocation or suspension of a license issued under the Act for failure to complete or report credit hour requirements, no person shall obtain a new license or a reinstated license in the case of a license suspension, as a loan originator, mortgage broker or mortgage lender without first satisfying the credit hour requirements, which, having been previously incomplete or not reported, were the cause of the license revocation or suspension. (3-30-06)

(BREAK IN CONTINUITY OF SECTIONS)

012. PRESUMPTIVE ACCREDITATION (RULE 12).

01. Instructional Courses Presumptively Accredited. Instructional courses that cover subject matter set forth in Subsection 010.03 of these rules, that are provided by the following listed organizations, or by such other organizations as may be determined by the director, are presumptively accredited and no request for accreditation of an instructional course offered by these organizations is required, unless the director determines otherwise. (3-30-06)

- a.** The Idaho Department of Finance. (3-30-06)
- b.** The National Association of Mortgage Brokers. (3-30-06)
- c.** The Mortgage Bankers Association. (3-30-06)
- d.** The National Association of Professional Mortgage Women. (3-30-06)
- e.** The Idaho Housing and Finance Association. (3-30-06)
- f.** Federal National Mortgage Association. (3-30-06)
- g.** Federal Home Loan Mortgage Corporation. (3-30-06)
- h.** The American Bankers Association. (3-30-06)
- i.** Regulatory agencies of any state or of the United States that have regulatory authority over mortgage related activity. (3-30-06)
- j.** Institutions of higher education accredited by the Idaho State Board of Education or by similar accrediting agencies of any other state. (3-30-06)
- k.** The Conference of State Bank Supervisors. (3-30-06)
- l.** The American Association of Residential Mortgage Regulators. (3-30-06)

02. Acceptance of Credit Hours for Presumptively Accredited Instruction. Credit hours for presumptively accredited instruction may be credited to participants in the following manner: (3-30-06)

- a.** Upon timely submission of a copy of a certificate of completion as set forth in Subsection 010.04 of these rules; or (3-30-06)
- b.** By written application by the participant, in a form prescribed by the director, within ~~thirty~~ one

hundred eighty (3180) days of successful course completion. The application shall be accompanied by a non-refundable fee of twenty-five dollars (\$25). ~~(3-30-06)~~(1-1-08)T

(BREAK IN CONTINUITY OF SECTIONS)

091. -- 9099. (RESERVED).

100. LEGAL AUTHORITY (RULE 100).

In Section 26-3105(2), Idaho Code, the Idaho Legislature determined that a uniform multistate administration of an automated license system for mortgage brokers, mortgage lenders and mortgage loan originators is consistent with both the public interest and the purposes of the Residential Mortgage Practices Act, Chapter 31, Title 26, Idaho Code (the Act). In Section 26-3105(2)(b), Idaho Code, the Legislature authorized the Director of the Idaho Department of Finance to establish by rule such new requirements as are necessary for the state of Idaho to participate in a uniform multistate automated licensing system upon the Director's finding that such new requirements are consistent with both the public interest and the purposes of the Act. The Director finds that the requirements set forth in Sections 100 and 101 of these rules are consistent with the public interest and the purposes of the Act, and therefore promulgates such rules pursuant to Section 26-3105(2)(b), Idaho Code. (1-1-08)T

101. NATIONWIDE MORTGAGE LICENSING SYSTEM (RULE 101).

01. The Nationwide Mortgage Licensing System (NMLS). Internet-based filing depository operated by the State Regulatory Registry, LLC (SRR), a wholly-owned operating subsidiary of the Conference of State Bank Supervisors (CSBS). The NMLS is designed to accept license applications and license renewal applications electronically from mortgage brokers, mortgage lenders, and mortgage loan originators; collect associated statutory filing fees on behalf of participating jurisdictions; and provide the public with Internet-based access to information concerning state-regulated mortgage brokers, mortgage lenders, and mortgage loan originators. The NMLS will begin to accept electronic filings of applications from state-regulated mortgage brokers, mortgage lenders, and mortgage loan originators from various states, including Idaho, on January 2, 2008. (1-1-08)T

02. Reasonable Access to NMLS. Beginning January 2, 2008, all mortgage brokers, mortgage lenders, and mortgage loan originators with reasonable access to NMLS via the Internet who seek a license under the Act, or who wish to retain a license previously issued under the Act, must do so through the NMLS. Applicants for a license or licensees who wish to retain a license under the Act who lack reasonable access to NMLS via the Internet may, upon prior approval of the Director and good cause shown, be excused from participation in the NMLS and may apply for a license or for license renewal through an alternative method designated by the Director. (1-1-08)T

03. Licensing. Mortgage brokers, mortgage lenders and mortgage loan originators who seek to obtain or retain a license under the Act through the NMLS must pay the charge imposed and retained by NMLS to fund the costs of NMLS associated with an applicant's or licensee's participation in the system. (1-1-08)T

04. Statutory Fees. NMLS shall collect on the Department's behalf any statutory fees required to be paid to the Department by license applicants and licensees pursuant to the Residential Mortgage Practices Act. NMLS is required to forward to the Department all statutory fees it collects on the Department's behalf pursuant to the terms of a written agreement between the Department and SRR. (1-1-08)T

102. -- 999. (RESERVED).

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.01 - FEDERAL LAWS AND REGULATIONS

DOCKET NO. 15-0201-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 67-5407(e), 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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, page 302.

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 Trina Ayres, Management Assistant, at (208) 639-8369.

DATED this 1st day of November, 2007.

Trina Ayres
Management Assistant
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
P. O. Box 83720, Boise, Idaho 83720-0012
(208) 639-8369 phone
(208) 334-2963 fax

DOCKET NO. 15-0201-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, page 302.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

15.02.02 - VOCATIONAL REHABILITATION SERVICES

DOCKET NO. 15-0202-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 67-5407(e) and 67-5408, 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.

Various Sections, Subsections, and Paragraphs have been amended replacing the acronym "VR" with the words "vocational rehabilitation."

Various Subsections and Paragraphs have been amended replacing the acronym "ICBVI" and "ICBVI's" with the word(s) "Commission," "the Commission," or "the Commission's."

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 Book 1 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 303 through 318.

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 Trina Ayres, Management Assistant, at (208) 639-8369.

DATED this 1st day of November, 2007.

Trina Ayres
Management Assistant
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
P. O. Box 83720
Boise, Idaho 83720-0012
(208) 639-8369 phone
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DOCKET NO. 15-0202-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-10, October 3, 2007 - Book 1, pages 303 through 318.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE #15-0202-0701

Subsection 004.02

004. INCORPORATION BY REFERENCE.

The following federal laws and regulations are incorporated by reference into the rules of this chapter and copies are available at the Commission's office: ()

02. 34 CFR Parts 361 and 363. ()

Section 350 amended and renumbered as Section 007

350 007. CONFIDENTIALITY.

All personal information the Commission for the Blind and Visually Impaired has regarding any individual who is or may become legally blind, and who is or may become legally blind, and who is or may be a referral, or former client, is and will be treated as concerning Clients is confidential information. The information is used only for purposes directly connected to the Commission's administration of Vocational Rehabilitation Services, and may not be released without the informed, written consent of the Client except as otherwise provided by law. (1-5-87)()

008. -- 009. (RESERVED).

Section 011

011. ABBREVIATIONS.

01. ATC. Assessment and Training Center. ()

02. CFR. Code of Federal Regulations. ()

03. IPE. Individual Plan for Employment. ()

04. SSDI. Social Security Disability Insurance. ()

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED
15.02.03 - RULES GOVERNING THE INDEPENDENT LIVING PROGRAM**

DOCKET NO. 15-0203-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 67-5407(e) and 67-5408, 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.

Various Sections and Subsections have been amended replacing the acronym "ICBVI" with the word "Commission."

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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 319 through 322.

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 Trina Ayres, Management Assistant, at (208) 639-8369.

DATED this 1st day of November, 2007.

Trina Ayres
Management Assistant
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
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DOCKET NO. 15-0203-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending 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 07-10, October 3, 2007 - Book 1, pages 319 through 322.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 15-0203-0701

Section 250 has been amended and renumbered as Section 007

007. CONFIDENTIALITY.

All personal information concerning Clients is confidential. The information is used only for purposes directly connected to the administration of the *Commission's* Independent Living Program and may not be released without the informed, written consent of the Client, except as otherwise provided by law. ()

008. -- 009. (RESERVED).

Subsection 011.02 has been deleted.

011. ABBREVIATIONS.

01. CFR. Code of Federal Regulations. ()

Section 250 has been moved and renumbered as Section 007

201. -- 999. (RESERVED).

**IDAPA 15 - OFFICE OF THE GOVERNOR
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED**

**15.02.04 - RULES GOVERNING THE PREVENTION OF BLINDNESS
AND SIGHT RESTORATION PROGRAM**

DOCKET NO. 15-0204-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 67-5407(d) and (e), 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. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 323 through 326.

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 Trina Ayres, Management Assistant, at (208) 639-8369.

DATED this 1st day of November, 2007.

Trina Ayres, Management Assistant
Idaho Commission for the Blind and Visually Impaired
341 W. Washington St.
P. O. Box 83720, Boise, Idaho 83720-0012
(208) 639-8369 phone / (208) 334-2963 fax

DOCKET NO. 15-0204-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-10, October 3, 2007, pages 323 through 326.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

Section 250 has been renumbered and moved to Section 008

008. CONFIDENTIALITY.

All personal information concerning Clients is confidential. The information is used only for purposes directly connected to the administration of the Commission's Blind Prevention and Sight Restoration Program and may not be released without the informed, written consent of the Client, except as otherwise provided by law. ()

009. (RESERVED).

Subsection 010.07

010. DEFINITIONS.

07. Prevention of Blindness and Sight Restoration Services or Services. Treatment or surgery to prevent blindness or restore vision to Clients without financial resources to procure such Services for themselves. ()

Section 100

100. PROVISION OF SERVICES ON A STATEWIDE BASIS.

Prevention of Blindness and Sight Restoration Services are offered on a statewide basis to individuals who are *Blind or Visually Impaired* or who are in immediate danger of *Blindness*, subject to eligibility and available funding. To apply, individuals must meet with a vocational rehabilitation assistant *from* the Commission to complete and sign an application. ()

Subsection 200.03

200. PAYMENT FOR NECESSARY EXPENSES.

The Commission's payment of necessary expenses associated with provision of Prevention of Blindness and Sight Restoration Services to eligible clients is subject to availability of funds during any single state fiscal year. In the event available funds for Prevention of Blindness and Sight Restoration Services are exhausted prior to the end of any single state fiscal year, eligible clients are placed on a waiting list until such time as funding is available to resume Prevention of Blindness and Sight Restoration Services. ()

03. Exceptions. Any exceptions to the individual lifetime limit per eligible Client set forth in Subsection 200.01 of these rules shall only be granted upon approval of the *Commission* rehabilitation services chief. ()

Section 250 has been renumbered and moved to Section 008

201. -- 999. (RESERVED).

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. 15-0401-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 67-5309, 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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 327 through 364.

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 Judie Wright, Acting Administrator, at (208) 854-3054.

DATED this 29th day of October, 2007.

Judie Wright
Acting Administrator
Division of Human Resources
700 W. State St.
P. O. Box 83720, Boise, Idaho 83720-0066
(208) 854-3054 phone
(208) 334-2438 fax

DOCKET NO. 15-0401-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 327 through 364.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-0708

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections, 56-202(b), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code; and Title XIX and Title XXI of the Social Security Act, as amended, and the companion federal regulations.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2007.

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

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

This rulemaking is needed to allow physicians who provide mental health services to use the telehealth technology in locations of their choosing and utilize hospitals or other places where the equipment exists. This new rule allows physicians to bill Medicaid using their individual provider numbers for the delivery of telehealth services in these new locations. The rules will allow an additional service, Psychiatric Diagnostic Interview, to be delivered via telehealth technology, so that the entire telehealth package would then include evaluation/diagnosis, medication, and therapy.

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

This rule confers a benefit to participants by opening up an avenue to mental health services that is not currently available.

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

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:

There will be a minimal fiscal impact due to this rule change. Travel costs for participants will be reduced by approximately \$615 per year, while the cost of providing telehealth sessions will be approximately \$520. The Department estimates that thirteen episodes of psychiatric telehealth will be provided in 2008 and produce a total savings to Medicaid funds of approximately \$95 per year.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was not conducted because this rulemaking clearly confers a benefit to Medicaid participants.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Diane Miller at (208) 364-1884.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2007.

DATED this 23th day of October, 2007.

Sherri Kovach, Program Supervisor
DHW - Administrative Procedures Section
450 West State Street - 10th Floor
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0708

500. PHYSICIAN SERVICES - DEFINITIONS.

01. Physician Services. ~~The Department will reimburse for~~ Physician services include the treatment of medical and surgical conditions by doctors of medicine or osteopathy subject to the limitations of practice imposed by state law, and to the restrictions and exclusions of coverage contained in Section 390 and Subsection 502.01 of these rules. Physician services as defined in Subsection 500.01 of this rule will be reimbursed by the Department. ~~(3-30-07)(1-1-08)T~~

02. Psychiatric Telehealth. Psychiatric Telehealth is an electronic real time synchronous audio-visual contact between a physician and participant related to the treatment of the participant. The participant is in one (1) location, called the hub site, with specialized equipment including a video camera and monitor, and with the hosting provider. The physician is at another location, called the spoke site, with specialized equipment. The physician and participant interact as if they were having a face-to-face service. (1-1-08)T

501. (RESERVED).

502. PHYSICIAN SERVICES - COVERAGE AND LIMITATIONS.

01. Outpatient Psychiatric Mental Health Services. Outpatient psychiatric mental health services are limited to twelve (12) hours of psychiatric evaluations per eligible participant in any twelve (12) month period; and any combination of individual or group psychotherapy services provided by a physician up to a maximum of forty-five (45) hours of service in the consecutive twelve (12) months period beginning with the first such service. (3-30-07)

02. Sterilization Procedures. Particular restrictions pertaining to payment for sterilization procedures are contained in Sections 680 through 686 of these rules. (3-30-07)

03. Abortions. Restrictions governing payment for abortions are contained in Sections 511 through 514 of these rules. (3-30-07)

04. Tonometry. Payment for tonometry is limited to one (1) examination for individuals over the age of forty (40) years during any twelve (12) month period (in addition to tonometry as a component of examination to determine visual acuity). In the event examination to determine visual acuity is not done, two (2) tonometry examinations per twelve (12) month period are allowed participants over the age of forty (40). This limitation does not apply to participants receiving continuing treatment for glaucoma. (3-30-07)

05. Physical Therapy Services. Payment for physical therapy services performed in the physician's office is limited to those services which are described and supported by the diagnosis. (3-30-07)

06. Injectable Vitamins. Payment for allowable injectable vitamins will be allowed when supported by the diagnosis. Injectable vitamin therapy is limited to Vitamin B12 (and analogues), Vitamin K (and analogues), folic acid, and mixtures consisting of Vitamin B12, folic acid, and iron salts in any combination. (3-30-07)

07. Corneal Transplants and Kidney Transplants. Corneal transplants and kidney transplants are covered by the Medical Assistance Program. (3-30-07)

08. Psychiatric Telehealth. Payment for telehealth services is limited to psychiatric services for diagnostic assessments, pharmacological management, and psychotherapy with evaluation and management services twenty (20) to thirty (30) minutes in duration. Reimbursement is not available for a telephone conversation, electronic mail message (e-mail), or facsimile transmission (fax) between a physician and a participant. Service will not be reimbursed when provided via a videophone or webcam. (1-1-08)T

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.09 - MEDICAID BASIC PLAN BENEFITS

DOCKET NO. 16-0309-0709

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code; also Title XIX and Title XXI of the Social Security Act, as amended, and the companion federal regulations.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2007.

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

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

Psychotherapy sessions with family or caregivers, without the participant being present, are often medically necessary for appropriate treatment of a psychiatric participant who is paranoid, agitated or physically aggressive. These rules have been amended to allow for family psychotherapy sessions without a participant being present. The other mental health services have been revised to reflect the appropriate use of these services to best collaborate and coordinate care regarding the participant's treatment. These types of interventions will help decrease the participant's distress, manage behavioral problems, improve caregiver safety, and avoid crises that require emergency interventions such as hospitalization. Evidence based practice has shown that the length of treatment is shortened when family therapy is one of the treatment services provided.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because it confers benefits to Medicaid participants on the Basic Plan.

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

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.

This rulemaking is anticipated to be cost neutral and will have no fiscal impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, formal negotiated rulemaking was not conducted but informal negotiations have been held with the Mental Health Providers' Association and other stakeholders.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Diane Miller at (208) 364-1844.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2007.

DATED this 15th day of October, 2007.

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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0709

710. MENTAL HEALTH CLINIC SERVICES - COVERAGE AND LIMITATIONS.

All mental health clinic services must be provided at the clinic unless provided to an eligible homeless individual. (3-30-07)

01. Clinic Services -- Mental Health Clinics (MHC). Under 42 CFR 440.90, the Department will pay for preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services provided by a mental health clinic to a participant who is not an inpatient in a hospital or nursing home or correctional facility except as specified under IDAPA 16.03.10, "Medicaid Enhanced Plan Benefits," Section 229. (3-30-07)

02. Services or Supplies in Mental Health Clinics That Are Not Reimbursed. Any service or supplies not included as part of the allowable scope of the Medical Assistance Program. (3-30-07)

03. Evaluation and Diagnostic Services in Mental Health Clinics. (3-30-07)

a. ~~Social History.~~ Social History is a reimbursable evaluation and diagnostic service. ~~(3-30-07)~~(1-1-08)T

b. ~~Psychological Testing.~~ Psychological testing may be provided as a reimbursable service when provided in direct response to a specific evaluation question. The psychological report must contain the reason for the performance of this service. Agency staff may deliver this service if they meet one (1) of the following qualifications: ~~(3-30-07)~~(1-1-08)T

i. Licensed Psychologist; (3-30-07)

ii. Psychologist extenders as described in IDAPA 24.12.01, "Rules of the Idaho State Board of Psychologist Examiners"; or (3-30-07)

iii. A qualified therapist listed in Subsection 715.03 of these rules who has documented evidence of education or training qualifying him to administer, score, interpret, and report findings for the psychological test he will be performing. (3-30-07)

c. ~~Psychiatric Diagnostic Interview Exam.~~ A psychiatric diagnostic interview exam may be provided as a reimbursable service when delivered by one (1) of the following licensed professionals: ~~(3-30-07)~~(1-1-08)T

i. Psychiatrist; (3-30-07)

ii. Physician; (3-30-07)

iii. Practitioner of the healing arts; (3-30-07)

- iv. Psychologist; (3-30-07)
- v. Clinical Social Worker; (3-30-07)
- vi. Clinical Professional Counselor; or (3-30-07)
- vii. Licensed Marriage and Family Therapist. (3-30-07)

d. ~~Evaluations Performed by Occupational Therapists.~~ Evaluations performed by qualified registered occupational therapists, O.T.R., performed in conjunction with the development of an individualized treatment plan are reimbursable. ~~(3-30-07)(1-1-08)T~~

~~**04.** **Limitations.** A total of twelve (12) hours is the maximum time allowed for a combination of any evaluative or diagnostic services and individualized treatment plan development provided to an eligible participant in a calendar year. (3-30-07)~~

054. Psychotherapy Treatment Services in Mental Health Clinics. ~~(3-30-07)~~

~~**a.** Psychotherapy. Individual and group psychotherapy must be provided in accordance with the goals specified in the individualized treatment plan as described in Section 709 of these rules. (3-30-07)(1-1-08)T~~

~~**055.** **Family Psychotherapy.** Family psychotherapy services must ~~include at least the participant and one (1) family member and must~~ be delivered in accordance with the goals of treatment as specified in the individualized treatment plan. The focus of family psychotherapy is on the dynamics within the family structure as it relates to the participant. ~~(3-30-07)(1-1-08)T~~~~

a. Family psychotherapy services with the participant present must: (1-1-08)T

i. Be face-to-face with at least one (1) family member present in addition to the participant; (1-1-08)T

and ii. Focus the treatment services on goals identified in the participant's individualized treatment plan; (1-1-08)T

iii. Utilize an evidence-based treatment model. (1-1-08)T

b. Family psychotherapy without the participant present must: (1-1-08)T

i. Be face-to-face with at least one (1) family member present; (1-1-08)T

ii. Focus the services on the participant; and (1-1-08)T

iii. Utilize an evidence-based treatment model. (1-1-08)T

~~**e06.** **Emergency Psychotherapy Services.** Individual emergency psychotherapy services can be provided by qualified clinic staff at any time. ~~(3-30-07)(1-1-08)T~~~~

~~**ia.** Emergency services provided to an eligible participant prior to intake and evaluation is a reimbursable service but must be fully documented in the participant's record; and (3-30-07)~~

~~**ib.** Each emergency service will be counted as a unit of service and part of the allowable limit per participant unless the contact results in hospitalization. Provider agencies may submit claims for the provision of psychotherapy in emergency situations even when contact does not result in the hospitalization of the participant. (3-30-07)~~

~~**067.** **Collateral Contact.** Collateral contact, as defined in Section 010 of these rules, ~~will be~~ is covered by Medicaid ~~if it is conducted face to face by agency staff qualified to deliver clinical services, and~~ if it is included on~~

the individualized treatment plan and it is necessary to gather and exchange information ~~with individuals having a primary relationship to~~, provide interpretation or explanation of results of psychiatric evaluations, medical examinations and procedures, other accumulated data to family or other responsible persons, or advise them how to assist the participant. ~~(3-30-07)(1-1-08)T~~

a. Collateral contact may be provided face-to-face by agency staff qualified to deliver clinical services. Face-to-face contact is defined as two (2) people meeting in person at the same time: (1-1-08)T

b. Collateral contact may be provided by telephone by agency staff qualified to deliver clinical services when this is the most expeditious and effective way to exchange information. (1-1-08)T

~~**07. Psychotherapy Limitations.** Psychotherapy services as set forth in Subsections 710.05.a. through 710.09.b. of this rule are limited as described under Subsection 710.10 of this rule. (3-30-07)~~

08. Pharmacological Management. Pharmacological management consultations must be provided by a physician or other practitioner of the healing arts within the scope of practice defined in their license in direct contact with the participant. (3-30-07)

a. Consultation must be for the purpose of prescribing, monitoring, and/or administering medication as part of the individualized treatment plan; and (3-30-07)

b. Pharmacological management, if provided, must be part of the individualized treatment plan and frequency and duration of the treatment must be specified. (3-30-07)

09. Nursing Services. Nursing services, when physician ordered and supervised, can be part of the participant's individualized treatment plan. (3-30-07)

a. Licensed and qualified nursing personnel can supervise, monitor, and administer medication within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code; and (3-30-07)

b. The frequency and duration of the treatment must be specified on the participant's individualized treatment plan. (3-30-07)

10. Limits on Mental Health Clinic Services. Services provided by Mental Health Clinics are limited to twenty-six (26) services per calendar year. This is for any combination of evaluation, diagnosis and treatment services. ~~This limitation is in addition to any and all other service limitations described in these rules.~~ A total of twelve (12) hours is the maximum time allowed for a combination of any evaluative or diagnostic services and individualized treatment plan development provided to an eligible participant in a calendar year. ~~(3-30-07)(1-1-08)T~~

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.10 - MEDICAID ENHANCED PLAN BENEFITS

DOCKET NO. 16-0310-0707

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2008.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 56-202(b), 56-203(g), 56-203(i), 56-250 through 56-257, Idaho Code; also Title XIX and Title XXI of the Social Security Act, as amended, and the companion federal regulations.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 19, 2007.

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

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

Psychotherapy sessions with family or caregivers, without the participant being present, are often medically necessary for appropriate treatment of a psychiatric participant who is paranoid, agitated or physically aggressive. These rules have been amended to allow for family psychotherapy sessions without a participant being present. The other mental health services have been revised to reflect the appropriate use of these services to best collaborate and coordinate care regarding the participant's treatment. These types of interventions will help decrease the participant's distress, manage behavioral problems, improve caregiver safety, and avoid crises that require emergency interventions such as hospitalization. Evidence based practice has shown that the length of treatment is shortened when family therapy is one of the treatment services provided. This rule change includes updates to citations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because it confers benefits to Medicaid participants on the Enhanced Plan.

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

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.

This rulemaking is anticipated to be cost neutral and will have no fiscal impact to the state general fund.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, formal negotiated rulemaking was not conducted but informal negotiations have been held with the Mental Health Providers' Association and other stakeholders.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Diane Miller at (208) 364-1844.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before December 26, 2007.

DATED this 22nd day of October, 2007.

Sherri Kovach
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THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0310-0707

123. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR) - DESCRIPTIONS.

The goal of PSR services is to aid participants in work, school, family, community, or other issues related to their mental illness. It is also to aid them in obtaining developmentally appropriate skills for living independently and to prevent movement to a more restrictive living situation. All services provided must be clinically appropriate in content, service location and duration and based on measurable and behaviorally specific and achievable objectives. PSR consists of the following services described in Subsections 123.01 through 123.08 of this rule.

~~(3-19-07)~~(1-1-08)T

01. Pharmacological Management. Pharmacological management services must be provided in accordance with the individualized treatment plan. Pharmacological management, alone, may be provided if the plan indicates that this service is necessary and sufficient to prevent relapse or hospitalization and that functional deficits are either manageable by the participant or absent but expected to return if pharmacological management is not provided. The telephoning of prescriptions to the pharmacy is not a billable service. Medication prescription must be done by a licensed physician or other practitioner of the healing arts within the scope of practice defined in their license in visual contact with the participant. (3-19-07)

02. Individual Psychosocial Rehabilitation (PSR). Individual psychosocial rehabilitation must be provided in accordance with the objectives specified in the individualized treatment plan. Individual PSR is a service provided to an individual participant on a one-to-one basis. Individual PSR is reimbursable if provided by an agency with a current provider agreement and the agency staff delivering the service meet the qualifications, in accordance with Section 131 of these rules. Individual PSR includes one (1) or more of the following: (3-19-07)

a. Assistance in gaining and utilizing skills necessary to undertake school, employment, or independence. This includes helping the participant learn personal hygiene and grooming, selecting and acquiring appropriate clothing, time management and other skills related to participant's psychosocial circumstances; (3-19-07)

b. Ongoing on-site assessment, evaluation, and feedback sessions, including one hundred twenty (120) day reviews, to identify symptoms or behaviors related to the participant's mental illness and to develop interventions with the participant and his employer or teacher; (3-19-07)

c. Individual interventions in social skill training to improve communication skills and facilitate appropriate interpersonal behavior directly related to the participant's mental illness; (3-19-07)

d. Problem solving, support, and supervision related to activities of daily living to assist participants in gaining and utilizing skills such as personal hygiene, household tasks, use of transportation, and money management; (3-19-07)

e. Assisting the participant with receiving necessary services when he has difficulty or is unable to obtain them. (3-19-07)

i. This assistance may be given by accompanying him to Medicaid-reimbursable appointments. For reimbursement purposes, the PSR agency staff person must be present during the appointment and deliver a PSR service during the appointment. Travel time and time waiting to meet with the Medicaid provider are not reimbursable; however, reimbursement is available for the delivery of prior authorized PSR services occurring during these times. (3-19-07)

ii. To be eligible for this service, the participant must have a functional impairment that affects his ability to communicate accurately due to a mental illness and be unable to report symptoms to a licensed practitioner, as identified in Subsection 131.01 of these rules, or be unable to understand the practitioner's instructions. The impairment must be identified in the assessment. The individualized treatment plan must identify how the impairment is to be resolved and include objectives toward independence in this area. For children, this service is not intended to replace the parent's responsibility in advocating for or attending appointments for their child; (3-19-07)

f. Medication education may be provided by a licensed physician, licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating the participant about the role and effects of medications in treating symptoms of mental illness and symptom management. (3-19-07)

g. Development of coping skills and symptom management to identify the symptoms of mental illness that are barriers to successful community integration and crisis prevention. (3-19-07)

h. May assist participant with "self" administration of medications by verbal prompts according to the direction of the prescribing physician. Verbal prompts must be delivered face-to-face and an assessment of the participant's functioning must be completed and documented. In cases where verbal prompts by phone are justified, they must be specifically prior authorized. (3-19-07)

03. Group Psychosocial Rehabilitation (PSR). Group PSR must be provided in accordance with the objectives specified in the individualized treatment plan. Group PSR is a service provided to two (2) or more individuals concurrently. Group PSR is reimbursable if provided by an agency with a current provider agreement and the agency staff person delivering the service meets the qualifications in accordance with Section 131 of these rules. This service includes one (1) or more of the following: (3-19-07)

a. Medication education groups provided by a licensed physician, licensed nurse, or a licensed practitioner of the healing arts within the scope of his practice under state law. This service focuses on educating participants about the role and effects of medications in treating symptoms of mental illness and symptom management. These groups must not be used solely for the purpose of group prescription writing; (3-19-07)

b. Employment or school-related groups to focus on symptom management on the job or in school, symptom reduction, and education about appropriate job or school-related behaviors; (3-19-07)

c. Communication and interpersonal skills groups, the goals of which are to improve communication skills and facilitate appropriate interpersonal behavior; (3-19-07)

d. Symptom management groups to identify mental illness symptoms which are barriers to successful community integration, crisis prevention, problem identification and resolution, coping skills, developing support systems and planning interventions with teachers, employers, family members and other support persons; and (3-19-07)

e. Activities of daily living groups which help participants learn skills related to personal hygiene, grooming, household tasks, use of transportation, socialization, and money management. (3-19-07)

04. Crisis Intervention Service. Crisis support ~~###~~ includes intervention for a participant in crisis situations to ensure his health and safety or to prevent his hospitalization or incarceration. Crisis intervention service is reimbursable if provided by an agency with a current provider agreement and the agency staff delivering the service meet the qualifications under Section 131 of these rules. A crisis may be precipitated by loss of housing, employment or reduction of income, risk of incarceration, risk of physical harm, family altercation or other

emergencies. PSR agency staff may deliver direct services within the scope of these rules or link the participant to community resources to resolve the crisis or both. Crisis support may be provided prior to or after the completion of the assessment and service plan. Service is reimbursable if there is documentation that supports the need for the service and the individualized treatment is either authorized the next business day following the beginning of the crisis or prior authorized in anticipation of the need for crisis support. Crisis hours are authorized on a per incident basis. ~~(3-19-07)(1-1-08)T~~

a. Crisis Support in a Community. Limitations to reimbursement in this place of service are described in Subsection 124 of these rules. (3-19-07)

b. Crisis Support in an Emergency Department. (3-19-07)

i. A service provided in a hospital emergency department as an adjunct to the medical evaluation completed by the emergency department physician. This evaluation may include a psychiatric assessment. (3-19-07)

ii. The goal of this service is to assist in the identification of the least restrictive setting appropriate to the needs of the participant. (3-19-07)

05. Collateral Contact. Collateral contact, as defined in Section 010 of these rules, is covered by Medicaid if it is included on the individualized treatment plan and it is necessary to gather and exchange information with individuals having a primary relationship to, provide interpretation or explanation of results of psychiatric evaluations, medical examinations and procedures, other accumulated data to family or other responsible persons, or advise them how to assist the participant. ~~(3-19-07)(1-1-08)T~~

a. Collateral contact may be provided face-to-face by agency staff qualified to deliver services. ~~When Face-to-face contact is defined as two (2) persons people meeting in person at the same time; or (3-19-07)(1-1-08)T~~

b. Collateral contact may be provided by telephone by agency staff qualified to deliver services. ~~When # this is the most expeditious and effective way to exchange information; and (3-19-07)(1-1-08)T~~

~~**c.** Collateral contact parent group. When two (2) or more parents whose children are under the age of eighteen (18), and have similar serious emotional disturbances, meet to share information and learn about their children's needs. (3-19-07)~~

06. Nursing Service. A service performed by licensed and qualified nursing personnel within the limits of the Nurse Practice Act, Section 54-1402, Idaho Code. This may include supervision, monitoring, and administration of medications. (3-19-07)

07. Psychotherapy. Individual, group, and family psychotherapy must be prior authorized and provided in accordance with the objectives specified in the written individualized treatment plan, as described in Section 114 of these rules. Staff qualified to deliver psychotherapy and qualified supervisors of psychotherapy are identified in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Sections 707 through 718. ~~Family psychotherapy must include the participant and at least one (1) family member and must be delivered in accordance with the goals of treatment as specified in the written individualized treatment plan. (3-19-07)(1-1-08)T~~

08. Occupational Therapy. Occupational therapy services must be prior authorized by the Department, based on the results of an occupational therapy evaluation completed by a licensed Occupational Therapist in accordance with Subsections 131.121 and 140.08 of these rules. ~~(3-19-07)(1-1-08)T~~

124. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR) - COVERAGE AND LIMITATIONS.
The following service limitations apply to PSR services, unless otherwise authorized by the Department in each region. (3-19-07)

01. Assessment. Any combination of evaluations or diagnostic services is limited to a maximum of six (6) hours annually. (3-19-07)

02. Individualized Treatment Plan. Two (2) hours per year per participant per provider agency are

available for treatment plan development. (3-19-07)

03. Psychotherapy. Individual, family and group psychotherapy services are limited to a maximum of twenty-four (24) hours annually. (3-19-07)

04. Crisis Intervention Service. A maximum of twenty (20) hours of crisis support in a community may be reimbursed per crisis during any consecutive five (5) day period. Authorization must follow procedure described above at Subsection ~~123.064~~ of these rules. ~~(3-19-07)~~(1-1-08)T

05. Psychosocial Rehabilitation. Any combination of PSR services excluding crisis hours are not to exceed twenty (20) hours per week and must be prior authorized by the Department. Services in excess of twenty (20) hours require additional review and prior authorization. (3-19-07)

06. Place of Service. PSR services are to be home and community-based. (3-19-07)

a. PSR services must be provided to the participant in his home and community whenever possible. Any other location, including a provider's office or clinic, may be used if the specific place of service is stated in the individualized treatment plan and is prior authorized. (3-19-07)

b. PSR services may be provided to a participant living in a residential or assisted living facility if the PSR services are determined by the Department to be appropriate, desired by the resident, and are not the responsibility of the facility or another agency under the Negotiated Service Agreement for residential or assisted living facilities. (3-19-07)

c. Prior to delivering any services in a school-based setting, the PSR agency must have a contract with the school or the Infant Toddler program. The PSR agency must not bill Medicaid or the Medicaid participant for these contracted services. Only the school district, charter school, or the Idaho Infant Toddler program may bill Medicaid for these contracted services when provided in accordance with IDAPA 16.03.09 "Medicaid Basic Plan Benefits," Sections 850 through 856. (3-19-07)

(BREAK IN CONTINUITY OF SECTIONS)

128. PSYCHOSOCIAL REHABILITATIVE SERVICES (PSR) - RESPONSIBILITIES OF THE DEPARTMENT.

The Department will administer the provider agreement for the provision of PSR services and is responsible for the following tasks: (3-19-07)

01. Credentialing. The Department is responsible for ensuring Medicaid PSR agencies meet credentialing requirements described in IDAPA 16.03.09, "Medicaid Basic Plan Benefits," Section 712. (3-19-07)

02. Individualized Treatment Plan Requirements. Individualized treatment plans must include the following: (3-19-07)

a. Required Documentation. The required documentation for each individualized treatment plan includes: (3-19-07)

i. Participant demographic information; (3-19-07)

ii. A comprehensive assessment as provided in ~~Subsection 123.07~~ 113 of these rules; ~~(3-19-07)~~(1-1-08)T

iii. A written individualized treatment plan as provided in Section ~~126~~ 114 of these rules; ~~(3-19-07)~~(1-1-08)T

- iv. Adult treatment plans require a mental health client profile; and (3-19-07)
- v. Children's individualized treatment plans also require the Child and Adolescent Functional Assessment Scale/Preschool and Early Childhood Functional Assessment Scale (CAFAS/PECFAS). (3-19-07)
- b.** Receipt of Required Documentation. Reimbursement for services will be authorized from the date the individualized treatment plan and other required documentation are received by the Department. For the annual update, all required documentation must be received by the Department before the expiration date of the current assessment and plan. In order for a prior authorization to remain valid throughout the treatment plan year, documentation of the one hundred twenty (120) day reviews must comply with Subsection 136.05 of these rules. (3-19-07)
- c.** Hours and Type of Service. The Department must authorize the number of hours and type of services which could be reasonably expected to lead to achievement of the individualized treatment plan objectives. (3-19-07)
- d.** Authorization Time Period. Service authorizations are limited to a twelve (12) month period and must be reviewed and updated at least annually. (3-19-07)
- 03. Notice of Decision.** At the point the Department makes a decision that a participant is ineligible for PSR services, a notice of decision citing the reason(s) the participant is ineligible for PSR services must be issued by the Department. The notice of decision must be sent to the adult participant and a copy to his legal guardian, if any. When the participant is a minor child, the notice of decision must be sent to the minor child's parent or legal guardian. (3-19-07)
- 04. Increases in Individualized Treatment Plan Hours or Change in Service Type.** When the Department is notified, in writing, by the provider of recommended increases in hours or change in type of service provided, the Department must review the request and either approve or deny the request within ten (10) working days of receipt. A clear rationale for the increase in hours or change in service type must be included with the request. (3-19-07)
- 05. Changes to Individualized Treatment Plan Objectives or Tasks.** When a provider believes that an individualized treatment plan needs to be revised without increasing hours or changing type of service, the provider should amend the individualized treatment plan at the time of the next one hundred twenty-day (120) review or when substantial changes in the participant's mental status or circumstances require immediate changes in the plan objectives. The amended individualized treatment plan must be retained in the participant's record and submitted to the Department upon request. (3-19-07)
- 06. Service System.** The Department is responsible for the development, maintenance and coordination of regional, comprehensive and integrated service systems. (3-19-07)

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.05.05 - CRIMINAL HISTORY AND BACKGROUND CHECKS IN LONG TERM CARE SETTINGS

DOCKET NO. 16-0505-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 56-202(b), 56-203(g) and 56-1004A, 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:

These rules were adopted by the Department to participate in a federal grant pilot project for criminal history and background checks in long-term care settings. The pilot project and grant money that cover the costs for these criminal history and background checks expired on September 30, 2007.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, page 174.

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

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:

The fiscal impact of the repeal of this chapter is cost neutral. Federal grant money is no longer available, but the cost of a criminal history and background check is required to be paid for by the applicant under Section 56-1004A, Idaho Code.

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

DATED this 1st day of November, 2007.

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@dhw.idaho.gov e-mail

DOCKET NO. 16-0505-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, page 174.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.01 - TITLE INSURANCE DEFINITION OF TRACT INDEXES AND ABSTRACT RECORDS

DOCKET NO. 18-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 41-211 and 41-2705 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 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 191 through 193.

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 Dale Freeman, Insurance Financial Examiner, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

DOCKET NO. 18-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 191 through 193.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.03 - MILITARY SALES PRACTICES RULE

DOCKET NO. 18-0103-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 41-211 and 41-1302, 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 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 194 through 202.

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 Shad Priest, at (208) 334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

DOCKET NO. 18-0103-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 194 through 202.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.06 - RULE TO IMPLEMENT UNIFORM COVERAGE FOR NEWBORN AND NEWLY ADOPTED CHILDREN

DOCKET NO. 18-0106-0601

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 41-211 Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 115 through 118.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Joan Krosch, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

DOCKET NO. 18-0106-0601 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, pages 115 through 118.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - IDAHO DEPARTMENT OF INSURANCE

18.01.44 - SCHEDULE OF FEES, LICENSES AND MISCELLANEOUS CHARGES

DOCKET NO. 18-0144-0701 (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 2008 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 41-211 and 41-401 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 21 through 22.

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 41-401, Idaho Code:

The reduced licensing renewal fee of \$60 for adjusters, producers and surplus lines brokers renewing their licenses electronically will be eliminated and licensees renewing electronically will pay the standard renewal fee of eighty dollars every two years.

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 Genetti, Idaho Department of Insurance, at 208/334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250 / Fax: (208)334-4398

DOCKET NO. 18-0144-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 21 through 22.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE
18.01.60 - LONG-TERM CARE INSURANCE MINIMUM STANDARDS
DOCKET NO. 18-0160-0701
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 41-211, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages, 31 through 34.

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 Joan Krosch at (208) 334-4250.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State St., 3rd Floor
Boise, Idaho 83720-0043
Phone: (208) 334-4250
Fax: (208)334-4398

DOCKET NO. 18-0160-0701 - 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 07-10, October 3, 2007 - Book 2, pages 31 through 34.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.79 - RECOGNITION OF PREFERRED MORTALITY TABLES FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES

DOCKET NO. 18-0179-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 41-211 and 41-612, 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 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 203 through 206.

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 Martha Smith, Senior Financial Examiner, Idaho Department of Insurance, at 208/334-4315 or Martha.Hopper@doi.idaho.gov.

DATED this 29th day of October, 2007.

William W. Deal
Idaho Department of Insurance
700 West State Street, 3rd Floor
Boise, ID 83720-0043
208-334-4250
208-334-4398 (Fax)

DOCKET NO. 18-0179-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 203 through 206.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 19 - IDAHO STATE BOARD OF DENTISTRY

19.01.01 - RULES OF THE STATE BOARD OF DENTISTRY

DOCKET NO. 19-0101-0701 (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 2008 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 54-912, 54-916 and 54-920, 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. No changes.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 35 and 36.

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 54-916, Idaho Code. 1. The proposed rule will increase the licensure application fee for the following: Dentists licenses by exam, fee increases from \$100 to \$300; Dental Hygienists licensed by exam from \$50 to \$150. 2. The following is a specific description of the fee or charged imposed or increased. This fee or charge is being imposed pursuant to section, 54-920, Idaho Code. 3. The proposed rule will increase the biennial licensure fee for the following: Dentist Active Status; license increases from \$300 to \$375; Dentist Inactive status license increases from \$150 to \$160; Dental Hygienist Active Status license increases from \$140 to \$175; Dental Hygienist license inactive status increases from \$80 to \$85.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Arthur R. Sacks, 208-334-2369.

DATED this 30th day of October, 2007.

Arthur R. Sacks
Executive Director
Idaho State Board of Dentistry
350 North 9th Street, Boise, ID 83702

P.O. Box 83720
Boise, ID 83720-0021
Phone: 208-334-2369
Fax: 208-334-3247

DOCKET NO. 19-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 35 and 36.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 22 - BOARD OF MEDICINE

22.01.01 - RULES OF THE BOARD OF MEDICINE FOR THE LICENSURE TO PRACTICE MEDICINE AND SURGERY AND OSTEOPATHIC MEDICINE AND SURGERY IN IDAHO

DOCKET NO. 22-0101-0701

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 2008 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) 54-1806(2)(4) and (11) and 541806A, 54-1812, 54-1813, 54-1814 and 54-1841, 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 in the pending rule. The proposed rule changes amend existing language relating to the graduates of U.S., Canadian and international medical schools; clarify post-graduate medical training requirements; augment international medical school requirements; include definitions; require lawful presence in the U.S.; broaden the fee schedules and to update and clarify rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 71 through 81.

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

The fee schedule has been broadened, however, there will be no increase in fees. This fee or charge is being imposed pursuant to Sections 54-1806 (11), 54-1808 and 54-1813, 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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 24th day of October, 2007.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140

PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0101-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 71 through 81.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 22 - BOARD OF MEDICINE

22.01.02 - RULES OF THE BOARD OF MEDICINE FOR THE REGISTRATION OF EXTERNS, INTERNS, AND RESIDENTS

DOCKET NO. 22-0102-0701

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 2008 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) 54-1806(2)(11), 54-1806A, 54-1812, 541813(2) and 54-1814, 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 in the pending rule. The proposed changes amend existing language relating to the registration for students and graduates of medical schools in the U.S. and Canada as well as international medical students and graduates; clarify medical education requirements; include definitions; broaden the fee schedule and to update and clarify rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 82 through 86.

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

The fee schedule has been broadened, however, there will be no increase in fees. This fee or charge is being imposed pursuant to Section 54-1807, 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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 24th day of October, 2007.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140

PO Box 83720, Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 82 through 86.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 22 - BOARD OF MEDICINE

22.01.11 - RULES FOR THE LICENSURE OF RESPIRATORY THERAPISTS AND PERMITTING OF POLYSOMNOGRAPHERS IN IDAHO

DOCKET NO. 22-0111-0701

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 2008 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) 54-4304A, 54-4305, 54-4309, 54-4311, 54-4312, 54-4314 and 54-4316, 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 changes amend existing language to include a renewal requirement of current CRT certification, current RRT registration or current registration as a polysomnographic technologist; require English language proficiency; require lawful presence in the U.S.; broaden the fee schedules and to update and clarify rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 87 through 100.

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

The Licensure Board recognized the need to broaden the fee schedules and to increase three reinstatement fees to reflect and provide for real costs of administration. The respiratory care practitioner license reinstatement fee was increased from thirty-five dollars to fifty dollars; the polysomnographic technologist/technician permit reinstatement fee from thirty-five dollars to fifty dollars and the dual license/permit reinstatement fee from thirty-five dollars to fifty dollars. This fee or charge is being imposed pursuant to Section 54-4311, 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 Nancy M. Kerr, Executive Director, Idaho State Board of Medicine, (208) 327-7000.

DATED this 24th day of October, 2007.

Nancy M. Kerr, Executive Director
Idaho State Board of Medicine
1755 Westgate Drive, Ste. 140

PO Box 83720 Boise, ID 83720-0058
Phone: (208) 327-7000 Fax: (208) 327-7005

DOCKET NO. 22-0111-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 87 through 100.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-0701

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 2008 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 54-1404 and 54-1406A, 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.

As an outgrowth of comments received during public meetings held across the state, text has been deleted and subsections and paragraphs renumbered:

Paragraph 492.01.b. has been deleted resulting in the renumbering of paragraphs 492.01.c. and 492.01.d.

Paragraph 492.04.d.i.

Paragraph 492.04.d.xii. has been deleted resulting in the renumbering of paragraph xiii.

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 September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 207 through 216.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 54-1404(7) and 54-1406A(4), Idaho Code.

Fees will be imposed in connection with the licensing of medication assistant – certified.

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 will be no fiscal impact on the General Fund. While fees will be charged in connection with licensing certified medication assistants, the fees will be used to offset administrative processing expenses.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Sandra Evans, MAEd., R.N., Executive Director, (208) 334-3110 x26.

DATED this 5th day of November, 2007.

Sandra Evans, MAEd., R.N.
Executive Director
Idaho Board of Nursing
280 N. 8th St. (8th & Bannock), Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 334-3110 x26
Facsimile: (208) 334-3262

DOCKET NO. 23-0101-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-9, September 5, 2007, pages 207 through 216.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 23-0101-0701

Subsections 492.01.c., 492.01.d., 492.04.d.i., and 492.04.d.xii.

492. MEDICATION ADMINISTRATION BY MEDICATION ASSISTANTS - CERTIFIED (MA-C).

01. When Tasks May Be Performed. A medication assistant - certified may perform the delegated function of administration of medications and related tasks under the direct supervision of a licensed nurse, if: ()

Subsection 492.01.b. has been deleted resulting in the renumbering of Subsections 492.01.c. and 492.01.d.

- b. The medication is given by an approved medication route, to include: ()
- i. Orally, to include sublingual, buccal. ()
- ii. Topically. ()
- iii. For the eye, ear, or nose. ()
- iv. Vaginally. ()
- v. Rectally. ()
- vi. Transdermally. ()
- vii. Oral inhaler. ()
- viii. Established gastric (non-nasogastric) tube. ()

- c.** The delegation does not conflict with provisions of Subsection 400.02 of these rules. ()

- 04.** Medication Administration Policies. ()

- d.** Tasks that may not be performed by the medication assistant - certified: ()

 - i. Receive controlled substances. ()

Subsection 492.04.d.xii. has been deleted resulting in the renumbering of Subsection xiii.

- xii. Administer initial dose or non-routine medications when the patient's response to the medication is not predictable. ()

IDAPA 23 - BOARD OF NURSING

23.01.01 - RULES OF THE IDAHO BOARD OF NURSING

DOCKET NO. 23-0101-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1404 and 54-1406A, 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 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 101 through 104.

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 Sandra Evans, MAEd., R.N., Executive Director, (208) 334-3110 x26.

DATED this 29th day of October, 2007.

Sandra Evans, MAEd., R.N.
Executive Director
Idaho Board of Nursing
280 N. 8th St. (8th & Bannock), Ste. 210
P. O. Box 83720
Boise, ID 83720-0061
Phone: (208) 334-3110 x26
Facsimile: (208) 334-3262

DOCKET NO. 23-0101-0702 - 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 07-10, October 3, 2007, pages 101 through 104.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-707, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 106 through 108.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-0301-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 106 through 108.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-831, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 109 through 118.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-0401-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 109 through 118.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.05.01 - RULES OF THE BOARD OF DRINKING WATER AND WASTEWATER PROFESSIONALS

DOCKET NO. 24-0501-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-2406, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 119 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233
(208) 334-3945 fax

DOCKET NO. 24-0501-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 119 through 125.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 24-0701-0701 (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 2008 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 54-3003, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, 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 54-3003(5)(b), Idaho Code:

This change would add a \$25.00 application fee to landscape architects-in-training.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220, Boise, ID 83709
(208) 334-3233 phone / (208) 334-3945 fax

DOCKET NO. 24-0701-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, 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 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1107, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 128 through 131.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-0801-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 128 through 131.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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 ADMINISTRATORS

DOCKET NO. 24-0901-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1604, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 132 through 134.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-0901-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 132 through 134.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.11.01 - RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-605, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 135 and 136.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-1101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 135 and 136.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.13.01 - RULES GOVERNING THE PHYSICAL THERAPY LICENSURE BOARD

DOCKET NO. 24-1301-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 54-2206, 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 January 3, 2007 Idaho Administrative Bulletin, Vol. 07-1, pages 272 through 275.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-1301-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-1, January 3, 2007, pages 272 through 275.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 24-1401-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-3204, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 137 through 143.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-1401-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 137 through 143.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 24-1501-0701 (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 2008 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 54-3404, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 144 through 151.

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:

This change would set renewal fees for inactive status at \$50 and senior status at \$60 which is a reduction of the current renewal fee of \$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 26th day of October, 2007.

Tana Cory, Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone / (208) 334-3945 fax

DOCKET NO. 24-1501-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 144 through 151.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.16.01 - RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-3309, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 152 through 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 Cherie Simpson at (208) 334-3233.

DATED this 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-1601-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 152 through 155.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-4705, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 156 through 158.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 phone
(208) 334-3945 fax

DOCKET NO. 24-1701-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 156 through 158.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 24-1801-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-4106, Idaho Code, and Title XI, federal 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 159 through 167.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 / (208) 334-3945 fax

DOCKET NO. 24-1801-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 159 through 167.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES
24.21.01 - RULES OF THE IDAHO STATE CONTRACTORS BOARD
DOCKET NO. 24-2101-0701
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-5207, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 1, 2007 Idaho Administrative Bulletin, Vol. 07-8, pages 126 and 127.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 / (208) 334-3945 fax

DOCKET NO. 24-2101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, 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 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.22.01 - RULES OF THE IDAHO STATE LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-5310, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 168 and 169.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 / (208) 334-3945 fax

DOCKET NO. 24-2201-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 168 and 169.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

DOCKET NO. 24-2301-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-2910, 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 170 through 173.

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 26th day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Ste 220
Boise, ID 83709
(208) 334-3233 / (208) 334-3945 fax

DOCKET NO. 24-2301-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 170 through 173.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 27-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1717, 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.

Sections 000 through 006 have been added as required major sections, pursuant to comments from the Office of the Administrative Rules Coordinator:

Text has been added and amended as an outgrowth of comments received and for the purposes of clarification.

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 September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 217 through 218.

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 Jan Atkinson, Senior Compliance Officer, (208) 334-2356.

DATED this 29th day of October, 2007.

Jan Atkinson
Senior Compliance Officer
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Facsimile: (208) 334-3536

DOCKET NO. 27-0101-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-9, September 4, 2007, pages 217 and 218.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 27-0101-0701

000. LEGAL AUTHORITY.

This chapter is adopted in accordance with Section 54-1717, Idaho Code. ()

001. TITLE AND SCOPE.

01. Title. *These rules shall be cited in full as IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy."* ()

02. Scope. *These rules include, but are not limited to, the minimum standards for, and the control and regulation of, the practice of pharmacy in the state of Idaho and the registration of drug outlets.* ()

002. WRITTEN INTERPRETATIONS.

In accordance with Title 54, Chapter 17, Idaho Code, the Board may have written statements that pertain to the interpretation of the rules of this chapter, or to the documentation of compliance with the rules of this chapter. These documents, if any, are available for public inspection at the Board office. ()

003. ADMINISTRATIVE APPEALS.

The Idaho Rules of Administrative Procedure of the Attorney General on contested cases, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure," Section 100, et. seq., shall apply in addition to Board of Pharmacy Rules, IDAPA 27.01.01, "Rules of the Idaho State Board of Pharmacy." ()

004. INCORPORATION BY REFERENCE.

There are no documents that have been incorporated by reference into these rules. ()

005. OFFICE INFORMATION.

01. Street Address. *The office of the Board of Pharmacy is located at 3380 Americana Terrace, Suite 320, Boise, Idaho.* ()

02. Mailing Address. *The mailing address of the Board is P. O. Box 83720, Boise, Idaho 83720-0067.* ()

03. Telephone Number. *The telephone number of the Board is (208) 334-2356.* ()

04. Facsimile Number. *The Board's fax number is (208) 334-3536.* ()

05. Electronic Address. *The Board's web address is <http://bop.accessidaho.org/>.* ()

006. PUBLIC RECORDS ACT COMPLIANCE.
Board of Pharmacy records are subject to, and in compliance with, the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. ()

000Z. -- 009. (RESERVED).

464. ~~FILLING OF A PRESCRIPTION FOR A~~ CONTROLLED SUBSTANCE PRESCRIPTION AND POSITIVE IDENTIFICATION.

Subsection 464.02

02. Identification. Persons receiving controlled substances shall be positively identified by staff at the pharmacy at the time any controlled substance is dispensed directly to an individual at the pharmacy. ()

a. Positive identification shall consist of either a valid, current state or military drivers license or identification card, or a valid, current passport, each of which must contain a photo of the individual and the individual's signature. For each controlled substance prescription dispensed directly to an individual at the pharmacy, the pharmacy shall: ()

i. Make and maintain a photocopy of the identification presented; or ()

ii. Maintain a record of the name of the person receiving the prescribed controlled substance, which record shall contain notation of the type of positive identification presented by such person; the state, military branch, or other government entity issuing the identification; and the specific identification number of the drivers license, identification card, or passport. ()

b. In lieu of these means of positive identification, an individual whose identity is personally and positively known to a staff member of the pharmacy who is present and who identifies the individual at the time of delivery of the prescribed controlled substance may be so identified by the staff member; in such instances, the pharmacy shall maintain a record of: (4-11-06)()

i. The name of the person receiving the prescribed controlled substance (if other than the patient); ()

ii. A notation indicating that the patient or other person receiving the prescribed controlled substance was known to the pharmacy staff; and ()

iii. The name of the pharmacy staff person making the identification. ()

c. The provisions in Paragraphs 464.02.a. and 464.02.b. of these rules do not apply to a prescription dispensed directly to the patient at the pharmacy if: ()

i. The prescription is to be paid for, in whole or in part, by an insurer; ()

ii. The pharmacy is part of the health care facility where the patient is being treated. ()

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0702

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1717, 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 September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 219 and 220.

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 Jan Atkinson, Senior Compliance Officer, (208) 334-2356.

DATED this 16th day of October, 2007.

Jan Atkinson
Senior Compliance Officer
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Facsimile: (208) 334-3536

DOCKET NO. 27-0101-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 219 and 220.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 27-0101-0703

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1717, 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:

Text has been added and amended as an outgrowth of comments received and for the purposes of clarification.

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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 188 through 199.

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 Jan Atkinson, Senior Compliance Officer, (208) 334-2356.

DATED this 29th day of October 2007.

Jan Atkinson
Senior Compliance Officer
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Facsimile: (208) 334-3536

DOCKET NO. 27-0101-0703 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-10, October 3, 2007 - Book 2, pages 188 through 199.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE DOCKET NO. 27-0101-0703

Subsections 323.04, 323.07, 323.07.a., and 323.07.b.

323. MINIMUM ~~REQUIRED INFORMATION~~ REQUIREMENTS FOR LICENSURE.

04. Requirement for Bond or Equivalent Security. Every wholesale distributor required to be licensed in this state shall submit to the Idaho Board of Pharmacy a bond of not less than one hundred thousand dollars (\$100,000), or other equivalent means of security acceptable to the Board and payable to the Board, such as an irrevocable letter of credit issued by a third party acceptable to the Board or a deposit in a trust account or financial institution acceptable to the Board. *Chain pharmacy warehouses that are not engaged in wholesale distribution are exempt from the bond requirement.* Such bond or equivalent security shall secure payment of any administrative fines or penalties imposed by the Board and any fees or costs incurred by the Board regarding that licensee when those fines, penalties, fees, or costs are authorized under the laws of this state and the licensee fails to pay thirty (30) days after the fines, penalties, fees, or costs become final. The Board may make a claim against such bond or equivalent security until one (1) year after the licensee's license cease to be valid. A single bond may suffice to cover all facilities operated by the licensee in this state. (8-3-07)F()

07. License by Reciprocity. The Idaho Board of Pharmacy may license by reciprocity a wholesale distributor that is licensed under the laws of another state if: ()

a. *The wholesale distributor is accredited by the National Association of Board of Pharmacy's Verified-Accredited Wholesale Distributor's (VAWD) program; or* (8-3-07)F()

b. *The wholesale distributor is licensed under the laws of another state pursuant to standards comparable to those in Idaho and acceptable to the Board and the other state extends reciprocal treatment to distributors of this state.* ()

Subsections 325.02.a. and 325.02.b.

325. PERSONNEL.

02. Continuing Training for Designated Representative. A licensed wholesale distributor's designated representative must receive and complete: (8-3-07)T

a. *Continuing training specified by the Idaho Board of Pharmacy regarding federal and state laws regarding wholesale distribution of prescription drugs.* (8-3-07)F()

b. *If no formal continuing training is specified by the Idaho Board of Pharmacy, training programs that address applicable federal and state laws regarding wholesale distribution of prescription drugs and are provided by qualified in-house specialists, outside counsel, or consulting specialists with capabilities to help ensure*

compliance.

(8-3-07)T()

Subsections 326.06 and 326.06.a.

326. MINIMUM REQUIREMENTS.

06. Returned, Damaged, and Outdated Drugs. Drugs that are outdated, damaged, deteriorated, misbranded, or adulterated shall be quarantined and physically separated from other drugs until they are destroyed or returned to ~~their supplier~~ the original manufacturer or third party returns processor including a reverse distributor.

(7-1-93)()

a. Any drugs whose immediate or sealed outer or sealed secondary containers have been opened or used shall be identified as such, and shall be quarantined and physically separated from other drugs until they are either destroyed or returned to the ~~supplier~~ original manufacturer or third party returns processor including a reverse distributor.

(7-1-93)()

Subsection 327.04

327. WRITTEN POLICIES AND PROCEDURES.

Wholesale drug distributors shall establish, maintain, and adhere to written policies and procedures, which shall be followed for the receipt, security, storage, inventory, and distribution of drugs, including policies and procedures for identifying, recording, and reporting losses or thefts, and for correcting all errors and inaccuracies in inventories.

(7-1-93)

04. Segregation and Disposal of Outdated Drugs. A procedure to ensure that any outdated drugs shall be segregated from other drugs and either returned to the original manufacturer or third party returns processor including a reverse distributor or destroyed which shall provide for written documentation of the disposition of outdated drugs and maintained for two (2) years after disposition of the outdated drugs.

(7-1-93)()

Subsections 331.01.j. through 331.01.l.

331. PEDIGREE.

01. Pedigree Contents. A pedigree for each prescription drug shall contain the following information:
(8-3-07)T

j. The dates of each transaction. (8-3-07)T

k. A certification that each recipient has authenticated the pedigree. ()

l. The name and address of each recipient of the prescription drug. (8-3-07)T

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0704

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 54-1717, 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 September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 221 through 224.

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 Jan Atkinson, Senior Compliance Officer, (208) 334-2356.

DATED this 16th day of October, 2007.

Jan Atkinson
Senior Compliance Officer
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Facsimile: (208) 334-3536

DOCKET NO. 27-0101-0704 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 221 through 224.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 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. 27-0101-0705

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 37-2726(4) 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 Book 2 of the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 200 through 202.

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 Jan Atkinson, Senior Compliance Officer, (208) 334-2356.

DATED this 29th day of October, 2007.

Jan Atkinson
Senior Compliance Officer
Idaho Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Facsimile: (208) 334-3536

DOCKET NO. 27-0101-0705 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 200 through 202.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 29 - THE IDAHO POTATO COMMISSION

29.01.01 - RULES OF PROCEDURE OF THE IDAHO POTATO COMMISSION

DOCKET NO. 29-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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 22-1201, et seq., 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 Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 210 through 213.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: It is necessary to protect the public health, safety, or welfare and it confers a benefit by clarifying contact information for those who do business with the Idaho Potato Commission.

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: Patrick J. Kole, VP Legal and Government Affairs, at (208) 334-2350.

DATED this 26th day of October, 2007.

Patrick J. Kole
VP Legal and Government Affairs
Idaho Potato Commission
661 S. Rivershore Lane, Suite 230
PO Box 1670, Eagle, Idaho, 83616
Phone: (208) 334-2350
Fax: (208) 334-2274

DOCKET NO. 29-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 210 through 213.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 29 - THE IDAHO POTATO COMMISSION

29.01.02 - RULES GOVERNING PAYMENT OF TAX AND USAGE OF FEDERALLY REGISTERED TRADEMARKS

DOCKET NO. 29-0102-0701 (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 2008 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) 22-1201, et seq., 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 Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, pages 214 through 225.

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:

Section 22-1211, Idaho Code was amended by the 2007 Legislature and signed by the Governor to increase the potato tax by \$.05 per hundred weight. Following the review required by statute, the Idaho Potato Commission voted unanimously to authorize an increase of \$.025.

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: Patrick J. Kole, VP Legal and Government Affairs, at (208) 334-2350.

DATED this 26th day of October, 2007.

Patrick J. Kole, VP Legal and Government Affairs
Idaho Potato Commission
661 S. Rivershore Lane, Suite 230
PO Box 1670, Eagle, Idaho, 83616
(208) 334-2350 / Fax (208) 334-2274

DOCKET NO. 29-0102-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, pages 214 through 225.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.12.01 - SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1201-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2008 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-524, 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 were no comments filed in response to the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 226 through 235.

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 fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 22nd day of October, 2007.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Tele: (208) 334-0338
FAX: (208) 334-3762

DOCKET NO. 31-1201-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 226 through 235.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.21.01 - CUSTOMER RELATIONS RULES FOR GAS, ELECTRIC AND WATER PUBLIC UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION (THE UTILITY CUSTOMER RELATIONS RULES)

DOCKET NO. 31-2101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2008 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-503 and 61-507, 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 Commission is adopting the proposed text to Rules 105, 302, and 403 as pending rules. The text of pending Rules 203, 204, 300, 310, 311 and 600 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 all the proposed rules was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 229 through 235.

Based upon comments received, the Commission has clarified the proposed changes to Rules 203.03 and 204.02.c. to reflect that in some instances a customer underbilled for utility service may be rebilled for a period not to exceed three (3) years. The Commission also clarifies the proposed change to Rule 204.01 based upon filed comments. The Commission also amends the proposed changes to Rules 300.04 and 600.05 to reflect that customers must affirmatively "opt-in" to receiving electronic utility notifications via e-mail. These changes allow customers to choose electronic billing but still receive important service notices in writing. Based upon comments received, the Commission decided to restructure and clarify the proposed changes to Rules 310 and 311. Parts of proposed Rule 311.01 are moved to 310.01. Finally, the Commission deletes the words "denied or" from Rule 311 as suggested in comments.

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 fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Beverly Barker, Consumer Assistance Supervisor, at (208) 334-0302 or Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 2nd day of November, 2007.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
472 W. Washington St. (83702-5983)
PO Box 83720
Boise, ID 83720-0074
Tele: (208) 334-0338
FAX: (208) 334-3762

DOCKET NO. 31-2101-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to pending rule.

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 07-10, October 3, 2007, pages 229 through 235.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 31-2101-0701

Subsection 203.03

203. BILLING UNDER INAPPROPRIATE TARIFF SCHEDULE (RULE 203).

03. **Rebilling Time Period.** When the customer has been overcharged, the period for which rebilling under this rule is allowed shall be that not exceed three (3) years as provided by Section 61-642, Idaho Code, (three (3) years). When the customer has been undercharged, the period for rebilling shall be limited to six (6) months unless a reasonable person should have known of the inappropriate billing, in which case the rebilling period may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who may be billed under an inappropriate tariff schedule. (7-1-93)()

Subsection 204.01, 204.02.c.,

204. INACCURATELY BILLED SERVICE UNDER CORRECT TARIFF SCHEDULE -- FAILURE TO BILL FOR SERVICE (RULE 204).

01. **Errors in Preparation -- Malfunctions -- Failure to Bill.** Whenever the billing for utility service was not accurately determined because for reasons such as a meter malfunctioned or failed, bills were estimated, metering equipment was incorrectly installed or programmed, or bills were inaccurately prepared, the utility shall prepare a corrected billing. If the utility has failed to bill a customer for service, the utility shall prepare a bill for the period during which no bill was provided. (7-1-93)()

02. ~~Corrections~~ **Rebilling Time Period.** ()

c. If the time when the malfunction or error can be reasonably determined and the utility determines the customer was undercharged, the utility may rebill for a period of six (6) months unless a reasonable person should have known of the inaccurate billing, in which case the rebilling may be extended for a period not to exceed three (3) years. Utilities shall implement procedures designed to monitor and identify customers who have not been billed or who have been inaccurately billed. ()

Subsection 300.04

300. FURTHER DEFINITIONS (RULE 300).
As used in Rules 301 through 313: (7-1-93)

04. Written Notice. “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, resident, occupant, or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. ()

Subsections 310.01.e., 310.01.f., and 310.02

310. INSUFFICIENT GROUNDS FOR TERMINATION OR DENIAL OF SERVICE (RULE 310).

01. Termination of Service. No customer shall be given notice of termination of service nor shall the customer’s service be terminated if: (7-1-93)()

e. The customer fails to pay amounts in dispute while a complaint filed pursuant to Rule 402 is pending before this Commission. ()

f. A case placing at issue payment of disputed amounts for utility service is pending before a court in the state of Idaho unless authorized by court order. ()

02. Denial of Service. No applicant shall be given notice of denial nor shall the applicant be denied service if any of the criteria listed in Subsection 310.01.b. through 310.01.f. apply to the unpaid bill cited as grounds for denial of service. ()

Section 311 and Subsection 311.02

311. ~~RESTRICTIONS ON TERMINATION OF SERVICE~~ TIMES WHEN SERVICE MAY BE TERMINATED -- OPPORTUNITY TO AVOID TERMINATION OF SERVICE (RULE 311).

02. Times When Service May Be Terminated. Service may be terminated: ()

Subsection 600.05

600. DEFINITIONS (RULE 600).
As used in Rules 601 through 605. (7-1-93)

05. Written Notice. “Written notice” of the utility’s intent to deny or terminate service may be mailed or otherwise delivered to the applicant, occupant or customer. Written notice may be provided by electronic mail (i.e., e-mail) if the customer is billed electronically and separately consents in writing to “opt-in” to receiving electronic notification. ()

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.71.02 - RAILROAD ACCIDENT REPORTING RULES

DOCKET NO. 31-7102-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2008 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Section 61-515, 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 were no comments filed in response to the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 236.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 22nd day of October, 2007.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Tele: (208) 334-0338
FAX: (208) 334-3762

DOCKET NO. 31-7102-0701 - 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 07-10, October 3, 2007, page 236.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.71.03 - RAILROAD SAFETY/SANITATION RULES

DOCKET NO. 31-7103-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Public Utilities Commission and is now pending review by the 2008 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 the Public Utilities Commission has adopted a pending rule. The action is authorized pursuant to Sections 61-515 and 61-515A, 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 were no comments filed in response to the proposed rule. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 237 through 239.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Donald L. Howell, II, Deputy Attorney General, at (208) 334-0312.

DATED this 22nd day of October, 2007.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Tele: (208) 334-0338
FAX: (208) 334-3762

DOCKET NO. 31-7103-0701 - 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 07-10, October 3, 2007, pages 237 through 239.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

**38.01.01 - OTHER CONTESTED CASE OR ADVERSARY HEARINGS
BEFORE THE DEPARTMENT OF ADMINISTRATION**

DOCKET NO. 38-0101-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 67-5221(1) and 67-5226, 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. These rules were promulgated in 1992 under Idaho Code § 67-5202(1), which was subsequently amended, repealing that rulemaking authority. No statutory authority for these rules currently exists. Consequently, this rule is being repealed in its entirety.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, page 393.

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

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

DATED this 17th day of October, 2007.

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

DOCKET NO. 38-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, page 393.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.01.02 - RULES FOR HEARING PROCEDURE FOR DIVISION OF PURCHASING SPECIFICATION CHALLENGES AND RULES FOR NON-ADVERSARY HEARINGS

DOCKET NO. 38-0102-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 67-5717(11) and 67-5732, 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 existing rule is redundant to the current statute (Section 67-5733, Idaho Code) and where not redundant, does not add substance or value and can cause confusion in the purchasing appeals' process. Consequently, this rule is being repealed in its entirety.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, page 394.

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

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

DATED this 17th day of October, 2007.

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

DOCKET NO. 38-0102-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

**The complete text of the proposed rule was published in the Idaho Administrative
Bulletin, Volume 07-10, October 3, 2007, page 394.**

**This rule has been adopted as a pending rule by the Agency and is now pending
review and approval by the 2008 Idaho State Legislature as a final rule.**

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.01.03 - RULES GOVERNING PRACTICE AND PROCEDURE FOR PUBLIC HEARINGS BEFORE THE DEPARTMENT OF ADMINISTRATION

DOCKET NO. 38-0103-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 67-5221(1) and 67-5226, 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. These rules were promulgated in 1992 under Idaho Code § 67-5202(1), which was subsequently amended, repealing that rulemaking authority. No statutory authority for these rules currently exists. In addition, the rules address procedures for public meetings and add nothing that is not addressed in the Open Meetings Law (Idaho Code § 67-2341, et seq.) Consequently, we are repealing this chapter in its entirety.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, page 395.

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

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

DATED this 17th day of October, 2007.

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

DOCKET NO. 38-0103-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, page 395.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.05.01 - RULES OF THE DIVISION OF PURCHASING

DOCKET NO. 38-0501-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 67-5717(11) and 67-5732, 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 proposed rule changes are to designate reference rules applicable to certain appeals; increase small purchase exemption limit and professional services exemption limit, under which agencies can purchase without formal bid process, from \$50,000 to \$75,000; clarify professional services exemption is for non-renewable contracts; and delete electronic signature rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 396 through 401.

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

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

DATED this 17th day of October, 2007.

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

DOCKET NO. 38-0501-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 396 through 401.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

**38.05.02 - RULES GOVERNING CONTESTED CASE HEARINGS ON BID APPEALS
AT THE DIVISION OF PURCHASING**

DOCKET NO. 38-0502-0701 (NEW CHAPTER)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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) 67-5717(11) and 67-5732, 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 proposed rule changes are to promulgate new rules on procedures applying to bid appeals where there is a contested case hearing.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 3, 2007 Idaho Administrative Bulletin, Vol. 07-10, pages 402 through 405.

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 negative fiscal impact.

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

DATED this 17th day of October, 2007.

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

DOCKET NO. 38-0502-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007, pages 402 through 405.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 41 - PUBLIC HEALTH DISTRICTS

41.04.01 - PUBLIC HEALTH DISTRICT 4 - COST AND CHARGES

DOCKET NO. 41-0401-0701 (CHAPTER REPEAL) (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 2008 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 39-416(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:

There are no changes in the pending rule. Subsequently, the pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 3, 2007, Idaho Administrative Bulletin, Vol. 07-10, page 433.

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 39-414(11), Idaho Code:

This rule was made effective July 1, 1993, and applied only to Public Health District 4. The rule specifies fees for services delivered by the agency, except for those specified elsewhere in Idaho Code. On January 26, 1994, a set of rules were adopted that apply to fee setting for all seven Public Health Districts. At that point, the 1993 rules became obsolete. This request is to repeal the 1993 rules for housekeeping purposes.

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 Russell A. Duke at 327-8501.

DATED this 29th day of October, 2007.

Russell A. Duke, Director
Central District Health Department
707 N. Armstrong Pl.
Boise, Idaho 83704-0825
Ph: 327-8501, Fax: 327-8500

DOCKET NO. 41-0401-0701 - ADOPTION OF PENDING FEE RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-10, October 3, 2007 - Book 2, page 433.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 46 - BOARD OF VETERINARY MEDICAL EXAMINERS

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

DOCKET NO. 46-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 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.

Text has been changed to Subsection 153.05.a.:

Additionally, no changes are being made to the text of Subsection 154.08, Controlled Substances and Prescription or Legend Drugs. The text printed following this notice is the current codified text of the rule for Subsection 154.08.

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 September 5, 2007 Idaho Administrative Bulletin, Vol. 07-9, pages 233 through 249.

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 Karen Ewing, Management Assistant, (208) 332-8588.

DATED this 18th day of October, 2007.

Karen Ewing
Management Assistant
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Phone: (208) 332-8588
Fax: (208) 334-2170

DOCKET NO. 46-0101-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending 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 07-9, September 4, 2007, pages 233 through 249.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

Subsection 153.05.a.

153. STANDARDS OF PRACTICE.

Veterinarians shall adhere to the guidelines for professional behavior set forth in the Principles of Veterinary Medical Ethics, Opinions and Reports of the Judicial Council, Section 152, Code of Professional Conduct, and the Board's standards of practice as defined by rule. Standards of practice include but are not limited to: (3-30-01)

05. Surgical Standards. (7-1-97)

a. ~~Surgical areas for aseptic procedures surgery shall be either performed in a separate room or have the capacity to be separated during use area designated for that purpose and isolated from other activities during the procedure. A separate, designated area is not necessarily required for herd or flock animal surgery or antiseptic surgery. Minor surgical procedures shall be performed at least under antiseptic surgical techniques. (7-1-97)(1)~~

Subsection 154.08 is reverting back to the codified text.

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. (3-30-07)

08. Controlled Substances and Prescription or Legend Drugs. A controlled substance is any substance classified by the federal Food and Drug Administration or the Idaho Board of Pharmacy in Schedules I through V of the state or federal Controlled Substances Act, Title 37, Chapter 27, Idaho Code or 21 CFR Part 1308. A prescription or legend drug is any drug that under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements: "Caution federal law prohibits dispensing without a prescription"; or "RX Only;" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian"; or a drug which is required by any applicable federal or state law or regulation or rule to be dispensed on prescription only, or is restricted to use by practitioners only. A veterinarian shall only dispense or distribute a controlled substance or prescription or legend drug within the context of a valid veterinarian/client/patient relationship as defined by Section 150. (3-30-01)

IDAPA 49 - CERTIFIED SHORTHAND REPORTERS BOARD

49.01.01 - RULES OF PROCEDURE OF THE CERTIFIED SHORTHAND REPORTERS BOARD

DOCKET NO. 49-0101-0701

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is November 1, 2007.

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 54-3107, Idaho Code.

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

This rule is necessary to make a technical correction to the Idaho Code citation regarding the Board's authority and to provide the current address, telephone and facsimile numbers, and web address of the Board.

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

These rule changes are necessary to protect the public safety by providing an accurate Idaho Code citation regarding the Board's legal authority and to provide a current address and contact information for the Board.

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 Tana Cory, Bureau Chief, at (208) 334-3233.

DATED this 23rd day of October, 2007.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., Owyhee Plaza, Ste. 220
Boise, Idaho 83702-5642
(208) 334-3233 phone
(208) 334-3945 fax

THE FOLLOWING IS THE TEXT OF DOCKET NO. 49-0101-0701

000. LEGAL AUTHORITY.

These rules are adopted under the authority of Section 54-2808 3107, Idaho Code.

~~(7-1-93)~~(11-1-07)T

(BREAK IN CONTINUITY OF SECTIONS)

005. OFFICE INFORMATION.

- 01. ~~Street Address.~~** *The offices of the Idaho Certified Shorthand Reporters Board are located at 3350 Americana Terrace, Suite 243, Boise, Idaho. (4-6-05)*
- 02. ~~Mailing Address.~~** *The mailing address of the Board is P. O. Box 83720, Boise, Idaho 83720-0017. (4-6-05)*
- 03. ~~Telephone Number.~~** *The telephone number of the Board is (208) 334-2517. (4-6-05)*
- 04. ~~Facsimile.~~** *The Board's FAX number is (208) 334-5211. (4-6-05)*
- 05. ~~Electronic Address.~~** *The Board's web address is www2.state.id.us/esr. (4-6-05)*

The office of the Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The telephone number of the office is (208) 334-3233. The facsimile number of the office is (208) 334-3945. The email address of the Board is sre@ibol.idaho.gov. The website address of the Board is <http://www.ibol.idaho.gov/sre.htm>. (11-1-07)T

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

52.01.01 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO STATE LOTTERY COMMISSION

DOCKET NO. 52-0101-0701 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The proposed repeal of the existing Title 1, Chapter 1, of the Rules of the Idaho State Lottery is adopted and is now pending review by the 2008 Idaho State Legislature for final approval. The pending repeal will become final and effective at the conclusion of the legislative session, unless it is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending repeal is approved, amended or modified by concurrent resolution, the repeal will become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Lottery has adopted a pending rule repealing a chapter of its rules. The Lottery's rulemaking is authorized by Section 67-7408(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 repealing Title 1, Chapter 1, of the Lottery's rules, is being adopted as proposed. The complete text of the proposed rule and reasons for repealing this chapter were published in the Wednesday, September 5, 2007, Idaho Administrative Bulletin, Vol. 07-09, page 250.

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 to the state's general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeffrey R. Anderson, Director: telephone (208)334-2600 / fax (208)334-3522 / e-mail: janderson@lottery.idaho.gov.

DATED this 23rd day of October, 2007.

Jeffrey R. Anderson, Director
Idaho State Lottery
1199 Shoreline Lane, Boise, ID
P.O. Box 6537, Boise, ID 83707-6737
Tel: (208) 334-2600 / Fax: (208) 334-3522

DOCKET NO. 52-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, page 250.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

52.01.01 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO STATE LOTTERY COMMISSION

DOCKET NO. 52-0101-0702 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The proposed rewrite of the existing Title 1, Chapter 1, of the Rules of the Idaho State Lottery is adopted and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rules will 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 will become final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Lottery has adopted pending rules. The Lottery's rulemaking is authorized by Section 67-7408(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 rewriting Title 1, Chapter 1, of the Lottery's rule, is being adopted as proposed. The complete text of the proposed rule and reasons for this rule change are published in the Wednesday, September 5, 2007, Idaho Administrative Bulletin, Vol. 07-09, pages 251 through 253.

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 to the state's general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeffrey R. Anderson, Director: telephone (208) 334-2600 / fax (208) 334-3522 / e-mail: janderson@lottery.idaho.gov.

DATED this 23rd day of October, 2007.

Jeffrey R. Anderson, Director
Idaho State Lottery
1199 Shoreline Lane, Boise, ID
P.O. Box 6537, Boise, ID 83707-6737
Tel: (208) 334-2600 / Fax: (208) 334-3522

DOCKET NO. 52-0101-0702 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-9, September 5, 2007, pages 251 through 253.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

52.01.02 - GAMING RULES OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0102-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: The proposed amendments to Title 1, Chapter 2, of the Rules of the Idaho State Lottery are adopted and are now pending review by the 2008 Idaho State Legislature for final approval. The pending rule will 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 the Lottery has adopted a pending rule. The Lottery's rulemaking is authorized by Section 67-7714, 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 amending Title 1, Chapter 2, of the Lottery's Gaming Rules for bingo and raffles, is being adopted as proposed. The complete text of the proposed rule and reasons for this rule change are published in the Wednesday, September 5, 2007, Idaho Administrative Bulletin, Vol. 07-09, pages 254 through 270.

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's general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Jeffrey R. Anderson, Director, telephone (208) 334-2600/ fax (208) 334-3522/ e-mail: janderson@lottery.idaho.gov.

DATED this 23rd day of October, 2007.

Jeffrey R. Anderson
Director
Idaho State Lottery
1199 Shoreline Lane, Boise, ID
P.O. Box 6537, Boise, ID 83707-6737
Tel: (208) 334-2600 / Fax: (208) 334-3522

DOCKET NO. 52-0102-0701 - 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 07-9, September 5, 2007, pages 254 through 270.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 52 - IDAHO STATE LOTTERY COMMISSION

52.01.03 - RULES GOVERNING OPERATIONS OF THE IDAHO STATE LOTTERY

DOCKET NO. 52-0103-0701 (FEE RULE - NEW CHAPTER)

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 2008 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 the Lottery Commission has adopted a pending rule. The action is authorized pursuant to Section 67-7408(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 proposed rules, other than as shown below, are adopted for the reasons that they were originally proposed as stated at page 271 of the Idaho Administrative Bulletin of September 5, 2007, Vol. 07-09. New Rule 7 and revised Rule 10 are adopted in response to a letter from the Research and Legislation Staff of the Legislative Services Offices sent to the Joint Germane Subcommittees, dated August 24, 2007, that suggested that any rules explaining or elaborating the meaning of the Lottery's or the Director's statutory duties and any explanation or elaboration of statutorily defined terms in Rule 10 had the potential to create discrepancies between the statute and the rules. In light of that, a new Rule 7 and a revised Rule 10 are adopted as pending rules to address those concerns.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in the Wednesday, September 5, 2007, Idaho Administrative Bulletin, Vol. 07-09, pages 271 through 308.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: No fees or charges are imposed or increased: Existing fees remain unchanged.

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 will be no fiscal impact.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rules, contact Jeffrey R. Anderson, Director, telephone (208) 334-2600/ fax (208) 334-3522/ e-mail: janderson@lottery.idaho.gov.

DATED this 23rd day of October, 2007.

Jeffrey R. Anderson
Director
Idaho State Lottery Commission
1199 Shoreline Lane
P.O. Box 6537
Boise, ID 83707-6737
Tel: (208) 334-2600
Fax: (208) 334-3522

DOCKET NO. 52-0103-0701 - ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the pending rule.

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 07-9, September 5, 2007, pages 271 through 308.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 52-0103-0701

Section 007 (Entire Section)

007. PURPOSE AND EFFECT OF RULES ELABORATING GENERALLY WORDED STATUTES (RULE 7).

Many rules in this chapter elaborate upon generally worded statutes. It is the intent of those rules to inform the public of the actual practices under those statutes. If there is any inadvertent conflict between the statute and the rule, the statute prevails. ()

Subsections 010.01, 04, 07, 09, 15, 17, 20 through 25, 27, 30, 34, 35, 39, 42, and 44

010. DEFINITIONS (RULE 10).

As used throughout these rules these terms have the following definitions: ()

01. Administrative Costs. *See definition in Section 67-7404, Idaho Code.* ()

04. Commission or State Lottery Commission. *The Commission established and appointed as provided by Chapter 74, Title 67, Idaho Code, in particular Section 67-7405, Idaho Code. See definition in Section 67-7404, Idaho Code.* ()

07. Director. *The person appointed and confirmed as Director of the Idaho State Lottery as provided by Section 67-7407, Idaho Code, or, as context requires, any other person to whom the Director's authority has been delegated, in writing, by the Director before the action was taken by the delegee. See definition in Section 67-7407, Idaho Code.* ()

09. Expenses. *See definition in Section 67-7407, Idaho Code.* ()

15. Lottery or State Lottery. *The Idaho State Lottery established and operated pursuant to the constitution and the Idaho State Lottery Act of 1988, as amended, and created by Section 67-7402, Idaho Code. See definition in Section 67-7407, Idaho Code.* ()

17. **Lottery Contractor or Contractor.** *See definition in Section 67-7407, Idaho Code.* ()
20. **Lottery Game Retailer or Retailer.** *See definition in Section 67-7407, Idaho Code.* ()
21. **Lottery Revenue.** *See definition in Section 67-7407, Idaho Code.* ()
22. **Lottery Vendor or Vendor.** *See definition in Section 67-7407, Idaho Code.* ()
23. **Low, Medium and High Tier Claims.** *See definition in Section 67-7407, Idaho Code.* ()
24. **Major Procurement.** *See definition in Section 67-7407, Idaho Code.* ()
25. **Net Income.** *See definition in Section 67-7407, Idaho Code.* ()
27. **Person.** *See definition in Section 67-7407, Idaho Code.* ()
30. **Redemption Value.** *See definition in Section 67-7407, Idaho Code.* ()
34. **Share.** *See definition in Section 67-7407, Idaho Code.* ()
35. **State Lottery Act of 1988 or Act.** The Act approved by the Legislature creating the Lottery, which became effective November 23, 1988, *as amended*, which is codified at Chapter 74, Title 67, Idaho Code. ()
39. **Ticket.** *See definition in Section 67-7407, Idaho Code.* ()
42. **Total Annual Revenue or Annual Revenue.** The sum of all of the Lottery's proceeds and accrued income that is characterized as a reduction or recovery of expenses. ()
44. **Value.** *See definition in Section 67-7407, Idaho Code.* ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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. This rulemaking updates citations to the federal regulations incorporated by reference as mandated by the U.S. Environmental Protection Agency (EPA) for approval of the state's Title V Operating Permit Program pursuant to 40 CFR Part 70 and fulfilling the requirements of Idaho's delegation agreement with EPA under Section 112(l) of the Clean Air Act.

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 1, 2007, Vol. 07-8, pages 128 through 135. After consideration of public comments, 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_0701_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 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.

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 11th day of October, 2007.

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. 58-0101-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, pages 128 through 135.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.04 - RULES FOR ADMINISTRATION OF WASTEWATER TREATMENT FACILITY GRANTS

DOCKET NO. 58-0104-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 1 and 36, Title 39, 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 1, 2007, Vol. 07-8, pages 136 through 153.

The proposed rule has been revised at Sections 000, 001, 004, 006, 007, 020, 030, 040, 041, 042, and 050 in response to public comment and for consistency and clarification. 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/wastewater_grants/58_0104_0701_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 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.04, "Rules for Administration of Wastewater Treatment Facility Grants." Therefore, this rule does regulate an activity not regulated by the federal government.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov, (208) 373-0439.

Dated this 11th day of October, 2007.

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. 58-0104-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-8, August 1, 2007, pages 136 through 153.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE DOCKET NO. 58-0104-0701

Section 000 (Entire Section)

000. LEGAL AUTHORITY.

The Idaho ~~State~~ Board of Environmental Quality, pursuant to authority granted in Chapters 1 and Chapter 36, Title 39, Idaho Code, ~~did~~ adopted the following rules for the administration of a Wastewater Treatment Facility Grants Program in Idaho. (5-3-03)()

Subsection 001.02

001. TITLE AND SCOPE.

02. Scope. The provisions of these rules will establish administrative procedures and requirements for establishing, implementing and administering a state grant program for providing financial assistance to qualifying entities ~~for the construction of wastewater treatment facilities to prepare an engineering report or facility plan.~~ (3-15-85)()

Subsection 004.02

0034. INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED MATERIAL.

02. Availability of Referenced Material. The “Wastewater Facilities Loan Handbook of Procedures” (Handbook) is available at the Idaho Department of Environmental Quality, Water Quality Division Loan Program, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. ()

Section 006 is Reverting Back to the Codified Text

0046. POLICY.

It is the policy of the Idaho Board of Environmental Quality through the Department of Environmental Quality to administer the Wastewater Treatment Facility Grant Program for the purpose of protecting and enhancing the quality and value of the water resources of the state of Idaho by financially assisting in the prevention, control and abatement of water pollution. It is also the intent of the Board to assign a priority rating to those projects which will most significantly improve the quality of the waters of the state and most adequately protect the public health. (5-3-03)

Section 007 (Entire Section)

0057. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (12-31-91)

01. Applicant. Any qualifying entity making application for wastewater treatment facility grant funds. (5-3-03)

02. Board. The Idaho ~~State~~ Board of Environmental Quality. (12-31-91)()

03. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental ~~assessment~~

information document nor an environmental impact statement is required. (5-3-03)()

04. Collector Sewer. That portion of the wastewater treatment facility whose primary purpose is to receive sewage from individual residences and other individual public or private structures and which is intended to convey wastewater to an interceptor sewer or a treatment plant. (3-15-85)

~~**05. Construction.** The erection, building, acquisition, alteration, reconstruction, improvement or extension of wastewater treatment facilities, including preliminary planning to determine the economic and engineering feasibility of wastewater treatment facilities, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, other action necessary in the construction of wastewater treatment facilities, the inspection and supervision of the construction, and start-up of the associated facilities. (5-3-03)~~

065. Department. The Idaho Department of Environmental Quality. (1-3-78)

076. Director. The Director of the Idaho Department of Environmental Quality or ~~his/her~~ the Director's designee. (5-3-03)()

087. Domestic Wastewater. Wastewater derived from public or private residences, business buildings or institutions and similar establishments and which contains water and human body wastes, specifically excreta and urine, along with such products designed to come in contact with excreta and urine in the practice of personal hygiene. (3-15-85)

098. Eligible Costs. Costs which are necessary for planning, and/or designing and/or constructing wastewater treatment facilities. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 041. (5-3-03)()

~~**2509. Preliminary Engineering Report.** An engineering report which compares that addresses specific portions of the system(s) as they are being contemplated for design. These reports address specific purpose and scope, design requirements, a comparison of wastewater treatment facility alternatives solutions and identifies the most cost effective, and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system-wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook. (10-6-88)()~~

~~**140. Environmental Impact Statement (EIS).** A document prepared by the grantee in accordance with Environmental Review Procedures contained in Chapter 5 of the Handbook applicant when the Department determines that the proposed drinking wastewater construction project will significantly affect the environment as described in Appendix C of the Handbook. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing the EIS. (5-3-03)()~~

~~**141. Environmental Information Document (EID).** Any written environmental assessment prepared by an applicant or consultant describing the environmental impacts of a proposed wastewater construction project. This document will be of sufficient scope to enable the responsible official to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. (5-3-03)()~~

12. Facility Plan. A plan that describes the overall system, including the collection system, the treatment system, and the disposal system. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the systems, including upgrades and additions. The plan also includes a systematic evaluation by a professional engineer of feasible treatment alternatives considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system-wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook. (5-3-03)()

13. Finding of No Significant Impact (FQNSI). A document prepared by the Department briefly

presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental ~~assessment~~ information document or a summary of it and shall note any other environmental documents related to it. (5-3-03)()

14. **Handbook.** "Wastewater Facilities Loan Handbook of Procedures." (5-3-03)
15. **Ineligible Costs.** Costs which are described in Subsection 041.065. (5-3-03)()
16. **Interceptor Sewer.** That portion of the wastewater treatment facility whose primary purpose is to transport domestic sewage or nondomestic wastewater from collector sewers to a treatment plant. (3-15-85)
- ~~17. **Municipality.** Any county, city, special service district, nonprofit corporation or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, or to provide for safe drinking water, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project. (5-3-03)~~
18. **National Pollutant Discharge Elimination System.** Point source permitting program established pursuant to Section 402 of the federal Clean Water Act (33 U.S.C. Section 1342). (5-3-03)
19. **Nondomestic Wastewater.** Wastewaters originating primarily from industrial or commercial processes which carry little or no pollutants of human origin. (1-1-82)
- ~~20. **O & M Manual.** A guidance and training manual delineating the optimum operation and maintenance of the wastewater treatment facility or its components. (10-6-88)~~
- ~~21. **Phasing.** One (1) portion of a design or construction project needed to complete the total eligible project. Each phase may be made up of several engineering or construction contracts. (1-1-82)~~
- ~~22. **Plan of Operation.** A schedule of specific actions and completion dates for construction, start up, operator training and operation of the wastewater treatment facility. (10-6-88)~~
20. **Person.** An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). ()
- ~~23. **Point Source.** Any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are, or may be discharged. This term does not include return flows from irrigated agriculture, discharges from dams and hydroelectric generating facilities or any source or activity considered a nonpoint source by definition. (5-3-03)~~
24. **Pollutant.** Any chemical, biological, or physical substance whether it be solid, liquid, gas, or a quality thereof, which if released into the environment can, by itself or in combination with other substances, create a nuisance or render that environment harmful, detrimental, or injurious to public health, safety or welfare or to domestic, commercial, industrial, recreational, aesthetic or other beneficial uses. (3-15-85)
26. **Priority List.** A list of proposed projects rated by severity as described in Section 020. (5-3-03)
27. **Qualifying Entity.** Any county, city, special service district, nonprofit corporation, or other governmental entity, or a combination thereof, having authority to collect, treat or dispose of wastewater; ~~municipality.~~ (1-1-87)()
28. **Rehabilitation.** The repair or replacement of limited segments of interceptor or collector sewers. (1-3-78)
29. **Reserve Capacity.** That portion of the treatment works that is designed and incorporated in the constructed facilities to handle future sewage flows and loadings. (1-1-82)

~~3027.~~ **Sewer Use Ordinance/Sewer Use Resolution.** An ordinance ~~adopted pursuant to Title 42, Chapter 32, Idaho Code, or other applicable law~~ or resolution which requires new sewers and connections to be properly designed and constructed, prohibits extraneous sources of inflow and prohibits introduction of wastes into the sewer in an amount that endangers the public safety or the physical or operational integrity of the wastewater treatment facility. (10-6-88)(____)

~~3128.~~ **State.** The state of Idaho. (3-15-85)

~~32.~~ **Supplemental Grant.** ~~A grant awarded to a municipality in conjunction with a loan from the wastewater facility loan program.~~ (5-3-03)

~~3329.~~ **Suspension.** An action by the Director to suspend a grant contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (10-6-88)

~~340.~~ **Termination.** An action by the Director to permanently terminate a grant contract prior to project completion for a specific cause. Terminated contracts will not be reinstated. (10-6-88)

~~351.~~ **Treatment Plant.** That portion of the wastewater treatment facility whose primary purpose is to remove pollutants from domestic and nondomestic wastewater. (3-15-85)

~~362.~~ **User Charge System.** A system of rates and service charges applicable to specific types of users, including any legal enforcement mechanism as may be required, and which provides sufficient reserves and/or revenues for debt retirement, ~~and~~ operation; and maintenance, and replacement of the wastewater treatment facility. (10-6-88)(____)

~~373.~~ **Wastewater.** A combination of the liquid and water-carried wastes from dwellings, commercial buildings, industrial plants, institutions and other establishments, together with any groundwater, surface water and storm water that may be present; liquid and water that is physically, chemically, biologically, or rationally identifiable as containing excreta, urine, pollutants or domestic or commercial wastes; sewage. (3-15-85)

~~384.~~ **Wastewater Treatment Facility.** Any facility, including land, equipment, furnishings and appurtenances thereof, for the purpose of collecting, treating, neutralizing or stabilizing wastewater and removing pollutants from wastewater including the treatment plant, collectors, interceptors, outfall and outlet sewers, pumping stations, sludge treatment and handling systems and land disposal systems. (10-6-88)

Subsection 020.02.a.

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. ~~Limited~~ gGrant funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health and water quality criteria. (5-3-03)(____)

02. Priority Rating. The priority rating system shall be based on a weighted numerical points system wherein each succeeding prevention, control or abatement need is weighted less heavily than the preceding need. Priority criteria, listed herein in descending numerical weight, shall contain the following points: (3-15-85)

a. Public health emergency certified by the ~~Department~~ Idaho Board of Environmental Quality or by a District Board of Health - fifty (50) points. (10-6-88)(____)

Section 030, Subsections 030.01, 030.01.a., 030.01.b., and 030.01.d.

030. PROJECT FUNDING.

Grant funds awarded under this program will be used entirely to prepare an engineering report or facility plan which identifies the cost effective and environmentally sound wastewater system alternative to achieve or maintain compliance with IDAPA 58.01.16, "Wastewater Rules," and the federal Clean Water Act, 33 U.S.C. Sections 1251 et seq., and which is approvable by the Department. ()

01. ~~Project Step Funding. Projects may be funded in four (4) steps:~~ **Engineering Report or Facility Plan.** (5-3-03)()

a. ~~Step 1. Facilities planning, which will include:~~ The engineering report or facility plan shall be certified by an Idaho licensed professional engineer. The engineering report or facility plan shall include, as a minimum, the following: (3-15-85)()

b. ~~Step 2. Design and specifications, which includes the preparation of the detailed plans and specifications necessary for the bidding and construction of the project.~~ The engineering report or facility plan must be reviewed and approved by the Department. (1-3-78)()

d. ~~Step 4. A combination of Step 2 and Step 3.~~ At least one (1) public hearing shall be held within the jurisdiction of the grantee and shall be conducted in accordance with state law. The cost effective and environmentally sound alternative selected shall be based in part on public comments received from intended users affected by the proposed project. (3-15-85)()

Subsections 040.02.c., 040.02.d.i., and 040.02.d.ii.

040. REVIEW AND EVALUATION OF GRANT APPLICATIONS.

02. **Application Requirements.** Applications shall contain the following documentation as applicable: (5-3-03)

c. ~~Step 1 Facility Planning~~ Engineering Report or Facility Plan. Plan of study describing the work tasks to be performed in the ~~Preliminary e~~Engineering report or facility plan, a schedule for completion of the work tasks and an estimate of man hours and costs to complete the work tasks. (10-6-88)()

d. ~~Step 2 Design or Step 4 Design and Construction:~~ (3-15-85)()

i. ~~Preliminary e~~Engineering report or facility plan; and (3-15-85)()

ii. Intermunicipal service agreements between all qualifying entities within the scope of the project, if applicable; and (3-15-85)()

Subsection 041.02

041. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

02. **Necessary Costs.** The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for facility planning, the facility plan or ~~preliminary~~ engineering report for design ~~and construction~~ of wastewater treatment facilities, and any other relevant information in the application that describes the scope of the project to be funded. (5-3-03)()

Subsections 042.01, 042.02.a., 042.04, 042.05.c., 042.06, and 042.07

042. ENVIRONMENTAL REVIEW.

01. ~~Overview of Process~~ Environmental Documentation. The applicant ~~will~~ shall complete an environmental ~~information document (EID) review~~ as part of and in conjunction with an engineering report or a facility plan. ~~The review will be done in accordance with~~ Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. The applicant shall ~~also~~ consult with the Department at an early stage in the preparation of the engineering report or facility plan to determine the required level of environmental review. ~~The environmental information document (EID) will include, as a minimum, the following~~ Based on review of existing information and assessment of environmental impacts, the applicant shall complete one of the following, per the Department's instruction: (5-3-03)()

02. ~~Department Action.~~ Based on review of the environmental information document (EID), the Department shall take one (1) of the following actions **Categorical Exclusion. If the applicant requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions:** (5-3-03)()

a. ~~Issue a Categorical Exclusion (CE) with supporting documentation~~ Determine if an action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from further substantive environmental review. Once the CE is granted for the selected alternative, the Department shall publish a notice of CE in a local newspaper, following which the engineering report or facility plan can be approved; or (5-3-03)()

04. Final Finding of No Significant Impact. The Department shall publish the draft FONSI in a newspaper of general circulation in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the engineering report or facility plan. ()

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the applicant shall: ()

c. Conduct a public hearing which may be in conjunction with an engineering report or facility plan hearing; and ()

06. Final EIS. Upon completion of the EIS by the applicant and approval by the Department of all requirements listed in Subsection 042.05, the Department shall issue a record of decision, documenting the mitigative measures which shall be required of the applicant. The engineering report or facility plan can be completed once the final EIS has been approved by the Department. ()

07. Use of Environmental Reviews Prepared Conducted by Other Agencies. If an environmental review for the project has been conducted by another state, federal, or local agency, the Department may, ~~in~~ at its discretion, issue its own determination by adopting the document and public notification process of the other agency. (5-3-03)()

Subsection 050.05.c.

050. GRANT OFFER AND ACCEPTANCE.

05. Terms of Agreement. The grant offer shall contain terms of agreement as prescribed by the Department including, but not limited to: (3-15-85)

c. Terms consistent with applicable state and federal laws pertaining to engineering reports or facility plans, and design ~~and construction~~; and (3-15-85)()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 1, 2007, Vol. 07-8, pages 154 through 160. 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/haz_waste/58_0105_0701_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 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.

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 11th day of October, 2007.

Paula J. Wilson
Hearing Coordinator
Department of Environmental Quality
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DOCKET NO. 58-0105-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, pages 154 through 160.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.08 - IDAHO RULES FOR PUBLIC DRINKING WATER SYSTEMS

DOCKET NO. 58-0108-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 Chapter 1, Title 39, Idaho Code, and Chapter 21, Title 37, 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 1, 2007, Vol. 07-8, pages 161 through 181. After consideration of public comments, the proposed rule has been revised at Subsection 100.01.e.iv. 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/drinking_water/58_0108_0701_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 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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tom John at thomas.john@deq.idaho.gov, (208)373-0191.

Dated this 11th day of October, 2007.

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DOCKET NO. 58-0108-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-8, August 1, 2007, pages 161 through 181.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0104-0701

Subsection 100.01.e.iv.

100. MONITORING AND ANALYTICAL REQUIREMENTS.

01. Microbiological Contaminant Sampling and Analytical Requirements. (10-1-93)

e. A system must collect repeat samples within twenty-four (24) hours of notification of positive results as specified in 40 CFR 141.21(b) and Subsection 100.01. The Department may allow a system to delay collection of repeat samples if the system; (12-10-92)

iv. Follows public notification requirements specified under 40 CFR ~~Part 141.32, Subpart Q~~, revised as of July 1, 2004~~6~~, for ~~acute~~ Tier 1 MCL violations including notice for consumers to boil their water; (3-15-02)()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.10 - RULES REGULATING THE DISPOSAL OF RADIOACTIVE MATERIALS NOT REGULATED UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

DOCKET NO. 58-0110-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 Section 39-4405, 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 1, 2007, Vol. 07-8, pages 182 through 185. 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/radioactive_materials/58_0110_0701_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 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government but is consistent with the legislative directive at Section 39-4405, Idaho Code, and 2001 Idaho Session Laws Chapter 297, Section 1 (H.B. 192, as amended).

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 11th day of October, 2007.

Paula J. Wilson
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DOCKET NO. 58-0110-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-8, August 1, 2007, pages 182 through 185.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN PROGRAM

DOCKET NO. 58-0120-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 1 and 36, Title 39, 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 1, 2007, Vol. 07-8, pages 186 through 202.

The agency received no public comments; however, the proposed rule has been revised at Sections 004, 005, 010, 020, 030, 040, 041, 042, and 050 for consistency and clarification. 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/drinking_water_loans/58_0120_0701_pending.cfm or by contacting the undersigned.

FISCAL IMPACT: The fiscal impact is indeterminate but should not be material to the fund. The EPA's Drinking Water State Revolving Fund (DWSRF) rules limit a state's ability in making disadvantaged loans: "A State may take an amount equal to no more than 30% of the amount of a particular fiscal year's capitalization grant to provide loan subsidies to disadvantaged communities." (40 CFR 35.3525.b.2)

If DEQ receives a \$5 million capitalization grant and loaned the maximum amount possible to disadvantaged communities (assuming a 0% loan interest rate instead of a 3% interest rate), the income loss would be \$45,000 per year (declining thereafter as loans are repaid). However, with the likely continuation of the DWSRF funding by Congress, additional capitalization will more than offset any forgone income.

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.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov, (208)373-0439.

Dated this 11th day of October, 2007.

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DOCKET NO. 58-0120-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

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 07-8, August 1, 2007, pages 186 through 202.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF PENDING RULE DOCKET NO. 58-0120-0701

Section 004 (Entire Section)

004. POLICY.

It is the policy of the Idaho Board of Environmental Quality, through the Idaho Department of Environmental Quality, to administer the Drinking Water Loan Program. The Drinking Water Loan Program provides assistance to eligible public drinking water systems for the planning, design, and construction of facilities to ensure safe and adequate drinking water. It is also the intent of the Idaho Board of Environmental Quality to assign a priority rating to those projects which shall facilitate the compliance of any eligible public water system with national primary drinking water regulations applicable to the system or to otherwise significantly further the health protection objectives of these rules and the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.). ~~(5-3-03)~~()

Subsection 005.02

005. INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED MATERIAL.

02. Availability of Referenced Material. The “Drinking Water Loan Handbook of Procedures” (Handbook) is available at the Idaho Department of Environmental Quality, Water Quality Division Loan Program, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. ()

Subsections 010.02 and 010.12 through 010.31

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-23-98)

02. Board. The Idaho ~~State~~ Board of Environmental Quality. ~~(3-23-98)~~()

142. Eligible Costs. Costs which are necessary for planning, designing, and/or constructing public water system facilities. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 041. (5-3-03)

153. Eligible Systems. Public and private community water systems and nonprofit noncommunity water systems. (3-23-98)

164. Engineering Report. ~~A report which compares public water system facility alternatives and identifies the most cost effective, environmentally sound alternative. A report prepared to address a specific portion of the system or facility for which modifications are being designed. These reports address specific purpose and scope, design requirements, and evaluate feasible treatment, storage, or distribution alternatives for the public drinking water system to identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system-wide plan such as a master plan or a facility plan. An engineering~~

report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook.

(3-23-98)()

135. Environmental Impact Statement (EIS). A document prepared by the *grantee in accordance with Environmental Review Procedures contained in Chapter 5 of the Handbook* applicant when the Department determines that the proposed drinking water construction project will significantly affect the environment ~~as described in Appendix C of the Handbook~~. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing an EIS. (5-3-03)()

126. Environmental Information Document (EID). Any written environmental assessment prepared by an applicant or consultant describing the environmental impacts of a proposed drinking water construction project. This document will be of sufficient scope to enable the responsible official to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. (5-3-03)()

17. Facility Plan. A plan that describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the system/facility, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system-wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook. ()

178. Financial Management System. Uniform method of recording, summarizing, and analyzing financial information about the public water system facility. (3-23-98)

182. Finding Of No Significant Impact (FONSI). A document prepared by the Department briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it. (5-3-03)()

~~1920.~~ **Handbook.** "Drinking Water Loan Handbook of Procedures." (5-3-03)

~~201.~~ **Ineligible Costs.** Costs which are described in Subsection 041.05. (5-3-03)

~~212.~~ **Managerial Capability.** The capabilities of the qualified entity to support the proper financial management and technical operation of the system. (5-3-03)

~~223.~~ **Maximum Contaminant Level (MCL).** The maximum permissible level of a contaminant in water which is delivered to any user of a public water system. (5-3-03)

~~23.~~ **Municipality.** *Any county, city, special service district, nonprofit corporation or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, or to provide for safe drinking water, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.* (5-3-03)

24. Noncommunity Water System. A public water system that is not a community water system. (3-23-98)

25. Nonprofit Noncommunity Water System. A public water system that is not a community water system and is governed by Section 501 of the U. S. Internal Revenue Code and includes but is not limited to: state agencies, municipalities, and nonprofit organizations such as churches and schools. (3-23-98)

26. **Nontransient Noncommunity Water System.** A public water system that is not a community water system and that regularly serves at least 25 (twenty-five) of the same persons over six (6) months per year. (3-23-98)

27. **O & M Manual.** Operation and Maintenance Manual is a guidance and training manual outlining the optimum operation and maintenance of the public water system facility or its components. (3-23-98)

28. **Person.** An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). (3-23-98)

29. **Plan of Operation.** A schedule of specific actions and completion dates for construction, start-up, and operation of the public water system facility. (5-3-03)

30. **Priority List.** A list of proposed drinking water projects rated by severity of risk to public health, the necessity to ensure compliance with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.), population affected, and need on a household basis for protection of Idaho's public drinking water. (5-3-03)

31. **Public Drinking Water Systems/Public Water System/Water System.** A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system." (5-3-03)(____)

Subsection 020.02.a.

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. ~~Limited~~ ~~to~~ loan funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health criteria, water quality criteria, and condition of the existing system. (5-3-03)(____)

02. **Priority Rating.** The priority rating system shall be based on a weighted numerical points system. Priority criteria shall contain the following points: (3-23-98)

a. **Public Health Emergency.** ~~Shall be~~ ~~Certified~~ by the ~~Department~~ Idaho Board of Environmental Quality or by a District Board of Health. Such emergencies shall be related to a waterborne outbreak, contamination levels at or above Unreasonable Risks to Health (URTH), or a failed water source. (100 points) (5-3-03)(____)

Section 030, Subsections 030.01.a. and 030.03

030. PROJECT FUNDING.

Loan funds awarded under this program may be used to prepare an engineering report or a facility plan which identifies the ~~most~~ cost effective, and environmentally sound drinking water system alternative to achieve or maintain compliance with ~~the Idaho Rules for Public Drinking Water Systems,~~ IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C., Sections 300f et seq., and which is approvable by the Department. Loan funds may also be used for design and construction of the chosen alternative. (5-3-03)(____)

01. Project Step Funding. Projects may be funded in steps: (3-23-98)

a. Step 1. Engineering report or facility plan prepared by an Idaho licensed professional engineer ~~licensed in the state of Idaho~~ who carries professional liability insurance in accordance with Subsection 050.05.d., and in a format prescribed by the Department; (~~5-3-03~~)(____)

03. ~~Cost Effective~~ Requirements for Awarding a Loan. Step 2, Step 3, or Step 4 loans shall not be awarded until a final cost effective and environmentally sound alternative has been selected by the Step 1 engineering report ~~as~~ or facility plan and approved by the Department. ~~The cost effective alternative may be selected based on the comments received from at least one (1) public hearing attended by affected users~~ If the engineering report or facility plan has not been completed pursuant to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Drinking Water Facilities," at least one (1) public hearing must be held so that the affected users can submit comments before accepting the cost effective and environmentally sound selected alternative. The public hearing will be held within the jurisdiction of the qualifying entity and conducted in accordance with state law. (~~3-23-98~~)(____)

Subsections 040.02.g. and 02.h.i.

040. LOAN APPLICATION AND REVIEW.

02. Application Requirements. Applications shall contain the following documentation, as applicable: (5-3-03)

g. Step 1₂. Engineering Report or Facility Plan. Plan of study describing the work tasks to be performed in the engineering report or facility plan, a schedule for completion of the work tasks, and an estimate of man hours and costs to complete the work tasks. (~~3-23-98~~)(____)

h. Step 2₂. Design. (~~3-23-98~~)(____)

i. Engineering report or facility plan including a final environmental document and decision in accordance with Section 042; (~~5-3-03~~)(____)

Subsection 041.02

041. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

02. Necessary Costs. The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for facility planning, the facility plan or ~~preliminary~~ engineering report for design and construction of drinking water systems, and any other relevant information in the application that describes the scope of the project to be funded. (~~5-3-03~~)(____)

Subsections 042.01, 02.a., 04, 05.c., and 08

042. ENVIRONMENTAL REVIEW.

01. ~~Overview of Process~~ Environmental Documentation. The applicant shall complete an environmental review as part of and in conjunction with an engineering report or facility plan. Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. The applicant shall consult with the

Department at an early stage in the ~~preparation of the engineering report~~ loan process to determine the required level of environmental review. Based on review of existing information, ~~the Department shall assess potential and assessment of environmental impacts, and shall instruct the applicant to either~~ shall complete one (1) of the following per the Department's instruction: (3-23-98)(____)

02. Categorical Exclusions. ~~At the request of an applicant, the Department shall determine from existing information whether an action is consistent with categories eligible for exclusion whereupon~~ If the applicant requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions: (____)

a. Determine if the action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of ~~Categorical Exclusion~~ CE from substantive environmental review. Once the ~~Categorical Exclusion~~ CE is granted for the ~~proposed project and~~ selected alternative, the Department will publish a notice of ~~Categorical Exclusion has been published~~ CE in a local newspaper to inform the public of this action, following which the engineering report or facility plan can be approved and the loan award can proceed. (3-23-98)(____)

04. Final Finding of No Significant Impact. The ~~final~~ Department shall publish the draft FONSI ~~shall be published~~ in a newspaper of general circulation in the geographical area of the proposed project ~~in accordance with state policies on public participation and shall allow a minimum thirty (30) day public comment period.~~ Following the required period of public review and comment and after any public concerns about project impacts are ~~resolved~~ addressed, the FONSI shall become final ~~and the engineering report can be approved and the loan can be awarded.~~ The Department shall assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the engineering report or facility plan. (3-23-98)(____)

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the applicant shall: (3-23-98)

c. Conduct a public hearing which may be in conjunction with ~~an~~ engineering report or facility plan hearing; and (3-23-98)(____)

098. ~~Federal Environmental Review~~ Use of Environmental Reviews Conducted by Other Agencies. If environmental review for the project has been conducted by another state, federal, or local agency, the Department may, ~~in~~ at its discretion, issue its own determination by adopting the document and public participation process of the ~~federal~~ other agency. (3-23-98)(____)

Subsection 050.05.c.

050. LOAN OFFER AND ACCEPTANCE.

05. Terms of Loan Offers. The loan offer shall contain such terms as are prescribed by the Department including, but not limited to: (3-23-98)

c. Terms consistent with applicable state and federal laws pertaining to engineering reports or facility plans, design, and construction (including the Public Works Contractors License Act (Idaho Code Sections 54-1901 through 54-1924)); the Public Contracts Bond Act (Idaho Code Sections 54-1925 through 54-1930); and the Safe Drinking Water Act (42 U.S.C. Section 300f et seq.) requirements for projects funded with loan moneys of federal origin; (3-23-98)(____)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

**58.01.22 - RULES FOR ADMINISTRATION OF PLANNING GRANTS
FOR PUBLIC DRINKING WATER FACILITIES**

DOCKET NO. 58-0122-0701

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 2008 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment sine die of the Second 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 1 and 36, Title 39, 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 1, 2007, Vol. 07-8, pages 203 through 217. The proposed rule has been revised at Sections 001, 004, 006, 010, 020, 030, 032, 033, 040, and 050 in response to public comment and for consistency and clarification. 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/drinking_water_grants/58_0122_0701_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 39-107D STATEMENT: There is no federal law or regulation comparable to IDAPA 58.01.22, "Rules for Administration of Planning Grants for Public Drinking Water Facilities." Therefore, this rule does regulate an activity not regulated by the federal government.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Tim Wendland at tim.wendland@deq.idaho.gov, (208)373-0439.

Dated this 11th day of October, 2007.

Paula J. Wilson, Hearing Coordinator
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DOCKET NO. 58-0122-0701 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

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 07-8, August 1, 2007, pages 203 through 217.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

THE FOLLOWING IS THE AMENDED TEXT OF DOCKET NO. 58-0122-0701

Subsection 001.02

001. TITLE AND SCOPE.

02. Scope. The provisions of these rules will establish administrative procedures and requirements for establishing, implementing and administering a state grant program providing financial assistance to qualifying entities to prepare an engineering report ~~in conformance with Chapter 5 of the "Drinking Water Facilities Loan Handbook of Procedures" to evaluate feasible treatment, storage and distribution alternatives for public drinking water systems~~ or facility plan. (5-3-03)(____)

Subsection 004.02

004. INCORPORATION BY REFERENCE AND AVAILABILITY OF REFERENCED MATERIAL.

02. Availability of Referenced Material. The "Drinking Water Loan Handbook of Procedures" (Handbook) is available at the Idaho Department of Environmental Quality, Water Quality Division Loan Program, 1410 N. Hilton, Boise, ID 83706-1255, (208)373-0502. (____)

Section 006 (Entire Section)

006. POLICY.

It is the policy of the Idaho Board of Environmental Quality, through the Idaho Department of Environmental Quality, to administer the Drinking Water Grant Program. The Drinking Water Grant Program provides assistance to eligible public drinking water systems for the planning of facilities to help ensure safe and adequate supplies of drinking water. It is also the intent of the Idaho Board of Environmental Quality to assign a priority rating to those projects which shall facilitate the compliance of any eligible public drinking water system with national primary drinking water regulations applicable to the system, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C. Sections 300f et seq. (3-30-01)(____)

Section 010 (Entire Section)

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-30-01)

01. Applicant. Any qualifying entity making application for drinking water planning grant funds. (3-30-01)

02. Board. The Idaho ~~State~~ Board of Environmental Quality. (5-3-03)(____)

03. Categorical Exclusion (CE). Category of actions which do not individually or cumulatively have a significant effect on the human environment and for which, therefore, neither an environmental ~~assessment~~ information document nor an environmental impact statement is required. (3-30-01)(____)

04. Community Water System. A public drinking water system that: (3-30-01)

a. Serves at least fifteen (15) service connections used by year round residents of the area served by

the system; or (3-30-01)

b. Regularly serves at least twenty-five (25) year-round residents. (3-30-01)

~~05. Construction. The erection, building, acquisition, alteration, reconstruction, improvement or extension of a public drinking water system, including preliminary planning to determine the economic and engineering feasibility of a public drinking water system, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures and other action necessary in the construction of a public drinking water system, the inspection and supervision of the construction and start-up of the associated facilities. (5-3-03)~~

~~065. Contaminant. Any physical, chemical, biological, or radiological substance or matter in water. (3-30-01)~~

~~076. Department. The Idaho Department of Environmental Quality. (3-30-01)~~

~~087. Director. The Director of the Idaho Department of Environmental Quality or his the Director's designee. (3-30-01)()~~

~~098. Distribution System. Any combination of pipes, tanks, pumps, and other equipment which delivers water from the source(s) and/or treatment facility(ies) to the consumer. (3-30-01)~~

~~10. Environmental Impact Statement (EIS). A document prepared by the grantee in accordance with Environmental Review Procedures contained in Chapter 5 of the Handbook when the Department determines that the proposed drinking water construction project will significantly affect the environment as described in Appendix C of the Handbook. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. (3-30-01)~~

~~109. Eligible Costs. Costs which are necessary for planning public drinking water systems. To be eligible, costs must also be reasonable and not ineligible costs. The determination of eligible costs shall be made by the Department pursuant to Section 032. (5-3-03)~~

~~120. Engineering Report. Report prepared in conformance with Chapter 5 of the Handbook to evaluate feasible treatment, storage, and distribution alternatives for public drinking water systems. A report prepared to address a specific portion of the system or facility for which modifications are being designed. These reports address specific purpose and scope, design requirements, and evaluate feasible treatment, storage, and/or distribution alternatives for the public drinking water system to identify the cost effective and environmentally sound alternative. Engineering reports are generally project specific as opposed to an overall system-wide plan such as a master plan or a facility plan. An engineering report shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare an engineering report may be found in the Handbook. (3-30-01)()~~

~~11. Environmental Impact Statement (EIS). A document prepared by the applicant when the Department determines that the proposed drinking water project will significantly affect the environment. The major purpose of the EIS will be to describe fully the significant impacts of the project and how these impacts can be either avoided or mitigated. The Environmental Review Procedures contained in Chapter 5 of the Handbook may be used as guidance when preparing the EIS. ()~~

~~132. Environmental Information Document (EID). Any written environmental assessment prepared by an applicant or consultant describing the environmental impacts of a proposed drinking water construction project. This document will be of sufficient scope to enable the responsible official to assess the environmental impacts of the proposed project and ultimately determine if an environmental impact statement (EIS) is warranted. (3-30-01)()~~

~~13. Facility Plan. A plan that describes the overall system, including sources of water, treatment processes and facilities, pumping stations and distribution piping, finished water storage, and waste disposal. It is a comprehensive planning document for the existing infrastructure and includes the plan for the future of the system/facility, including upgrades and additions. The plan also includes a systematic evaluation of feasible alternatives~~

considering demographic, topographic, hydrologic and institutional characteristics of a project area to demonstrate that the selected alternative is cost effective and environmentally sound. A facility plan is sometimes referred to as a master plan or facilities planning study and is an overall system-wide plan as opposed to a project specific plan. A facility plan shall be prepared by or under the supervision of an Idaho licensed professional engineer and shall bear the imprint of the engineer's seal. Guidance on how to prepare a facility plan may be found in the Handbook. ()

14. Financial Capability. The ability to raise and manage funds to provide the necessary resources for proper operation. (3-30-01)

15. Finding Of No Significant Impact (FONSI). A document prepared by the Department briefly presenting the reasons why an action, not otherwise excluded, will not have a significant effect on the human environment and for which an environmental impact statement (EIS) will not be prepared. It shall include the environmental ~~assessment~~ information document or a summary of it and shall note any other environmental documents related to it. (~~3-30-01~~)()

16. Handbook. "Drinking Water Loan ~~Account~~ Handbook of Procedures." (~~3-30-01~~)()

17. Ineligible Costs. Costs which are described in Subsection 032.06. (5-3-03)

18. Maximum Contaminant Level (MCL). The maximum permissible level of a contaminant in water which is delivered to any user of a public drinking water system. (3-30-01)

19. Managerial Capability. The capabilities of the qualified entity to support the proper financial management and technical operation of the system. (3-30-01)

~~**20. Municipality.** Any county, city, special service district, nonprofit corporation or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, or to provide for safe drinking water, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project. (3-30-01)~~

~~**210. Noncommunity Water System.** A public water system that is not a community water system. (5-3-03)~~

~~**221. Nonprofit Noncommunity Water System.** A public drinking water system that is not a community water system and is governed by Section 501 of the Internal Revenue Code and includes, but is not limited to, state agencies, municipalities and nonprofit organizations such as churches and schools. (5-3-03)~~

~~**232. Nontransient Noncommunity Water System (NTNCWS).** A public drinking water system that is not a community water system and that regularly serves at least twenty-five (25) of the same persons over six (6) months per year. (~~3-30-01~~)()~~

~~**243. Person.** An individual, corporation, company, association, partnership, state agency, municipality, or federal agency (and includes officers, employees, and agents of any corporation, company, association, state agency, municipality, or federal agency). (5-3-03)~~

~~**254. Priority List.** A list of proposed projects rated ~~according to the priority rating system~~ by severity of a risk to public health, the necessity to ensure compliance with, IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," and the Safe Drinking Water Act, 42 U.S.C., Sections 300f et seq., ~~and~~ population affected, the need on a household basis ~~and~~ for protection of Idaho's public drinking water supplies, and as otherwise described in Section 020. (~~3-30-01~~)()~~

~~**265. Public Drinking Water System/Public Water System/Water System.** A system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections, regardless of the number of water sources or configuration of the distribution system, or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes: any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or~~

pretreatment storage facilities not under such control which are used primarily in connection with such system. Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "noncommunity water system." (3-30-01)(____)

~~a. In General. A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:~~ (3-30-01)

~~i. Any collection, treatment, storage, and distribution facilities under control of the operator of such system, and used primarily in connection with such system; and~~ (3-30-01)

~~ii. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public drinking water system is either a "community water system" or a "noncommunity water system."~~ (3-30-01)

~~b. Connections. For purposes of paragraph a. of this subsection, a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if:~~ (5-3-03)

~~i. The water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);~~ (3-30-01)

~~ii. The Director determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking and cooking; or~~ (3-30-01)

~~iii. The Director determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.~~ (3-30-01)

~~e. Irrigation Districts. An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public drinking water system if the system or the residential or similar users of the system comply with subparagraphs b.ii. and b.iii. of this subsection.~~ (5-3-03)

~~276. Qualifying Entity. Community water systems and nonprofit noncommunity water systems. Any county, city, special service district, nonprofit or investor-owned corporation, or other governmental entity, or a combination thereof, which owns or operates a public drinking water system or irrigation system.~~ (3-30-01)(____)

~~287. Rehabilitation. The repair or replacement of segments of drinking water facilities.~~ (3-30-01)

~~298. Reserve Capacity. That portion of the system in the planned facilities to handle future drinking water demand.~~ (3-30-01)

~~3029. State. The state of Idaho.~~ (3-30-01)

~~340. Suspension. An action by the Director to suspend a grant contract prior to project completion for a specified cause. Suspended contracts may be reinstated.~~ (3-30-01)

~~321. Technical Capability. The ability of the public drinking water system to comply with existing and expected drinking water rules.~~ (3-30-01)

~~332. Termination. An action by the Director to permanently terminate a grant contract prior to project completion for a specific cause. Terminated contracts will not be reinstated.~~ (3-30-01)

~~33. User Charge System. A system of rates and service charges applicable to specific types of users.~~

including any legal enforcement mechanism as may be required, and which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the public drinking water system. ()

34. Unreasonable Risk to Health (URTH). Refers to a level of contamination that presents an “unreasonable risk to health” and is determined on a contaminant by contaminant basis by the U.S. Environmental Protection Agency. (5-3-03)

35. Water Treatment Plant. That portion of the public drinking water system whose primary purpose is to remove contaminants. (3-30-01)

Subsection 020.02.a.

020. PRIORITY RATING SYSTEM.

Projects are identified for placement on priority lists by surveying eligible entities directly on an annual basis. Information is also received from the Department and consulting engineers. ~~Limited~~ Grant funds are awarded to projects based on priority ratings. Projects are rated by the Department on a standard priority rating form using public health and water quality criteria and condition of the existing system. (5-3-03)()

02. Priority Rating. Priority criteria shall contain the following points: (3-30-01)

a. Public Health Emergency. ~~Shall be~~ ~~Certified~~ by the ~~Department~~ Idaho Board of Environmental Quality or by a District Board of Health. Such emergencies shall be related to a waterborne outbreak, chemical or radiological contamination levels above Unreasonable Risk to Health (URTH), or a failed water source - one hundred (100) points. (3-30-01)()

Section 030, Subsections 030.01, 030.01.a., 030.01.b. and 030.01.d.

030. PROJECT FUNDING.

Grant funds awarded under this program will be used entirely to prepare an engineering report or facility plan which identifies the ~~most~~ cost effective, and environmentally sound drinking water system alternative to achieve or maintain compliance with ~~the Idaho Rules for Public Drinking Water Systems~~, IDAPA 58.01.08, “Idaho Rules for Public Drinking Water Systems,” and the Safe Drinking Water Act, 42 U.S.C.; Sections 300f et seq., and which is approvable by the Department. (3-30-01)()

01. Engineering Report or Facility Plan. (3-30-01)()

a. ~~Step 1-~~ The engineering report ~~will be prepared in accordance with Chapter 5 of the Handbook and~~ or facility plan shall be certified by an registered Idaho licensed professional engineer-licensed in the state of Idaho. The engineering report ~~will~~ or facility plan shall include, as a minimum, the following: (5-3-03)()

b. The engineering report or facility plan must be reviewed and approved by the Department. (3-30-01)()

d. ~~The most cost effective environmentally sound alternative may be selected based in part on public comments received from a~~ At least one (1) public hearing attended by intended users shall be held within the jurisdiction of the grantee and shall be conducted in accordance with state law. The cost effective and environmentally sound alternative selected shall be based in part on public comments received from intended users affected by the proposed project. (3-30-01)()

Subsection 032.02.c.

032. REVIEW AND EVALUATION OF GRANT APPLICATIONS.

02. **Application Requirements.** Applications shall contain the following documentation, as applicable: (5-3-03)

c. A plan of study describing the work tasks to be performed in the engineering report or facility plan; and (5-3-03)()

Subsections 033.02 and 033.04.c.

033. DETERMINATION OF ELIGIBILITY OF COSTS.

The Department shall review the application, including any contracts required to be submitted with the application, to determine whether the costs are eligible costs for funding. (5-3-03)

02. **Necessary Costs.** The Department shall determine whether costs are necessary by comparing the tasks for which the costs will be incurred to the scope of the project as described in the plan of study for the engineering report or facility plan. (5-3-03)()

04. **Examples of Costs That May Be Eligible.** Examples of costs that may be eligible, if determined necessary, reasonable and not ineligible costs include: (5-3-03)

c. Engineering costs pursuant to a lump-sum contract, specifying costs of individual tasks, directly related to the planning of public drinking water treatment, storage and distribution facilities including but not limited to the preparation of an engineering report or facility plan and environmental review report; (5-3-03)()

Subsections 040.01, 040.02.a., 040.04, 040.05.c., 040.06, and 040.07

040. ENVIRONMENTAL REVIEW.

01. ~~**Overview of Process**~~ **Environmental Documentation.** The applicant ~~will~~ shall complete an environmental ~~information document (EID)~~ review as part of and in conjunction with an engineering report or a facility plan. ~~The review will be done in accordance with Chapter 5 of the Handbook.~~ Guidance on how to complete an environmental review may be found in Chapter 5 of the Handbook. The applicant shall ~~also~~ consult with the Department at an early stage in the preparation of the engineering report or facility plan to determine the required level of environmental review. ~~The environmental information document (EID) will include, as a minimum, the following~~ Based on review of existing information and assessment of environmental impacts, the applicant shall complete one (1) of the following, per the Department's instruction: (3-30-01)()

02. ~~**Department Action**~~ **Categorical Exclusions.** ~~Based on review of the environmental information document (EID), the Department shall~~ If the applicant requests a CE, the Department shall review the request and, based upon the supporting documentation, take one (1) of the following actions: (3-30-01)()

a. ~~**Issue a Categorical Exclusion (CE) with supporting documentation;**~~ Determine if an action is consistent with categories eligible for exclusion whereupon the Department shall issue a notice of CE from further substantive environmental review. Once the CE is granted for the selected alternative, the Department will publish a notice of CE in a local newspaper, following which the engineering report or facility plan can be approved; or (3-30-01)()

04. Final Finding Of No Significant Impact. The Department shall publish the draft FONSI in a newspaper of general circulation in the geographical area of the proposed project and shall allow a minimum thirty (30) day public comment period. Following the required period of public review and comment, and after any public concerns about project impacts are addressed, the FONSI shall become final. The Department shall assess the effectiveness and feasibility of the mitigation measures identified in the FONSI and EID prior to the issuance of the final FONSI and approval of the engineering report or facility plan. ()

05. Environmental Impact Statement (EIS) Requirements. If an EIS is required, the applicant shall: ()

c. Conduct a public hearing which may be in conjunction with an engineering report or facility plan hearing; and ()

06. Final EIS. Upon completion of the EIS by the applicant and approval by the Department of all requirements listed in Subsection 040.05, the Department shall issue a record of decision, documenting the mitigative measures which shall be required of the applicant. The engineering report or facility plan can be completed once the final EIS has been approved by the Department. ()

037. Use of Environmental Reviews Prepared Conducted by Other Agencies. If an environmental review for the project has been conducted by another state, federal, or local agency, the Department may, ~~at~~ at its discretion, issue its own determination by adopting the document and public notification process of the other agency. (3-30-01)()

Subsection 050.05.c.

050. GRANT OFFER AND ACCEPTANCE.

05. Terms of Agreement. The grant offer shall contain terms of agreement as prescribed by the Department including, but not limited to special conditions as determined necessary by the Department for the successful planning of the project. (3-30-01)

c. Terms consistent with applicable state and federal laws pertaining to engineering reports or facility plans; and (5-3-03)()

IDAPA 59 - PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO

59.01.07 - MISCELLANEOUS RULES OF THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO (PERSI)

DOCKET NO. 59-0107-0701

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2008 Idaho State Legislature for final approval. The pending rule will become final and effective on **July 1, 2008**, 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, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 59-1314(1) and 72-1405, 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 text of the pending rule with an explanation of the reasons for the change:

This rule will more closely balance the interest credited to member accounts with the actual net earnings of the fund over time as compared with current rules. The current rules were adopted in 1999 to make the PERSI benefit more portable. They provide that all member accounts receive the greater of net returns to the fund, or an average of 90 day treasury rates. This allowed members who took a separation benefit before retirement to benefit from the extraordinary gains of the 1990s. Prior to 1999, members' accounts accrued interest only at money market rates.

After PERSI experienced negative returns in 2001 and 2002 it became apparent that the current interest floor resulted in separating employees receiving a disproportionate share of returns and not sharing the risk of losses to the fund. This new rule governing accrual of interest to member accounts is needed to protect the fund from negative market conditions similar to those in 2001 and 2002 and affects primarily members who do not retire from the system, and their beneficiaries. It does not affect the benefit of a member who retires from the system. This rule moderates the interest that will accrue to members' accounts at both ends of the spectrum by reducing regular interest to 90 percent of actual returns of the fund net of expenses and by lowering the floor to 1% -- the floor essentially being funded by the 10% reduction in regular interest.

The rule also amends the address of PERSI's Coeur d' Alene office.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the June 6, 2007, Idaho Administrative Bulletin, Vol. 07-6, pages 91 through 92.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan H. Winkle, Executive Director of PERSI, 334-3365.

DATED this 25th day of October, 2007.

Alan H. Winkle
Executive Director
Public Employee Retirement System of Idaho
607 N. 8th, Boise, ID 83702
P.O. Box 83720, Boise, ID 83720-0078
Phone: 208-334-3365
FAX: 208-334-3804

DOCKET NO. 59-0107-0701 - ADOPTION OF PENDING RULE

No substantive changes have been made to the pending rule.

The complete text of the proposed rule was published in the Idaho Administrative Bulletin, Volume 07-6, June 6, 2007, pages 91 through 92.

This rule has been adopted as a pending rule by the Agency and is now pending review and approval by the 2008 Idaho State Legislature as a final rule.

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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.

*The written comment deadline is December 26, 2007, unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
** Indicates that a public hearing has been scheduled.*

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0309-0708, Medicaid Basic Plan Benefits. (Temp & Prop) Allows physicians providing mental health services to use the telehealth technology wherever the equipment exists and allows physicians to use their individual provider numbers to bill Medicaid for telehealth services. Also adds a Psychiatric Diagnostic Interview to the telehealth package that now includes evaluation/diagnosis, medication, and therapy.

16-0309-0709, Medicaid Basic Plan Benefits. (Temp & Prop)

16-0310-0707, Medicaid Enhanced Plan Benefits. (Temp & Prop)

(The following proposed change is being made to both rule chapters:

Allows for family psychotherapy sessions to be conducted without the psychiatric participant being present when such intervention is necessary to help decrease the participant's distress, manage behavioral problems, improve caregiver safety, or avoid crises that require emergency interventions such as hospitalization.

THE FOLLOWING TEMPORARY RULES HAVE BEEN ADOPTED:

IDAPA 02 - Department of Agriculture

02-0214-0702, Rules for Weights and Measures

02-0610-0701, Rules Governing the Potato Cyst Nematode (*Globodera Pallida*)

IDAPA 12 - Department Of Fiance

12-0110-0701, Rules Pursuant to the Idaho Residential Mortgages Practices Act

IDAPA 49 - Certified Shorthand Reporters Board

49-0101-0701, Rules of Procedure of the Certified Shorthand Reporters Board

Please refer to the Idaho Administrative Bulletin, **December 5, 2007, Volume 07-12** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact information.

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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
and includes negotiated, temporary, proposed, pending
and final rules, public hearing notices
and vacated rulemaking notices.**

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