

IDAHO ADMINISTRATIVE BULLETIN

Table of Contents

December 2, 2009 -- Volume 09-12

PREFACE	10
IDAPA 02 - DEPARTMENT OF AGRICULTURE	
02.01.04 - Rules Governing the Idaho Preferred® Program	
Docket No. 02-0104-0901	
Notice of Rulemaking - Adoption of Pending Rule	19
Docket No. 02-0104-0902	
Notice of Rulemaking - Adoption of Pending Fee Rule	20
02.01.05 - Rules Governing Certificates of Free Sale	
Docket No. 02-0105-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Fee Rule	21
02.02.14 - Rules for Weights and Measures	
Docket No. 02-0214-0901	
Notice of Rulemaking - Adoption of Pending Rule	22
02.03.03 - Rules Governing Pesticide and Chemigation Use and Application	
Docket No. 02-0303-0901	
Notice of Rulemaking - Adoption of Pending Rule	23
02.04.13 - Rules of the Department of Agriculture Governing Retail Raw Milk	
Docket No. 02-0413-0901 (Chapter Repeal)	
Notice of Rulemaking - Adoption of Pending Rule	24
02.04.13 - Rules Governing Raw Milk	
Docket No. 02-0413-0902	
Notice of Rulemaking - Adoption of Pending Rule	25
02.04.14 - Rules Governing Dairy Waste	
Docket No. 02-0414-0901	
Notice of Rulemaking - Adoption of Pending Rule	26
02.04.31 - Rules Governing the Stockpiling of Agricultural Waste	
Docket No. 02-0431-0901	
Notice of Rulemaking - Adoption of Pending Rule	27
02.06.02 - Rules Pertaining to the Idaho Commercial Feed Law	
Docket No. 02-0602-0901	
Notice of Rulemaking - Adoption of Pending Rule	29
02.06.03 - Rules Pertaining to the Idaho Nursery and Florists Law	
Docket No. 02-0603-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	30
02.06.04 - Phytosanitary and Post-Entry Certification Rules	
Docket No. 02-0604-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	32
02.06.06 - Rules Governing the Planting of Beans, (<i>Phaseolus Species</i>), in Idaho	
Docket No. 02-0606-0501	
Notice of Rulemaking - Adoption of Pending Rule	33

02.06.06 - Rules Governing the Planting of Beans, (<i>Phaseolus Species</i>), in Idaho	
Docket No. 02-0606-0901	
Notice of Rulemaking - Adoption of Pending Rule	35
02.06.08 - Quarantine Rules Pertaining to Apples and Cherries	
Docket No. 02-0608-0901	
Notice of Rulemaking - Adoption of Pending Rule	36
02.06.10 - Rules Governing the Potato Cyst Nematode (<i>Globodera pallida</i>)	
Docket No. 02-0610-0701	
Notice of Rulemaking - Rescission of Temporary Rule	37
02.06.10 - Rules Governing the Pale Cyst Nematode (<i>Globodera pallida</i>)	
Docket No. 02-0610-0901 (New Chapter)	
Notice of Rulemaking - Temporary and Proposed Rule	38
02.06.12 - Rules Pertaining to the Idaho Fertilizer Law	
Docket No. 02-0612-0901	
Notice of Rulemaking - Adoption of Pending Rule	42
02.06.17 - Rules Governing the Disposal of Cull Onions and Potatoes	
Docket No. 02-0617-0901	
Notice of Rulemaking - Adoption of Pending Rule	43
02.06.22 - Noxious Weed Rules	
Docket No. 02-0622-0901	
Notice of Rulemaking - Adoption of Pending Rule	44
02.06.41 - Rules Pertaining to the Idaho Soil and Plant Amendment Act of 2001	
Docket No. 02-0641-0901	
Notice of Rulemaking - Adoption of Pending Rule	45
IDAPA 03 - STATE ATHLETIC COMMISSION	
03.01.01 - Rules of the State Athletic Commission	
Docket No. 03-0101-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	46
Docket No. 03-0101-0902	
Notice of Rulemaking - Adoption of Pending Rule	47
IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS	
05.01.01 - Rules for Contract Providers	
Docket No. 05-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	48
IDAPA 07 - DIVISION OF BUILDING SAFETY	
07.01.06 - Rules Governing the Use of National Electrical Code	
Docket No. 07-0106-0901	
Notice of Rulemaking - Adoption of Pending Rule	50
07.02.05 - Rules Governing Plumbing Safety Licensing	
Docket No. 07-0205-0901	
Notice of Rulemaking - Adoption of Pending Rule	51
Docket No. 07-0205-0902	
Notice of Rulemaking - Adoption of Pending Rule	53

07.02.05 - Rules Governing Plumbing Safety Licensing	
Docket No. 07-0205-0903	
Notice of Rulemaking - Adoption of Pending Rule	54
07.03.01 - Rules of Building Safety	
Docket No. 07-0301-0901	
Notice of Rulemaking - Adoption of Pending Rule	55
Docket No. 07-0301-0902	
Notice of Rulemaking - Adoption of Pending Rule	56
Docket No. 07-0301-0903	
Notice of Rulemaking - Adoption of Pending Rule	57
07.03.03 - Rules for Modular Buildings	
Docket No. 07-0303-0901	
Notice of Rulemaking - Adoption of Pending Rule	58
07.03.11 - Rules Governing Manufactured/Mobile Home Industry Licensing	
Docket No. 07-0311-0901	
Notice of Rulemaking - Adoption of Pending Rule	59
Docket No. 07-0311-0902	
Notice of Rulemaking - Adoption of Pending Rule	60
07.04.02 - Safety Rules for Elevators, Escalators, and Moving Walks	
Docket No. 07-0402-0901	
Notice of Rulemaking - Adoption of Pending Rule	61
07.05.01 - Rules of the Public Contractors License Board	
Docket No. 07-0501-0901	
Notice of Rulemaking - Adoption of Pending Rule	62
07.06.01 - Rules Governing Uniform School Building Safety	
Docket No. 07-0601-0901	
Notice of Rulemaking - Adoption of Pending Rule	63
07.07.01 - Rules Governing Installation of Heating, Ventilation, and Air Conditioning Systems	
Docket No. 07-0701-0901	
Notice of Rulemaking - Adoption of Pending Rule	64
Docket No. 07-0701-0902	
Notice of Rulemaking - Adoption of Pending Rule	65
IDAPA 09 - DEPARTMENT OF LABOR	
09.01.30 - Unemployment Insurance Benefits Administration Rules	
Docket No. 09-0130-0902	
Notice of Rulemaking - Adoption of Pending Rule	66
09.03.01 - Rules of the Rural Broadband Development Matching Fund Program	
Docket No. 09-0301-0901 (Chapter Repeal)	
Notice of Rulemaking - Adoption of Pending Rule	67
IDAPA 11 - IDAHO STATE POLICE	
IDAHO STATE RACING COMMISSION	
11.04.01 - Rules Governing Horse Racing	
Docket No. 11-0401-0901 (Chapter Repeal)	
Notice Of Rulemaking - Adoption Of Pending Rule	68

11.04.04 - Rules Governing Disciplinary Hearings and Appeals	
Docket No. 11-0404-0901 (Chapter Repeal)	
Notice of Rulemaking - Adoption of Pending Rule	70
Docket No. 11-0404-0902 (Chapter Rewrite)	
Notice of Rulemaking - Adoption of Pending Rule	71
11.04.05 - Rules Governing Advanced Deposit Wagering	
Docket No. 11-0405-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	72
11.04.06 - Rules Governing Racing Officials	
Docket No. 11-0406-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	73
11.04.07 - Rules Governing Racing Associations	
Docket No. 11-0407-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	74
11.04.08 - Rules Governing Pari-Mutuel Wagering	
Docket No. 11-0408-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	75
11.04.09 - Rules Governing Claiming Races	
Docket No. 11-0409-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	76
11.04.10 - Rules Governing Live Horse Races	
Docket No. 11-0410-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	77
11.04.11 - Rules Governing Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses	
Docket No. 11-0411-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	78
11.04.14 - Rules Governing Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents	
Docket No. 11-0414-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	79
11.04.15 - Rules Governing Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants	
Docket No. 11-0415-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	80
IDAPA 11 - IDAHO STATE POLICE	
11.07.01 - Rules Governing Motor Vehicles - General Rules	
Docket No. 11-0701-0901	
Notice of Rulemaking - Adoption of Pending Rule	81
11.13.01 - Rules Governing Motor Carriers	
Docket No. 11-1301-0901	
Notice of Rulemaking - Adoption of Pending Rule	82
IDAPA 12 - IDAHO DEPARTMENT OF FINANCE	
12.01.10 - Rules Pursuant to the Idaho Residential Mortgage Practices Act	
Docket No. 12-0110-0901	
Notice of Rulemaking - Adoption of Pending Rule	83

IDAPA 15 - OFFICE OF THE GOVERNOR	
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY	
15.13.02 - Hazardous Substance Response Rules	
Docket No. 15-1302-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Rule	84
IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE	
16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)	
Docket No. 16-0305-0904	
Notice of Rulemaking - Temporary and Proposed Rule	85
IDAPA 18 - DEPARTMENT OF INSURANCE	
18.01.05 - Health Carrier External Review	
Docket No. 18-0105-0901 (New Chapter)	
Notice of Rulemaking - Temporary and Proposed Rule	89
18.01.53 - Continuing Education	
Docket No. 18-0153-0901	
Notice of Rulemaking - Adoption of Pending Rule	101
IDAPA 20 - DEPARTMENT OF LANDS	
20.01.01 - Rules of Practice and Procedure Before the State Board of Land Commissioners	
Docket No. 20-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	102
20.03.14 - Rules Governing Grazing Leases and Cropland Leases	
Docket No. 20-0314-0901	
Adoption of Pending Rule and Amendment to Temporary Rule	103
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. 22-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	106
IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES	
24.01.01 - Rules of the Board of Architectural Examiners	
Docket No. 24-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	108
Docket No. 24-0101-0902	
Notice of Rulemaking - Temporary and Proposed Rule	109
24.03.01 - Rules of the State Board of Chiropractic Physicians	
Docket No. 24-0301-0901	
Notice of Rulemaking - Adoption of Pending Rule	112
24.04.01 - Rules of the Idaho Board of Cosmetology	
Docket No. 24-0401-0901	
Notice of Rulemaking - Adoption of Pending Rule	113
24.06.01 - Rules for the Licensure of Occupational Therapists and Occupational Therapy Assistants	
Docket No. 24-0601-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	114

24.07.01 - Rules of the Idaho State Board of Landscape Architects	
Docket No. 24-0701-0801	
Notice of Rulemaking - Adoption of Pending Rule	115
Docket No. 24-0701-0901	
Notice of Rulemaking - Adoption of Pending Rule	116
24.08.01 - Rules of the State Board of Morticians	
Docket No. 24-0801-0901	
Notice of Rulemaking - Adoption of Pending Rule	117
24.10.01 - Rules of the State Board of Optometry	
Docket No. 24-1001-0901	
Notice of Rulemaking - Adoption of Pending Rule	118
24.11.01 - Rules of the State Board of Podiatry	
Docket No. 24-1101-0901	
Notice of Rulemaking - Adoption of Pending Rule	119
24.12.01 - Rules of the Idaho State Board of Psychologist Examiners	
Docket No. 24-1201-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	120
Docket No. 24-1201-0902	
Notice of Rulemaking - Adoption of Pending Rule	121
24.15.01 - Rules of the Idaho Licensing Board of Professional Counselors and Marriage and Family Therapists	
Docket No. 24-1501-0901	
Notice of Rulemaking - Adoption of Pending Rule	122
24.16.01 - Rules of the State Board of Dentistry	
Docket No. 24-1601-0901	
Notice of Rulemaking - Adoption of Pending Rule	123
24.17.01 - Rules of the State Board of Acupuncture	
Docket No. 24-1701-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	124
24.18.01 - Rules of the Real Estate Appraiser Board	
Docket No. 24-1801-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	125
24.19.01 - Rules of the Board of Examiners of Residential Care Facility Administrators	
Docket No. 24-1901-0901	
Notice of Rulemaking - Adoption of Pending Rule	126
24.22.01 - Rules of the Idaho Liquefied Petroleum Gas Safety Board	
Docket No. 24-2201-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	127
24.25.01 - Rules of the Idaho Driving Businesses Licensure Board	
Docket No. 24-2501-0901 (Fee Rule -- New Chapter)	
Notice of Rulemaking - Temporary and Proposed Rule	128
24.26.01 - Rules of the Idaho Board of Midwifery	
Docket No. 24-2601-0901 (New Chapter)	
Notice of Rulemaking - Adoption of Pending Fee Rule	141

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD**25.01.01 - Rules of the Outfitters and Guides Licensing Board**Docket No. **25-0101-0901**

Notice of Rulemaking - Adoption of Pending Fee Rule 142

IDAPA 27 - BOARD OF PHARMACY**27.01.01 - Rules of the Idaho State Board of Pharmacy**Docket No. **27-0101-0901**

Notice of Rulemaking - Adoption of Pending Rule 143

Docket No. **27-0101-0902**

Adoption of Pending Fee Rule and Amendment to Temporary Rule 144

Docket No. **27-0101-0903**

Notice of Rulemaking - Adoption of Pending Rule 147

Docket No. **27-0101-0905**

Notice of Rulemaking - Adoption of Pending Rule 149

Docket No. **27-0101-0906**

Notice of Rulemaking - Adoption of Pending Rule 150

Docket No. **27-0101-0907**

Notice of Rulemaking - Adoption of Pending Rule 151

Docket No. **27-0101-0908**

Notice of Rulemaking - Adoption of Pending Rule 152

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission**Docket No. **31-1101-0901**

Notice of Rulemaking - Adoption of Pending Rule 154

IDAPA 33 - REAL ESTATE COMMISSION**33.01.01 - Rules of the Idaho Real Estate Commission**Docket No. **33-0101-0901**

Notice of Rulemaking - Adoption of Pending Rule 157

Docket No. **33-0101-0902**

Notice of Rulemaking - Adoption of Pending Rule 158

33.01.02 - Rules of Practice and Procedure of the Idaho Real Estate Commission Governing Contested CasesDocket No. **33-0102-0901**

Notice of Rulemaking - Adoption of Pending Rule 159

33.01.03 - Rules Governing Subdivided Lands RegistrationDocket No. **33-0103-0901**

Notice of Rulemaking - Adoption of Pending Fee Rule 160

IDAPA 38 - DEPARTMENT OF ADMINISTRATION**38.03.01 - Rules Governing Group Insurance**Docket No. **38-0301-0901**

Notice of Rulemaking - Adoption of Pending Rule 161

38.04.04 - Rules Governing Capitol Mall ParkingDocket No. **38-0404-0901**

Notice of Rulemaking - Adoption of Pending Rule 162

38.04.04 - Rules Governing Capitol Mall Parking	
Docket No. 38-0404-0902	
Notice of Rulemaking - Adoption of Pending Fee Rule	163
IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT	
39.02.22 - Rules Governing Registration and Permit Fee Administration	
Docket No. 39-0222-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	164
39.02.41 - Rules Governing Special Provisions Applicable to Fees for Services	
Docket No. 39-0241-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	165
39.02.60 - Rules Governing License Plate Provisions	
Docket No. 39-0260-0901	
Notice of Rulemaking - Adoption of Pending Rule	166
39.03.12 - Rules Governing Safety Requirements of Overlegal Permits	
Docket No. 39-0312-0901	
Notice of Rulemaking - Adoption of Pending Rule	167
IDAPA 40 - COMMISSION ON THE ARTS	
40.01.01 - Rules of the Idaho Commission on the Arts	
Docket No. 40-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	168
IDAPA 46 - BOARD OF VETERINARY MEDICINE	
46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine	
Docket No. 46-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	169
IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION	
48.01.01 - Rules of the Idaho Grape Growers and Wine Producers Commission	
Docket No. 48-0101-0901	
Notice of Rulemaking - Adoption of Pending Rule	171
Docket No. 48-0101-0902	
Notice of Rulemaking - Adoption of Pending Fee Rule	172
IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY	
58.01.01 - Rules for the Control of Air Pollution In Idaho	
Docket No. 58-0101-0901	
Notice of Rulemaking - Adoption of Pending Fee Rule	173
Docket No. 58-0101-0902	
Notice of Rulemaking - Adoption of Pending Rule	176
Docket No. 58-0101-0903	
Notice of Rulemaking - Adoption of Pending Rule	177
58.01.05 - Rules and Standards for Hazardous Waste	
Docket No. 58-0105-0901	
Notice of Rulemaking - Adoption of Pending Rule	178
58.01.16 - Wastewater Rules	
Docket No. 58-0116-0802	
Notice of Rulemaking - Adoption of Pending Rule	179

58.01.20 - Rules for Administration of Drinking Water Loan Program
Docket No. **58-0120-0901 (Fee Rule)**
Notice of Rulemaking - Temporary and Proposed Rule 180

58.01.23 - Rules of Administrative Procedure Before the Board of Environmental Quality
Docket No. **58-0123-0901**
Notice of Rulemaking - Proposed Rulemaking..... 187

SECTIONS AFFECTED INDEX 194

LEGAL NOTICE - SUMMARY OF PROPOSED RULEMAKINGS 198

**ABRIDGED EDITION OF THE CUMULATIVE RULEMAKING INDEX
OF IDAHO ADMINISTRATIVE RULES**..... 200

SUBJECT INDEX 222

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 rulemaking 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 Notice of Rulemaking 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 08-1 refers to the first Bulletin issued in calendar year 2008; Bulletin 09-1 refers to the first Bulletin issued in calendar year 2009. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 09-1 refers to January 2009; Volume No. 09-2 refers to February 2009; and so forth. Example: The Bulletin published in January 2009 is cited as Volume 09-1. The December 2008 Bulletin is cited as Volume 08-12.

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, even when published in conjunction with a temporary rule, and therefore, is not enforceable. An agency may vacate a proposed rulemaking if it decides not to proceed beyond the proposed rulemaking step, and stops the formal rulemaking 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.

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

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 "-", (38-0501-0901). 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. 38-0501-0901"

"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).

"0901" denotes the year and sequential order of the docket being published; in this case the numbers refer to the first rulemaking action published in calendar year 2009. A subsequent rulemaking on this same rule chapter in calendar year 2009 would be designated as "0902". The docket number in this scenario would be 38-0501-0902.

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 these rules." OR "...in accordance with Subsection 201.06.c. of these rules."

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 2009

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
09-1	January 2009	*November 14, 2008	January 7, 2009	January 28, 2009
09-2	February 2009	January 9, 2009	February 4, 2009	February 25, 2009
09-3	March 2009	February 6, 2009	March 4, 2009	March 25, 2009
09-4	April 2009	March 6, 2009	April 1, 2009	April 22, 2009
09-5	May 2009	April 3, 2009	May 6, 2009	May 27, 2009
09-6	June 2009	May 1, 2009	June 3, 2009	June 24, 2009
09-7	July 2009	May 29, 2009	July 1, 2009	July 22, 2009
09-8	August 2009	July 3, 2009	August 5, 2009	August 26, 2009
09-9	September 2009	July 31, 2009	September 2, 2009	September 23, 2009
09-10	October 2009	**August 28, 2009	October 7, 2009	October 28, 2009
09-11	November 2009	October 2, 2009	November 4, 2009	November 25, 2009
09-12	December 2009	November 6, 2009	December 2, 2009	December 23, 2009

BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2010

Vol. No.	Monthly Issue of Bulletin	Closing Date for Agency Filing	Publication Date	21-day Comment Period End Date
10-1	January 2010	*November 13, 2009	January 6, 2010	January 27, 2010
10-2	February 2010	January 8, 2010	February 3, 2010	February 24, 2010
10-3	March 2010	February 5, 2010	March 3, 2010	March 24, 2010
10-4	April 2010	March 5, 2010	April 7, 2010	April 28, 2010
10-5	May 2010	April 2, 2010	May 5, 2010	May 26, 2010
10-6	June 2010	April 30, 2010	June 2, 2010	June 23, 2010
10-7	July 2010	June 4, 2010	July 7, 2010	July 28, 2010
10-8	August 2010	July 2, 2010	August 4, 2010	August 25, 2010
10-9	September 2010	July 30, 2010	September 1, 2010	September 22, 2010
10-10	October 2010	**August 27, 2010	October 6, 2010	October 27, 2010
10-11	November 2010	October 1, 2010	November 3, 2010	November 24, 2010
10-12	December 2010	November 5, 2010	December 1, 2010	December 22, 2010

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

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

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 01	Accountancy , Board of
IDAPA 38	Administration , Department of
IDAPA 44	Administrative Rules Coordinator , Office of the
IDAPA 02	Agriculture , Idaho Department of
IDAPA 40	Arts , Idaho Commission on the
IDAPA 03	Athletic Commission
IDAPA 04	Attorney General , Office of the
IDAPA 53	Barley Commission , Idaho
IDAPA 51	Beef Council , Idaho
IDAPA 07	Building Safety , Division of Electrical Board (07.01) Plumbing Board (07.02) Building Codes & Manufactured Homes (07.03) Building Code Advisory Board (07.03.01) Public Works Contractors License Board (07.05) Uniform School Building Safety (07.06) HVAC Board (07.07)
IDAPA 43	Canola and Rapeseed Commission , Idaho
IDAPA 28	Commerce , Idaho Department of
IDAPA 06	Correction , Board of
IDAPA 19	Dentistry , Board of
IDAPA 08	Education , Board of and Department of
IDAPA 10	Engineers and Land Surveyors , Board of Professional
IDAPA 58	Environmental Quality , Department of
IDAPA 12	Finance , Department of
IDAPA 13	Fish and Game , Department of
IDAPA 14	Geologists , Board of Registration of Professional
IDAPA 15	Governor , Office of the Idaho Commission on Aging (15.01) Idaho Commission for the Blind and Visually Impaired (15.02) Idaho Forest Products Commission (15.03) Division of Human Resources and Personnel Commission (15.04) Idaho Liquor Dispensary (15.10) Idaho Emergency Communications Commission (15.06) Emergency Response Commission (15.13)

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 48	Grape Growers and Wine Producers Commission, Idaho
IDAPA 16	Health and Welfare, Department of
IDAPA 41	Health Districts, Public
IDAPA 45	Human Rights Commission
IDAPA 17	Industrial Commission
IDAPA 18	Insurance, Department of
IDAPA 05	Juvenile Corrections, Department of
IDAPA 09	Labor, Idaho Department of
IDAPA 20	Lands, Department of
IDAPA 30	Libraries, Commission for
IDAPA 52	Lottery Commission, Idaho State
IDAPA 22	Medicine, Board of
IDAPA 23	Nursing, Board of
IDAPA 24	Occupational Licenses, Board of (24.20) Acupuncture, Board of (24.17) Architectural Examiners, Board of (24.01) Barber Examiners, Board of (24.02) Chiropractic Physicians (24.03) Contractors Board, Idaho State (24.21) Cosmetology, Board of (24.04) Dentistry, Board of (24.16) Drinking Water and Wastewater Professionals, Board of (24.05) Landscape Architects, Board of (24.07) Liquefied Petroleum Gas Safety Board, Idaho (24.22) Morticians, Board of (24.08) Nursing Home Administrators, Board of Examiners of (24.09) Occupational Therapy Licensure Board (24.06) Optometry, Board of (24.10) Physical Therapy Licensure Board (24.13) Podiatry, Board of (24.11) Professional Counselors and Marriage & Family Therapists, Board of (24.15) Psychologist Examiners, Board of (24.12) Real Estate Appraiser Board (24.18) Residential Care Facility Administrators, Board of (24.19) Social Work Examiners, Board of (24.14) Speech and Hearing Services Licensure Board(24.23)
IDAPA 25	Outfitters and Guides Licensing Board
IDAPA 50	Pardons and Parole, Commission for
IDAPA 26	Parks and Recreation, Department of
IDAPA 27	Pharmacy, Board of

ALPHABETICAL INDEX OF STATE AGENCIES AND CORRESPONDING IDAPA NUMBERS	
IDAPA 11	Police, Idaho State
IDAPA 29	Potato Commission, Idaho
IDAPA 55	Professional-Technical Education, Division of
IDAPA 59	Public Employee Retirement System of Idaho (PERSI)
IDAPA 31	Public Utilities Commission
IDAPA 56	Rangeland Resources Commission, Idaho
IDAPA 33	Real Estate Commission, Idaho
IDAPA 34	Secretary of State, Office of the
IDAPA 57	Sexual Offender Classification Board
IDAPA 49	Shorthand Reporters, Board of Certified
IDAPA 36	Tax Appeals, Board of
IDAPA 35	Tax Commission, State
IDAPA 39	Transportation Department, Idaho
IDAPA 54	Treasurer, Office of the State
IDAPA 21	Veterans Services, Division of
IDAPA 46	Veterinary Medical Examiners, Board of
IDAPA 47	Vocational Rehabilitation, Division of
IDAPA 37	Water Resources, Department of
IDAPA 42	Wheat Commission

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.01.04 - RULES GOVERNING THE IDAHO PREFERRED® PROGRAM

DOCKET NO. 02-0104-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-122, 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 will simplify fee payment for new participants who join midway through the year. Promotion opportunities will be updated to reflect current program options and annual renewal process will be clarified.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 26 and 27.

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

DATED this 2nd day of November, 2009.

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

DOCKET NO. 02-0104-0901 - 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 09-10, October 7, 2009, Book 1, pages 26 and 27.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.01.04 - RULES GOVERNING THE IDAHO PREFERRED® PROGRAM

DOCKET NO. 02-0104-0902

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 2010 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 22-122, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending fee 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 will allow ISDA to charge Idaho Preferred® participants for promotional materials such as stickers, banners, signs, aprons, shopping bags, etc. The proposed fee language is similar to Section 301.02 allowing fees to be assessed for Idaho Preferred® activities.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 28 and 29.

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 22-122, Idaho Code:

Current rules allow for collection of fees for promotional activities, but not materials. This rule will allow ISDA to charge Idaho Preferred® participants for promotional materials. Fees collected will offset costs to produce promotional materials increasing the dedicated account by approximately \$3000 annually.

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

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Rd.
P.O. Box 790

Boise, ID 83701
Phone: (208) 332-8503
Fax: (208) 334-2170

DOCKET NO. 02-0104-0902 - 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 09-10, October 7, 2009, Book 1, pages 28 and 29.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.01.05 - RULES GOVERNING CERTIFICATES OF FREE SALE

DOCKET NO. 02-0105-0901 (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 2010 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 fee 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 30 through 33.

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 22-112, Idaho Code:

This rule will provide for the Department to begin charging a fee for certificates of free sale not to exceed \$50 each. Idaho is one of the very few states that do not charge for this service. The new fee rule is expected to generate \$20,000 - \$30,000 to the dedicated fund.

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 impact to the general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Laura Johnson, 208-332-8533.

DATED this 13th day of October, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0105-0901 - 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 09-10, October 7, 2009, Book 1, pages 30 through 33.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.02.14 - RULES FOR WEIGHTS AND MEASURES

DOCKET NO. 02-0214-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 71-111, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 20 and 21. No comments concerning the proposed rule were received during the comment period.

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 is associated with this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Kevin Merritt, Section Manager at (208) 332-8692.

DATED this 13th day of October, 2009.

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

DOCKET NO. 02-0214-0901 - 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 09-8, August 5, 2009, pages 20 and 21.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2009 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 22-3421, 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 pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 17 and 18.

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 George Robinson, Bureau Chief at (208) 332-8593.

DATED this 4th day of November, 2009.

Brian J. Oakey
Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0303-0901 - 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 09-9, September 2, 2009, pages 17 and 18.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.13 - RULES OF THE DEPARTMENT OF AGRICULTURE GOVERNING RETAIL RAW MILK

DOCKET NO. 02-0413-0901 (CHAPTER REPEAL)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been repealed by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the pending rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 37-308, -314, -401, -708, and -803, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for repealing the pending rule and a statement of any change between the text of the proposed rule and the text of the pending repeal with an explanation of the reasons for the change. ISDA has proposed to repeal the existing "Rules of the Department of Agriculture Governing Retail Raw Milk." Under a separate rulemaking docket (#02-0413-0902), ISDA has promulgated a new rule, "Rules Governing Raw Milk." The purpose of the new rule is to modify the raw milk quality standards and sanitary requirements for raw milk for human consumption, to provide clarity for raw milk produced under a "cow share" program and provide a small herd exemption for facility construction requirements. The new pending rule will be more concise by eliminating approximately twenty-five (25) pages from the rules to be repealed. Due to the significant amount of changes made to the existing rule, ISDA determined that there would be less confusion if ISDA repealed the existing "Rules of the Department of Agriculture Governing Retail Raw Milk," and adopted the new "Rules Governing Raw Milk," rather than make amendments to the existing rule. The pending rule is being adopted as proposed. The complete text of the repeal was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 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 the pending rule, contact Marv Patten, Bureau Chief, Dairy and CAFO Programs at 208-332-8550 or marv.patten@agri.idaho.gov.

DATED this 4th Day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture

2270 Old Penitentiary Road
Boise, ID 83712

P.O. Box 790, Boise, ID 83701-0790
Tel: (208) 332-8500/Fax: (208) 332-4062

DOCKET NO. 02-0413-0901 - 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 09-10, October 7, 2009, Book 1, page 34.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.13 - RULES GOVERNING RAW MILK

DOCKET NO. 02-0413-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 37-308, -314, -401, -708, and -803, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. This pending rule will replace the repealed "Rules of the Department of Agriculture Governing Retail Raw Milk" to modify the raw milk quality standards and sanitary requirements for raw milk for human consumption, to provide clarity for raw milk produced under a "cow share" program and provide a small herd exemption for facility construction requirements. This pending rule also eliminates approximately twenty-five (25) pages of outdated rules. This pending rule incorporates by reference the sanitary milk production and milk processing provisions of the 2009 Pasteurized Milk Ordinance, and will also establish sanitary criteria, milk quality, and permitting protocols for "cow share" programs. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 35 through 40.

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 Marv Patten, Bureau Chief, Dairy and CAFO Programs at 208-332-8550 or marv.patten@agri.idaho.gov.

DATED this 4th Day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture

2270 Old Penitentiary Road
Boise, ID 83712

P.O. Box 790, Boise, ID 83701-0790
Tel: (208) 332-8500/Fax: (208) 332-4062

DOCKET NO. 02-0413-0902 - 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 09-10, October 7, 2009, Book 1, pages 35 through 40.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.14 - RULES GOVERNING DAIRY WASTE

DOCKET NO. 02-0414-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended, or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended, or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and is also adopting this rule as a temporary rule. The action is authorized pursuant to Section(s) 37-405, 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.

ISDA received a letter from EPA on March 3, 2009 notifying ISDA that EPA is not going to renew the Memorandum of Understanding (MOU) between EPA, IDEQ, ISDA, and Idaho Dairymen's Association that was the basis for this rule. This proposed rule eliminates the requirement that the MOU between EPA, IDEQ, ISDA, and Idaho Dairymen's Association be in place in order for the rule to be effective. This rulemaking is necessary to ensure that the rule remains in effect as promulgated prior to the expiration of the MOU. Additional language is being added that clarifies the existing requirements associated with dairy waste containment and nutrient management that were previously incorporated by reference. These rules also set forth soil sampling and testing requirements of dairy owned and operated land exceeding phosphorus thresholds. The incorporation by reference section has been updated to remove obsolete documents and adds documents that were previously included in the "definitions" section of the rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the May 6, 2009 Idaho Administrative Bulletin, Vol. 09-5, pages 13 through 19.

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 Marv Patten, Bureau Chief, Dairy and CAFO Programs at 208-332-8550 or marv.patten@agri.idaho.gov.

DATED this 4th Day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture

2270 Old Penitentiary Road
Boise, ID 83712

P.O. Box 790, Boise, ID 83701-0790
Tel: (208) 332-8500/Fax: (208) 332-4062

DOCKET NO. 02-0414-0901 - 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 09-5, May 6, 2009, pages 13 through 19.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.31 - RULES GOVERNING THE STOCKPILING OF AGRICULTURAL WASTE

DOCKET NO. 02-0431-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-110, Idaho Code.

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

These rules will establish specific setback distances for agricultural waste storage to minimize adverse quality of life issues. These rules are intended to apply to stockpiled agricultural waste from livestock on property other than agricultural waste storage governed by IDAPA 02.04.14, "Rules Governing Dairy Waste," and IDAPA 02.04.15, "Rules Governing Beef Cattle Animal Feeding Operations."

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. The penalty provision in the pending rule clarifies that any penalty will be assessed according to the provisions set forth in Section 22-110(3), 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 Oct. 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, pages 58 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 John Bilderback, Section Manager, Dairy and CAFO Programs at 208-332-8550 or john.bilderback@agri.idaho.gov.

DATED this 4th day of November, 2009.

Brian J. Oakey, Deputy Director
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DOCKET NO. 02-0431-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 1, pages 58 through 61.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 02-0431-0901

Section 060

060. PENALTIES.

Penalties for violations of this chapter will be assessed in accordance with Section 22-110(3), Idaho Code. (____)

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.02 - RULES PERTAINING TO THE IDAHO COMMERCIAL FEED LAW

DOCKET NO. 02-0602-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 25-2724, Idaho Code.

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

This change updates the incorporation by reference section to reflect the 2010 edition of the Official Publication of the Association of American Feed Control Officials (AAFCO) usually published in January or February of each year. This is a standard reference manual for feed control officials for the registration of animal feeds. It provides for consistency in the definition of feed ingredients and registration policies concerning feeds between states and the U.S. Food and Drug Administration when feeds are being registered.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2009 Idaho Administrative Bulletin, Vol. 09-7, pages 16 and 17.

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 with the adoption of this rule change. This is a dedicated fund program.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0602-0901 - 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 09-7, July 1, 2009, pages 16 and 17.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.03 - RULES PERTAINING TO THE IDAHO NURSERY AND FLORISTS LAW

DOCKET NO. 02-0603-0901

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 2010 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 fee rule. The action is authorized pursuant to Section 22-2314, 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:

USDA APHIS PPQ published, on July 8, 2009, in the Federal Register (Docket No. APHIS -2006-0137), effective October 1, 2009, their intent to charge to the states that issue federal phytosanitary certificates for the export of agricultural commodities a \$12 administrative fee for each certificate issued by the state. The Department currently charges an hourly rate of \$20 for this service. The Department proposes to drop the hourly rate and initiate a fee of \$60 per certificate issued to cover the federal administrative fee and increased costs to the program. The fees under this rule have not been adjusted since 1986. Section 02.06.03.050, was revised to reference Section 02.06.04.500 of the Phytosanitary and Post-Entry Certification Rules to synchronize the fees and services between the two rules and thus ensuring that all exporters will be subject to the same fee schedule. Technical changes were also made to include proper formatting and sections required by the Office of Administrative Rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 72 through 74.

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 22-2314, Idaho Code:

To change the charge to issue phytosanitary certificates on nursery stock from an hourly rate of \$20 to \$60 per certificate.

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:

Based on 2008 figures this change would generate \$9,000 of which \$1,800 would be remitted to USDA APHIS and the remaining \$7,200 would remain with the program to cover the cost of the program.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
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Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0603-0901 - 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 09-10, October 7, 2009, Book 1, pages 72 through 74.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.04 - PHYTOSANITARY AND POST-ENTRY CERTIFICATION RULES

DOCKET NO. 02-0604-0901

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 2010 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 22-103(22), 22-107, 22-702, and 22-2006, 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:

USDA APHIS PPQ published on July 8, 2009, in the Federal Register (Docket No. APHIS -2006-0137), starting October 1, 2009, their intent to charge to the states that issue federal phytosanitary certificates for the export of agricultural commodities a \$12 federal administrative fee for each certificate issued by the state. The Department currently charges \$40 for each certificate it issues. The Department proposes to increase the fee to \$60 to cover the federal administrative fee and increased costs to the program. This fee has not been adjusted since 2004.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 75 through 77.

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 22-2314, Idaho Code: To change the charge to issue federal phytosanitary certificates from \$40 to \$60 per certificate.

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:

Based on 2008 figures, this change would generate an additional \$74,140 of which, \$44,484 would be remitted to USDA APHIS to cover the administrative fees and the remaining \$29,656 would remain with the program to cover the increased cost of the program.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
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Phone: (208) 332-8500
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DOCKET NO. 02-0604-0901 - 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 09-10, October 7, 2009, Book 1, pages 75 through 77.
This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.06 - RULES GOVERNING THE PLANTING OF BEANS, (*PHASEOLUS SPECIES*), IN IDAHO

DOCKET NO. 02-0606-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2006 and 22-2012, Idaho Code.

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

This proposed rule was published as a temporary rule under docket 02-0606-0501 April 1, 2005 and subsequently approved as a temporary rule by the 2006, 2007, 2008, and 2009 legislatures. Through this action, the Department seeks to adopt that temporary rule as proposed with no changes. The following is the text of the original PARF "Need for Proposed Rule Change:" The industry states that there is less farm ground being irrigated under rill irrigation as more is being converted to sprinkler irrigation. The current rules for the planting of kidney and garden beans require a two year history of rill irrigation planting in Idaho prior to a planting under sprinkler irrigation. The proposed change would be that kidney beans and garden beans could be planted under the same rules as cranberry type beans. The cranberry type bean rule allows a one year history under rill irrigation in Idaho prior to planting under sprinkler irrigation in Idaho. The seed can then be serology tested and planted again under either sprinkler or rill irrigation in Idaho. Following a second consecutive planting under sprinkler irrigation in Idaho the seed must be serology tested prior to planting under rill irrigation. The industry states that unless the rule is changed, Idaho could begin to lose much of its bean seed business as they would be forced to move out of state due to the conversion of farm ground from gravity to sprinkler irrigation.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 24 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 Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
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Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0606-0501 - 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 09-8, August 5, 2009, pages 24 through 26.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.06 - RULES GOVERNING THE PLANTING OF BEANS, (*PHASEOLUS SPECIES*), IN IDAHO

DOCKET NO. 02-0606-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2006 and 22-2013, Idaho Code.

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

This is a technical correction to the rule to allow for the acceptance of bean seed crops grown in Malheur Co., Oregon and inspected by the Idaho Crop Improvement Association (ICIA) for planting in Idaho. The current rule allows for bean seed inspected by ICIA to be accepted in Idaho for Idaho grown crops. A few years ago, ICIA, under an agreement with Oregon State University, began inspecting bean seed crops in Malheur Co., Oregon and that change had not been reflected in the current Idaho rules. Oregon enforces a bean disease rule for Malheur Co. that is similar to that of Idaho.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 27 through 29.

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 Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
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Fax: (208) 334-2170

DOCKET NO. 02-0606-0901 - 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 09-8, August 5, 2009, pages 27 through 29.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.08 - QUARANTINE RULES PERTAINING TO APPLES AND CHERRIES

DOCKET NO. 02-0608-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2006 and 22-2013, 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:

After a review of the scientific literature, it has been determined that peaches, apricots and nectarines have never been found to be a host of the apple maggot and were erroneously listed in the current rule. The Department proposes to revise IDAPA 02.06.08.101.01 strike the words "peach, nectarine, and apricot" and make the wording consistent with that of Oregon and Washington, who have similar rules.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 78 and 79.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
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DOCKET NO. 02-0608-0901 - 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 09-10, October 7, 2009, Book 1, pages 78 and 79.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

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

DOCKET NO. 02-0610-0701

NOTICE OF RULEMAKING - RESCISSION OF TEMPORARY RULE

AUTHORITY: In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has rescinded the temporary rule previously adopted under this docket. 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 rule is being replaced by an updated temporary and proposed rule that parallels the final Federal Potato (Pale) Cyst Nematode Regulations published by USDA on April 29, 2009.

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

DATED this 13th day of October, 2009.

Brian J. Oakey, Deputy Director
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IDAPA 02 - DEPARTMENT OF AGRICULTURE

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

DOCKET NO. 02-0610-0901 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 1, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 22-2013, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 16, 2009.

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:

A temporary rule is needed to address areas and fields already under regulation by USDA and ISDA. This rule was published as a temporary rule under docket 02-0610-0701 on December 5th, 2007, and approved as a temporary rule by the 2008 and 2009 legislatures. This rule was based on and parallels a USDA interim rule published in the Federal Register Volume 72, No. 76, September 12, 2007. USDA published the final rule in the Federal Register Vol. 74, No. 81, April 29, 2009. The rule change incorporates by reference the changes listed in the final Federal rule and makes some technical corrections. By maintaining and enforcing this rule, which parallels the federal rule, the department avoids having the entire state put under a federal quarantine, which would affect several agricultural industries besides the potato industry.

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

Compliance with federal regulation changes.

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:

No fees or charges are being imposed through this rulemaking.

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

There is no impact to the general fund as a result of this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because this change is needed for compliance with federal regulation changes.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

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 23, 2009.

DATED this 13th day of October, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
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Boise, Idaho 83701
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IDAPA 02
TITLE 06
CHAPTER 10

02.06.10 - RULES GOVERNING THE PALE CYST NEMATODE (*Globodera pallida*)

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 22-2013, Idaho Code. (10-1-09)T

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.06.10, "Rules Governing the Pale Cyst Nematode (*Globodera pallida*)."
(10-1-09)T

02. Scope. The purpose and goal of this rule is to prevent the spread of Pale Cyst Nematode (*Globodera pallida*) throughout Idaho and the United States. (10-1-09)T

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (10-1-09)T

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Idaho State Department of Agriculture under this chapter. Hearing and appeal rights are pursuant to Title 67, Chapter 52, Idaho Code. (10-1-09)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: (10-1-09)T

01. 7 CFR Part 301 SubPart - Pale Cyst Nematode. Sections 301.86 through 301.86-9 as published under Docket No. APHIS-2006-0143 in the Federal Register Volume 72, No. 176, Wednesday, September 12, 2007, and as amended under Docket No. APHIS-2006-0143 published in the Federal Register Vol. 74, No. 81, Wednesday, April 29, 2009, and except as amended below in this rule. (10-1-09)T

02. USDA APHIS PPQ Treatment Manual Schedule T406-d, Revision 10, September 2006.
(10-1-09)T

03. 7 CFR Part 305 - Phytosanitary Treatments, as revised September 12, 2007. (10-1-09)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. (10-1-09)T

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (10-1-09)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. (10-1-09)T

04. Telephone Number. The telephone number of the central office is (208) 332-8500. (10-1-09)T

05. Fax Number. The fax number of the central office is (208) 334-2283. (10-1-09)T

006. PUBLIC RECORDS ACT COMPLIANCE.
These rules are public records and are available for inspection and copying at the department. (10-1-09)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: (10-1-09)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. (10-1-09)T

02. Interstate. From any state into or through any other state. (10-1-09)T

03. Intrastate. Movement within the boundaries of the state of Idaho. (10-1-09)T

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (10-1-09)T

02. ISDA. Idaho State Department of Agriculture. (10-1-09)T

03. PCN. Pale Cyst Nematode. (10-1-09)T

04. PPQ. Plant Protection and Quarantine. (10-1-09)T

05. USDA. United States Department of Agriculture. (10-1-09)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 Subsection 004.01 in this rule. (10-1-09)T

013. QUARANTINED AREAS.
Those areas of the State quarantined or regulated for PCN under 7 CFR Part 301 Sections 301.86-3 as published on the USDA APHIS PPQ internet website at http://www.aphis.usda.gov/plant_health/plant_pest_info/potato/pcn.shtml. (10-1-09)T

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. (10-1-09)T

02. Movement From a Quarantined Area. Movement of regulated articles from a quarantined area is subject to the provision of Section 015 of this rule. (10-1-09)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. (10-1-09)T

04. Seed Potatoes. Seed potatoes may not be grown in a quarantined area. (10-1-09)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 as incorporated by reference in Section 004 of this rule. (10-1-09)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 Pale Cyst Nematode. (10-1-09)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. (10-1-09)T

026. -- 999. (RESERVED).

IDAPA 02 - DEPARTMENT OF AGRICULTURE
02.06.12 - RULES PERTAINING TO THE IDAHO FERTILIZER LAW
DOCKET NO. 02-0612-0901
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-604, Idaho Code.

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

This change updates the incorporation by reference section to reflect the 2010 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) usually published in January or February of each year. These are standard reference manuals for fertilizer control officials for the registration of fertilizers. They provide for consistency in the definitions of chemicals, fertilizer ingredients, terms, and policies concerning fertilizer registration between states.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2009 Idaho Administrative Bulletin, Vol. 09-7, pages 18 and 19.

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 Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0612-0901 - 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 09-7, July 1, 2009, pages 18 and 19.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.17 - RULES GOVERNING THE DISPOSAL OF CULL ONIONS AND POTATOES

DOCKET NO. 02-0617-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2006 and 22-2013, 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 current rule requires that the enforcement of the cull onion disposal begin March 15th of each year, but the rule never set an ending date. The Department had enforced the rule through the onion harvest of each year. Malheur County, Oregon has cull onion disposal rules similar to that of Idaho and has recently made a rule change setting a March 15th through July 1st enforcement period. Idaho onion growers have requested that the Department make the same change in the Idaho rule.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, page 30.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 4th day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0617-0901 - 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 09-8, August 5, 2009, page 30.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.22 - NOXIOUS WEED RULES

DOCKET NO. 02-0622-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2403(b) and (c), 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:

Amendments to the noxious weed list will be part of an ongoing process to ensure that the rule is up to date, addressing current and future threats to agriculture and the environment in Idaho. This process could result in the removal of current species, addition of new species, and/or reclassification of currently listed species.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 80 through 84.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Matt Voile, Section Manager, at (208) 332-8667.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0622-0901 - 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 09-10, October 7, 2009, Book 1, pages 80 through 84.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.41 - RULES PERTAINING TO THE IDAHO SOIL AND PLANT AMENDMENT ACT OF 2001

DOCKET NO. 02-0641-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 22-2204, Idaho Code.

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

This change updates the incorporation by reference section to reflect the 2010 edition of the Official Publication of the Association of American Plant Food Control Officials (AAPFCO) usually published in January or February of each year. These are standard reference manuals for fertilizer control officials for the registration of soil and plant amendments. They provide for consistency in the definitions of chemicals, soil and plant amendment ingredients, terms and policies concerning soil and plant amendment registration between states.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the July 1, 2009 Idaho Administrative Bulletin, Vol. 09-7, pages 20 and 21.

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 with the adoption of this rule change. This is a dedicated fund program.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Michael E. Cooper, Bureau Chief at (208) 332-8620.

DATED this 2nd day of November, 2009.

Brian J. Oakey, Deputy Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790
Boise, Idaho 83701
Phone: (208) 332-8500
Fax: (208) 334-2170

DOCKET NO. 02-0641-0901 - 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 09-7, July 1, 2009, pages 20 and 21.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 03 - STATE ATHLETIC COMMISSION

03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION

DOCKET NO. 03-0101-0901

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 2010 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 fee 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 88 through 91.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-4809, Idaho Code:

This is not a new fee. The ring official fee was collected as a non-combatant fee.

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

The addition of a ring official application and renewal fees will have no impact on the Board's dedicated funds as this category was a part of the non-combatant fees.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 03-0101-0901 - 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 09-10, October 7, 2009, Book 1, pages 88 through 91.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 03 - STATE ATHLETIC COMMISSION
03.01.01 - RULES OF THE STATE ATHLETIC COMMISSION
DOCKET NO. 03-0101-0902
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-416, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 92 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: None

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 03-0101-0902 - 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 09-10, October 7, 2009, Book 1, pages 92 through 104.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - RULES FOR CONTRACT PROVIDERS

DOCKET NO. 05-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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), and 20-531(4), 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:

Minor changes were made to answer a question from the rules committee by adding a prohibition against volunteers or interns participating in strip searches or visual inspections.

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 105 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 the pending rule, contact Nancy Bishop (208) 334-5100 ext. 421.

DATED this 20th day of October, 2009.

Nancy Bishop
Lead Deputy Attorney General
Idaho Department of Juvenile Corrections
954 West Jefferson
Boise, ID 83720-0285
(208) 334-5100 ext. 421
(208) 334-5120 Fax

DOCKET NO. 05-0101-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 1, pages 105 through 134.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 05-0101-0901

Subsection 266.03

266. ~~JUVENILE OFFENDER~~ PAT DOWN SEARCHES AND VISUAL INSPECTIONS FOR CONTRABAND.

03. Visual Inspections. Body cavity searches of juveniles will not be performed by staff, *interns, or volunteers* under any circumstances. Looking into a juvenile's mouth does not constitute a body cavity search. Visual inspections beyond those performed during an initial search using the quadrant method may only be performed by staff with appropriate training. Visual inspection must be based upon a reasonable belief that the juvenile is concealing contraband. ()

Section 267

267. JUVENILE OFFENDER STRIP SEARCHES PROHIBITED. Strip searches of juveniles by staff, *interns, or volunteers* will not be performed under any circumstances. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.01.06 - RULES GOVERNING THE USE OF NATIONAL ELECTRICAL CODE

DOCKET NO. 07-0106-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 142 through 144.

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 proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0106-0901 - 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 09-10, October 7, 2009, Book 1, pages 142 through 144.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 words "a job in progress" are being replaced in Subsection 012.02 to remove any mandatory requirement that the practical portion of the plumbing journeyman exam be performed on an actual job in progress. The elimination of these words allows plumbing apprentices more flexibility to take the practical portion of the exam either on an actual job site or in a lab setting. With the downturn in the economy, and the identification of specific fixtures which journeyman exam-takers are required to install, the availability of such on-the-job opportunities is greatly diminished. The elimination of these words is consistent with the substance of the original amendment to the rule -- to test the installation of specific fixtures; it merely provides more flexibility to the exam-taker and the Division of Building Safety inspector administering the practical portion of the exam with regard to where it may be performed.

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 145 and 146.

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 proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 5th day of November, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0205-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 1, pages 145 and 146.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 07-0205-0901

Subsection 012.02

012. JOURNEYMAN.

02. Examination. The journeyman examination grade is based on answers to written questions and practical work performed on *a job-in-progress fixtures in the applications as described below* after successful completion of the written work. Time allowed for the written examination is four (4) hours. A passing grade is required on the written examination. The practical ~~work~~ portion of the exam shall consist of work performed in both a public and private scope, and must pass with no violations. The criteria for each application are as follows:
(8-25-88)()

a. Public Application: Rough-in six (6) different fixtures consisting of a water closet, urinal, lavatory with carriers, floor sink, floor drain with trap primer, water heater, multi-level installation, and silver soldering. Pipe the DWV system using copper pipe and fittings. ()

b. Private Application: Rough-in five (5) different fixtures consisting of a water closet, tub or shower, lavatory, kitchen sink/garbage disposal/dishwasher combination, and a clothes washer standpipe. Piping DWV system using ABS or PVC pipe and fittings. Pipe the water distribution system using plastic pipe and brass fittings. ()

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2605(1) and 54-2617, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 147 and 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 the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0205-0902 - 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 09-10, October 7, 2009, Book 1, pages 147 and 148.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - RULES GOVERNING PLUMBING SAFETY LICENSING

DOCKET NO. 07-0205-0903

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2605(1) and 54-2614A, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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 the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0205-0903 - 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 09-10, October 7, 2009, Book 1, pages 149 and 150.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4109, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 151 through 153.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0301-0901 - 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 09-10, October 7, 2009, Book 1, pages 151 through 153.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4109, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 154 and 155.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0301-0902 - 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 09-10, October 7, 2009, Book 1, pages 154 and 155.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.01 - RULES OF BUILDING SAFETY

DOCKET NO. 07-0301-0903

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 33-356 and 67-2601A, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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 the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0301-0903 - 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 09-10, October 7, 2009, Book 1, pages 156 through 158.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.03 - RULES FOR MODULAR BUILDINGS

DOCKET NO. 07-0303-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-4302, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 159 through 161.

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

The use of multi-hat inspectors in the factory setting will result in significant savings to the Division. Once fully implemented, predicated on FY2008 volume, DBS projects a net savings of forty thousand dollars (\$40,000) or approximately ten percent (10%) of personnel costs involved in the inspection effort.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0303-0901 - 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 09-10, October 7, 2009, Book 1, pages 159 through 161.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

DOCKET NO. 07-0311-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 44-2104 and 44-2107, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 162 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 the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0311-0901 - 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 09-10, October 7, 2009, Book 1, pages 162 through 171.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.03.11 - RULES GOVERNING MANUFACTURED/MOBILE HOME INDUSTRY LICENSING

DOCKET NO. 07-0311-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 44-2104 and 44-2107, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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 the pending rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0311-0902 - 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 09-10, October 7, 2009, Book 1, pages 172 and 173.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0402-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-8605, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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 the proposed rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0402-0901 - 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 09-10, October 7, 2009, Book 1, pages 174 and 175.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY
07.05.01 - RULES OF THE PUBLIC CONTRACTORS LICENSE BOARD
DOCKET NO. 07-0501-0901
NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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 the pending rule, contact Steve Keys, Deputy Administrator - Operations, (208) 332-8986.

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0501-0901 - 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 09-10, October 7, 2009, Book 1, pages 176 and 177.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.06.01 - RULES GOVERNING UNIFORM SCHOOL BUILDING SAFETY

DOCKET NO. 07-0601-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 39-8006 and 39-8007, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 178 and 179.

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

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0601-0901 - 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 09-10, October 7, 2009, Book 1, pages 178 and 179.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 180 and 181.

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

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0701-0901 - 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 09-10, October 7, 2009, Book 1, pages 180 and 181.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 07 - DIVISION OF BUILDING SAFETY

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

DOCKET NO. 07-0701-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective on July 1, 2010, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 182 through 185.

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

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

DATED this 29th day of October, 2009.

Steve Keys, Deputy Administrator - Operations
Division of Building Safety
1090 E. Watertower St.
Meridian, ID 83642
Phone: (208) 332-8986
Fax: (208) 855-2164

DOCKET NO. 07-0701-0902 - 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 09-10, October 7, 2009, Book 1, pages 182 through 185.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 09 - DEPARTMENT OF LABOR

09.01.30 - UNEMPLOYMENT INSURANCE BENEFITS ADMINISTRATION RULES

DOCKET NO. 09-0130-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 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:

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 22 through 25.

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 impact on the general fund as a result of this rule change.

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

DATED this 16th day of October, 2009.

Roger Holmes
Unemployment Insurance Benefits Bureau Chief
Department of Labor
317 W. Main St., Boise, ID 83735
Phone 332-3570 ext. 3233
Fax 334-6125

DOCKET NO. 09-0130-0902 - 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 09-9, September 2, 2009, pages 22 through 25.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 09 - DEPARTMENT OF LABOR

09.03.01 - RULES OF THE RURAL BROADBAND DEVELOPMENT MATCHING FUND PROGRAM

DOCKET NO. 09-0301-0901 (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 2010 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 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 is no change to the pending rule, therefore, it is being adopted as proposed. The complete text of the proposed rule was published in Book 1 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 232.

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 impact on the general fund as a result of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Bob Fick, Communications & Legislative Liaison, (208) 332-3570 ext. 3628.

DATED this 29th day of October, 2009.

Bob Fick, Communications & Legislative Liaison
Idaho Department of Labor
317 W. Main St.
Boise, Idaho 83735
(208) 332-3570 ext. 3628, Fax (208) 334-6455

DOCKET NO. 09-0301-0901 - 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 09-10, October 7, 2009, Book 1, page 232.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.01 - RULES GOVERNING HORSE RACING
DOCKET NO. 11-0401-0901 (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 2010 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) 54-2506, Idaho Code.

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

This existing rule Chapter is being repealed and replaced with several rule Chapters. The rule needs to be updated, reorganized, and written in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 69.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0401-0901 - 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 09-1, January 7, 2009, page 69.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.04 - RULES GOVERNING DISCIPLINARY HEARINGS AND APPEALS

DOCKET NO. 11-0404-0901 (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 2010 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) 54-2506, Idaho Code.

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

This existing rule Chapter is being repealed and replaced with several rule Chapters. The rule needs to be updated, reorganized, and written in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0404-0901 - 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 09-1, January 7, 2009, page 72.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.04 - RULES GOVERNING DISCIPLINARY HEARINGS AND APPEALS

DOCKET NO. 11-0404-0902 (CHAPTER REWRITE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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) 54-2506, Idaho Code.

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

This existing rule is being repealed and rewritten to provide a clear, concise Chapter on Hearings and Appeals. In addition, this rule conforms more closely with the Association of Racing Officials International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 73 through 83.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0404-0902 - 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 09-1, January 7, 2009, pages 72 through 83.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.05 - RULES GOVERNING ADVANCED DEPOSIT WAGERING
DOCKET NO. 11-0405-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Advanced Deposit Wagering. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 84 through 93.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0405-0901 - 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 09-1, January 7, 2009, page 84 through 93.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 – IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.06 - RULES GOVERNING RACING OFFICIALS
DOCKET NO. 11-0406-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Racing Officials. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 94.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0406-0901 - 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 09-1, January 7, 2009, page 94 through 110.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.07 - RULES GOVERNING RACING ASSOCIATIONS

DOCKET NO. 11-0407-0901

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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Racing Associations. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01, pages 111 through 125.

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 54-2506, Idaho Code.

Every Racing Association conducting a race meet in Idaho must pay a fee of twenty-five dollars (\$25) for each day of racing.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0407-0901 - 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 09-1, January 7, 2009, page 111 through 125.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.08 - RULES GOVERNING PARI-MUTUEL WAGERING
DOCKET NO. 11-0408-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Pari-Mutuel Wagering. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 126 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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0408-0901 - 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 09-1, January 7, 2009, page 126 through 167.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.09 - RULES GOVERNING CLAIMING RACES
DOCKET NO. 11-0409-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on claiming races. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 168 through 174.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0409-0901 - 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 09-1, January 7, 2009, page 168 through 174.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION
11.04.10 - RULES GOVERNING LIVE HORSE RACES
DOCKET NO. 11-0410-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Live Horse Races. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 175 through 198.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0410-0901 - 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 09-1, January 7, 2009, page 175 through 198.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

IDAHO STATE RACING COMMISSION

**11.04.11 - RULES GOVERNING EQUINE VETERINARY PRACTICES, PERMITTED
MEDICATIONS, BANNED SUBSTANCES AND DRUG TESTING OF HORSES**

DOCKET NO. 11-0411-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Equine Veterinary Practices, Permitted Medications, Banned Substances and Drug Testing of Horses. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 199 through 212.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0411-0901 - 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 09-1, January 7, 2009, page 199 through 212.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

**IDAPA 11 - IDAHO STATE POLICE
IDAHO STATE RACING COMMISSION**

**11.04.14 - RULES GOVERNING OWNERS, TRAINERS, AUTHORIZED AGENTS,
JOCKEYS, APPRENTICE JOCKEYS, AND JOCKEY AGENTS**

DOCKET NO. 11-0414-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Owners, Trainers, Authorized Agents, Jockeys, Apprentice Jockeys, and Jockey Agents. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 214 through 225.

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

FISCAL IMPACT: For assistance on technical questions concerning this pending rule, contact Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0414-0901 - 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 09-1, January 7, 2009, page 214 through 225.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

IDAHO STATE RACING COMMISSION

**11.04.15 - RULES GOVERNING CONTROLLED SUBSTANCE AND ALCOHOL
TESTING OF LICENSEES, EMPLOYEES, AND APPLICANTS**

DOCKET NO. 11-0415-0901 (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 2010 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) 54-2506, Idaho Code.

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

This rule provides a clear concise rule Chapter on Controlled Substance and Alcohol Testing of Licensees, Employees, and Applicants. In addition, this rule conforms more closely with the Association of Racing Commissioners International Model Rules in a plain English format.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 7, 2009 Idaho Administrative Bulletin, Vol. 09-01 pages 226.

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 Dennis Jackson, 208-884-7080.

DATED this November 1, 2009.

Dennis Jackson, Executive Director
Idaho State Racing Commission
700 S Stratford Drive
Meridian, Idaho, 83642
208-884-7080, fax 208-884-7098

DOCKET NO. 11-0415-0901 - 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 09-1, January 7, 2009, page 226 through 231.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.07.01 - RULES GOVERNING MOTOR VEHICLES - GENERAL RULES

DOCKET NO. 11-0701-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 67-2901 and 49-901, Idaho Code.

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

This rule making updates the standards and specifications applicable to Idaho equipment Code in Title 49, Chapter 9, to current standards and specifications in federal guidelines.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 26 through 28.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lt. Bill Reese, (208) 884-7220 or william.reese@isp.idaho.gov.

DATED this 15th day of October, 2009.

Colonel G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83643
(208) 884-7003
(208) 884-7090

DOCKET NO. 11-0701-0901 - 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 09-9, September 2, 2009, pages 26 through 28.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 11 - IDAHO STATE POLICE

11.13.01 - RULES GOVERNING MOTOR CARRIERS

DOCKET NO. 11-1301-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 67-2901, Idaho Code.

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

This rule making makes technical changes; creates a new Rule 10 to define "commercial motor vehicle" as required in the federal regulations; updates Rule 18 to define "hazardous material" consistent with 49 CFR; and updates the CFR reference in Rule 19.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 29 through 37.

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 negative fiscal impact will result from this change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Lt. Bill Reese, (208) 884-7220 or william.reese@isp.idaho.gov.

DATED this 15th day of October, 2009.

Colonel G. Jerry Russell, Director
Idaho State Police
700 S. Stratford Drive
Meridian, ID 83643
(208) 884-7003
(208) 884-7090

DOCKET NO. 11-1301-0901 - 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 09-9, September 2, 2009, pages 29 through 37.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 12 - IDAHO DEPARTMENT OF FINANCE

12.01.10 - RULES PURSUANT TO THE IDAHO RESIDENTIAL MORTGAGE PRACTICES ACT

DOCKET NO. 12-0110-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 Sections 26-31-103, 26-31-204(5), 26-31-302(1)(a), and 26-31-302(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 to the pending rule; therefore, it is being adopted as proposed. The complete text of the proposed rule was published in the September 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 38 through 49.

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 Michael Larsen, Consumer Finance Bureau Chief, Idaho Department of Finance, P.O. Box 83720, Boise, Idaho 83720-0031; Telephone: (208) 332-8000; Facsimile: (208) 332-8096.

DATED this 2nd day of November, 2009.

Gavin M. Gee
Director, Idaho Department of Finance
800 Park Blvd., Suite 200
Boise, Idaho 83712
(208) 332-8000
Fax: (208) 332-8097

DOCKET NO. 12-0110-0901 - 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 09-9, September 2, 2009, page 38 through 49.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

**IDAPA 15 - OFFICE OF THE GOVERNOR
MILITARY DIVISION - BUREAU OF HOMELAND SECURITY**

15.13.02 - HAZARDOUS SUBSTANCE RESPONSE RULES

DOCKET NO. 15-1302-0901 (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 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 39-7100, 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 7, 2009 Idaho Administrative Bulletin, Volume 09-10 October 7, 2009 Vol. 1, pages 292 through 303.

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 would be a positive fiscal effect to the state's general fund if funds are recovered and a negative effect if those funds are not recovered from the responsible spiller.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Robert A. (Bob) Wells, Special Assistant to the Director at (208) 422-3041.

DATED this 28th day of October, 2009.

Robert A. Wells
Idaho Bureau of Homeland Security
4040 Guard Street
Boise, Idaho 83705
(208) 422-3041 Fax (208) 422-3044

DOCKET NO. 15-1302-0901 - 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 09-10, October 7, 2009, Book 1, pages 292 through 303.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

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

DOCKET NO. 16-0305-0904

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of these temporary rules is January 1, 2010.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 56-202, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 16, 2009.

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:

The Department is amending these rules to comply with the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008. These rules align the Medicare Savings Program for Qualified Medicare Beneficiary (QMB), the Specified Low-Income Medicare Beneficiary (SLMB), and the Qualifying Individual (QI) for Medicare Part B with the Full-Benefit Low-Income Subsidy (LIS) Program resource limits.

The Social Security Administration provides the Department a list of LIS applicants. These rules provide that the Medicare Savings Program application date is the day they apply for LIS.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section 67-5226(1)(b), Idaho Code, the Governor has found that temporary adoption of these rules is appropriate to meet requirements in federal law.

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.

The fiscal impact for this rulemaking is based on the Qualified Medicare Beneficiary (QMB), the Specified Low-Income Medicare Beneficiary (SLMB), and the Qualifying Individual (QI) for Medicare Part B Premiums. For SFY 2010, the anticipated state general funds impact is \$199,700 and federal matching funds of \$777,700. For SFY 2011, the anticipated state general funds impact is \$1,834,000 and federal matching funds of \$5,496,300. These amounts are reflected in the Medicaid Trustee and Benefit expenditure projections for the state fiscal years of 2010 and 2011.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because these are being amended to align with federal regulations.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Susie Cummins at (208) 732-1419.

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 23, 2009.

DATED this 4th day of November, 2009.

Tamara Prisock
DHW - Administrative Procedures Section
450 W. State Street - 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5564 phone; (208) 334-6558 fax
dhwrules@dhw.idaho.gov e-mail

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 16-0305-0904

050. APPLICATION FOR ASSISTANCE.

01. Application Submitted by Participant. The participant must submit an application form to the Department. An adult participant, a legal guardian or a representative, must sign the application form.

~~(7-1-99)~~(1-1-10)T

02. Application Submitted Through Social Security Administration (SSA) Low-Income Subsidy Data Transmission. For low-income subsidy applicants identified on the SSA data transmission, the protected Medicare Savings Program application date is the day they applied for the low-income subsidy (LIS). (1-1-10)T

(BREAK IN CONTINUITY OF SECTIONS)

810. QUALIFIED MEDICARE BENEFICIARY (QMB).

A person meeting all requirements in Subsections 810.01 through 810.07 is eligible for QMB. QMB Medicaid pays Medicare premiums, coinsurance, and deductibles. (3-15-02)

01. Medicare Part A. The participant must be entitled to hospital insurance under Part A of Medicare at the time of his application. (7-1-99)

02. Nonfinancial Requirements. The participant must meet the Medicaid residence, citizenship, support cooperation, and SSN requirements. (7-1-99)

03. Income. Monthly income must not exceed one hundred percent (100%) of the ~~official poverty line defined by the Federal Office of Management and Budget (OMB) Federal Poverty Guidelines (FPG)~~ ~~Federal Poverty Guidelines (FPG)~~. The single person income limit is the poverty line for a family of one (1) person. The couple income limit is the poverty line for a family of two (2) persons. The annual Social Security cost of living increase is disregarded from income, until the month after the month the annual ~~Federal poverty line~~ FPG revision is published. AABD cash is not counted as income. The income exclusions and disregards used for AABD are used for QMB. ~~(3-20-04)~~(1-1-10)T

04. Dependent Income. Income of the dependent child, parent, or sibling is not counted. (7-1-99)

05. QMB Dependent Family Member Disregard. A dependent family member is a minor child, adult child meeting SSA disability criteria, parent or sibling of the participant or spouse living with the participant. The family member is or could be claimed on the Federal tax return of the participant or spouse. A participant with a dependent family member has an income disregard based on family size. The spouse is included in family size, whether or not the spouse is also participant. The disregard is based on the official poverty line income as defined by the OMB. The disregard is the difference between the poverty line for one (1) person, or two (2) persons if the

participant has a spouse, and the poverty line for the family size including the participant, spouse, and dependent. (7-1-99)

06. Resource Limit. *The resource limit for a single participant is four thousand dollars (\$4,000). The resource limit for a couple is six thousand dollars (\$6,000). Resources must not exceed the resource standard applied to the full low-income subsidy defined in 42 U.S.C. 1395w-114 of the Social Security Act. The resource exclusions used for AABD are used for QMB.* (3-20-04)(1-1-10)T

07. Effective Dates. The effective date of QMB coverage is no earlier than the first day of the month after the approval month. A QMB participant is not entitled to backdated Medicaid. (7-1-99)

811. SPECIFIED LOW INCOME MEDICARE BENEFICIARY (SLMB).

A person meeting all requirements in Subsections 811.01 through 811.076 is eligible for SLMB. Medicaid pays the Medicare Part B premiums for a SLMB. The income and resource exclusions and disregards used for AABD are used for SLMB. (3-20-04)(1-1-10)T

01. Other Medicaid. The SLMB may be eligible for other Medicaid. *The SLMB II cannot be eligible for any other type of Medicaid.* (3-20-04)(1-1-10)T

02. Medicare Part A. The SLMB must be entitled to hospital insurance under Part A of Medicare at the time of his application. (7-1-99)

03. Nonfinancial Requirements. The SLMB must meet the Medicaid eligibility requirements of residence, citizenship, support cooperation, and SSN. (7-1-99)

04. Income. The annual Social Security cost of living increase is disregarded from income, until the month after the month the annual *Federal poverty line* FPG revision is published. *The monthly income limit depends on the SLMB group.* The single person limit is based on a family of one (1). The couple limit is based on a family of two (2). The monthly income limit for *SLMB Group I* is up to one hundred twenty percent (120%) of the *Federal poverty line* FPG. *Monthly income for SLMB Group II is at least one hundred and twenty percent (120%) and not more than one hundred thirty five percent (135%) of the Federal poverty line.* (3-20-04)(1-1-10)T

05. Resource Limit. *The resource limit for a single person is four thousand dollars (\$4,000). The resource limit for a couple is six thousand dollars (\$6,000). Resources must not exceed the resource standard applied to the full low-income subsidy defined in 42 USC 1395w-114 of the Social Security Act. The resource exclusions used for AABD are used for SLMB.* (7-1-99)(1-1-10)T

06. Coverage Limits. *Medicaid pays the Medicare Part B premium for SLMB Group I. There is no annual limit on participants served. Medicaid pays the Medicare Part B premium for SLMB Group II. There is an annual limit on participants served, based on availability of Federal funds. New applications are denied when the annual limit is reached.* (3-20-04)

076. Effective Dates. SLMB coverage begins on the first day of the application month. SLMB coverage may be backdated up to three (3) calendar months before the application month. (7-1-99)

08. Status of SLMB Group II. *SLMB Group II is extended to at least January 21, 2003, pending action by the U. S. Congress.* (3-20-04)

812. Qualified Individual (QI).

A person meeting all requirements in Subsections 812.01 through 812.07 is eligible for QI. Medicaid pays the Medicare Part B premiums for a QI. The income and resource exclusions and disregards used for AABD are used for QI. (1-1-10)T

01. Other Medicaid. The QI cannot be eligible for any other type of Medicaid. (1-1-10)T

02. Medicare Part A. The QI must be entitled to hospital insurance under Part A of Medicare at the time of his application. (1-1-10)T

03. Nonfinancial Requirements. The QI must meet the Medicaid eligibility requirements of residence, citizenship, support cooperation, and SSN. (1-1-10)T

04. Income. The annual Social Security cost of living increase is disregarded from income, until the month after the month the annual FPG revision is published. The single person limit is based on a family of one (1). The couple limit is based on a family of two (2). The monthly income limit is up to one hundred thirty-five percent (135%) of the FPG. (1-1-10)T

05. Resource Limit. Resources must not exceed the resource standard applied to the full low-income subsidy defined in 42 USC 1395-114 of the Social Security Act. The resource exclusions used for AABD are used for SLMB. (1-1-10)T

06. Coverage Limits. There is an annual limit on participants served, based on availability of federal funds. New applications are denied when the annual limit is reached. (1-1-10)T

07. Effective Dates. QI coverage begins on the first day of the application month. QI coverage may be backdated up to three (3) calendar months before the application month. (1-1-10)T

8123. QUALIFIED DISABLED AND WORKING INDIVIDUAL (QDWI).

A person meeting all requirements in Subsections 812.01 through 812.05 of these rules is eligible for QDWI. The person must not be eligible for any other type of Medicaid. A QDWI is eligible only for Medicaid payment of his Medicare Part A premium. (3-15-02)

01. Age and Disability. The participant must be a disabled worker under age sixty-five (65). (7-1-99)

02. Nonfinancial Requirements. The participant must meet the Medicaid eligibility requirements of residence, citizenship, support cooperation and SSN. (7-1-99)

03. Section 1818A Medicare. SSA determined the participant meets the conditions of Section 1818A of the Social Security Act. (7-1-99)

04. Income. Monthly income must not exceed two hundred percent (200%) of the one (1) person official poverty line defined by the OMB. (7-1-99)

05. Resources Limit. ~~The resource limit is four thousand dollars (\$4,000)~~ Resources must not exceed the resource standard applied to the full low-income subsidy defined in 42 USC 1395-114 of the Social Security Act. The resource exclusions used for AABD are used for QDWI. ~~(7-1-99)~~(1-1-10)T

8134. SPONSORED LEGAL NON-CITIZEN.

All income and resources of a legal non-citizen's sponsor are deemed for Medicaid eligibility if the sponsor has signed an I-864 affidavit of support. (7-1-99)

8145. CHILD SUBJECT TO DEEMING.

Income and resources of a child's stepparent are not deemed to the child in determining his Medicaid eligibility. (7-1-99)

8156. FUGITIVE FELON OR PROBATION OR PAROLE VIOLATOR.

A person denied SSI or AABD cash because of the prohibition against payment to fugitive felons and probation and parole violators is not disqualified from Medicaid. (7-1-99)

8167. -- 830. (RESERVED).

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.05 - HEALTH CARRIER EXTERNAL REVIEW

DOCKET NO. 18-0105-0901 (NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is January 1, 2010.

AUTHORITY: In compliance with Section 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 41-211, 41-5905, 41-5906, 41-5908, 41-5909, and 41-5911, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 16, 2009.

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 implements House Bill 192, the Idaho Health Carrier External Review Act, which is effective January 1, 2010. It sets forth requirements for notice of the right to an external review, the request for an external review, and the exhaustion of an internal grievance process; provides for standard external review, expedited external review, the binding nature of an external review decision, approval of independent review organizations and minimum qualifications for independent review organizations; holds harmless independent review organizations; and provides for external review reporting requirements, funding of external review, and disclosure requirements.

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

The rule is necessary to implement a change to the governing law effective January 1, 2010.

FEE SUMMARY: The following is a descriptive summary of the fee or charge being imposed or increased:

The rule does not impose or increase a fee.

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 to the general fund

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the change is required by a change to the governing law. A draft of the rule was circulated to interested parties.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Shad Priest, 208-334-4214 or Shad.Priest@doi.idaho.gov.

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 23, 2009.

DATED this 29th day of October, 2009.

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

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 18-0105-0901

IDAPA 18
TITLE 01
CHAPTER 5

18.01.05 - HEALTH CARRIER EXTERNAL REVIEW

000. LEGAL AUTHORITY.

This rule is promulgated and adopted pursuant to the authority vested in the director under Title 41, Chapters 2 and 59, Idaho Code. (1-1-10)T

001. TITLE AND SCOPE.

01. Title. This rule shall be cited in full as Idaho Department of Insurance Rule IDAPA 18.01.05, "Health Carrier External Review." (1-1-10)T

02. Scope. This rule sets forth uniform requirements to be followed by health carriers and independent review organizations in implementing external review procedures in accordance with Title 41, Chapter 59, Idaho Code. (1-1-10)T

002. WRITTEN INTERPRETATIONS.

In accordance with Section 67-5201(19)(b)(iv), Idaho Code, this agency may have written statements that pertain to the interpretation of the rules of the chapter, or to the documentation of compliance with the rules of this chapter. These documents will be available for public inspection and copying at cost in the main office and each regional or district office of this agency. (1-1-10)T

003. ADMINISTRATIVE APPEALS.

All administrative appeals shall be governed by Title 41, Chapter 2, Idaho Code, and the Idaho Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (1-1-10)T

004. INCORPORATION BY REFERENCE.

No documents are incorporated by reference. (1-1-10)T

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS, STREET ADDRESS, AND WEB SITE.

01. Office Hours. The Department of Insurance is open from 8 a.m. to 5 p.m. except Saturday, Sunday and legal holidays. (1-1-10)T

02. Mailing Address. The department's mailing address is: Idaho Department of Insurance, P.O. Box 83720, Boise, ID 83720-0043. (1-1-10)T

03. Street Address. The principal place of business is 700 West State Street, 3rd Floor, Boise, Idaho 83720-0043. (1-1-10)T

04. Web Site Address. The department's web address is <http://www.doi.idaho.gov>. (1-1-10)T

006. PUBLIC RECORDS ACT COMPLIANCE.

Any records associated with these rules are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (1-1-10)T

007. -- 009. (RESERVED).

010. DEFINITIONS.

As used in this rule, the following terms shall have the following meanings. (1-1-10)T

01. Covered Person. A person as defined in Section 41-5903, Idaho Code. (1-1-10)T

02. Director. The director of the Idaho Department of Insurance. (1-1-10)T

03. Health Benefit Plan. A plan as defined in Section 41-5903, Idaho Code, and subject to Section 41-5904, Idaho Code. (1-1-10)T

04. Health Carrier. An entity as defined in Section 41-5903, Idaho Code. (1-1-10)T

05. URAC. The nationally recognized private health care accreditation organization based in Washington, D.C., that accredits independent review organizations. The web site for URAC is <http://www.urac.org>. (1-1-10)T

011. FONT SIZE FOR PRINTED MATERIALS.

Pertinent text of all printed materials required to be filed with the Director under Title 41, Chapter 59, Idaho Code, or required by this rule, including, but not limited to, notices, disclosure forms and contract forms, is required to be formatted using at least a ten (10) point font. (1-1-10)T

012. -- 019. (RESERVED).

020. NOTICE OF RIGHT TO EXTERNAL REVIEW.

01. Disclosure to Covered Persons. Each health carrier must provide a summary description of external review procedures in or attached to the policy, certificate, membership booklet, outline of coverage or other evidence of coverage the health carrier provides to covered persons. Health carriers must use the summary description in Appendix A. This form has been approved by the Director as meeting the requirements of Section 41-5916, Idaho Code, and this rule. Health carriers must submit summary description forms to the Director for review. (1-1-10)T

02. Notice to Covered Person. When a health carrier sends written notice to a covered person of a final adverse benefit determination for medical necessity or as investigational, the health carrier must send written notice at the same time of the covered person's right to request an external review. (1-1-10)T

a. The written notice of the covered person's right to request an external review must use the form set forth in Appendix B. The notice form in Appendix B has been approved by the Director as meeting the requirements of Section 41-5905, Idaho Code, and this rule. Health carriers must submit notice forms to the Director for review. (1-1-10)T

b. The written notice sent by the health carrier as required by this subsection must include an authorization form to disclose protected health information in compliance with the federal regulation 45 CFR section

164.508. The authorization form in Appendix C has been approved by the Director as meeting the requirements of Section 41-5905, Idaho Code, and this rule. Health carriers must submit authorization forms to the Director for review. (1-1-10)T

021. REQUEST FOR EXTERNAL REVIEW.

01. Request Form. The form for a covered person to request an external review will be available from the department and will be posted on the department's web site. (1-1-10)T

02. Authorization Form. The covered person's request for an external review must include the authorization form to disclose protected health information required in Subsection 020.03. The department will not act on an external review request until the department receives this form completed by the covered person or the covered person's authorized representative. (1-1-10)T

03. Appointment of an Authorized Representative. A covered person may name another person, including the treating health care provider, to act as the covered person's authorized representative for an external review request. (1-1-10)T

022. HEALTH CARRIER NOTICE OF INITIAL DETERMINATION OF AN EXTERNAL REVIEW REQUEST.

Health carriers must use the form set forth in Appendix D for notice of initial determination by a health carrier for a standard external review required by Section 41-5908, Idaho Code, and for an expedited external review required by Section 41-5909, Idaho Code. Health carriers must submit notice forms to the Director for review. (1-1-10)T

023. APPROVAL OF INDEPENDENT REVIEW ORGANIZATIONS.

01. Accreditation. An independent review organization must be accredited by a nationally recognized private accrediting entity in order for the independent review organization to be approved to perform reviews under Title 41, Chapter 59, Idaho Code, and this rule. As of the effective date of this rule, URAC is the only such entity. The Director may later designate other such entities that meet the department's standards set by law and this rule. (1-1-10)T

02. Application Required for Registration. Independent review organizations must apply to the department and pay the applicable fees as set forth at IDAPA 18.01.44, "Schedule of Fees, Licenses and Miscellaneous Charges," to be registered to perform external reviews. The application for registration is posted on the department's web site. The application must include the independent review organization's schedule of costs and fees for performing external reviews. (1-1-10)T

03. Comment Period on Applications. If the Director receives written comments during the forty-two (42) day comment period on an application or reapplication by an independent review organization, the Director may choose to provide those comments to the independent review organization in any approval or denial of the application or reapplication. (1-1-10)T

04. Renewal. Registration as an independent review organization shall continue until two (2) years from the date of approval of the most recent registration except as provided in Subsections 023.05 and 023.06 below. Registration may be renewed by payment of the applicable renewal fee as set forth at IDAPA 18.01.44, "Schedule of Fees, Licenses and Miscellaneous Charges." (1-1-10)T

05. Notice to Director. (1-1-10)T

a. An independent review organization must notify the Director in writing within thirty (30) days of the date the independent review organization is no longer accredited by a nationally recognized private accrediting entity or no longer satisfies the minimum requirements established under Title 41, Chapter 59, Idaho Code and this rule. (1-1-10)T

b. Any change in the independent review organization's schedule of costs and fees for performing external reviews must be submitted to the Director at least sixty (60) days before the effective date of the change. No

such change may be applied to an external review being performed by the independent review organization at the time the change would otherwise take effect. (1-1-10)T

06. Termination of Approval. The Director may immediately terminate approval of an independent review organization if the independent review organization is no longer accredited by a nationally recognized private accrediting entity or if the independent review organization no longer satisfies the requirements of Title 41, Chapter 59, Idaho Code and this rule. Notice of termination will be in writing to the independent review organization and such organization will be deleted from the list of organizations approved to perform external reviews. If the independent review organization is performing an external review at the time of termination, the independent review organization must cease performing that review and immediately forward all information and documentation to the Director. (1-1-10)T

024. ANNUAL REPORTING REQUIREMENTS.

All independent review organizations and health carriers must file with the Director, on or before March 1st of each year, an annual statement on the form available from the Department of Insurance and posted on the department's web site. An annual report is required regardless of whether any external review requests were sent to the independent review organization or health carrier during the year. (1-1-10)T

025. -- 029. (RESERVED).

030. EFFECTIVE DATE -- EXISTING HEALTH BENEFIT PLANS -- GROUNDS FOR DISAPPROVAL.

01. Effective Date of Rule. This rule is applicable to every health benefit plan issued or renewed on and after January 1, 2010. (1-1-10)T

02. Health Benefit Plan Compliance. A health benefit plan issued before the effective date of this rule must be brought into compliance with this rule by the anniversary date or renewal date of the plan following the effective date of this rule. (1-1-10)T

03. Grounds for Disapproval. Any health benefit plan containing terms inconsistent with the provisions of this rule is misleading, inequitable and unfairly prejudicial to the covered person and the insurance-buying public. In addition to any other sanction or remedy afforded by Title 41, Idaho Code, the use of provisions inconsistent with this rule in a health benefit plan will be grounds for the Director to disapprove the health benefit plan in accordance with Section 41-1813, Idaho Code. (1-1-10)T

031. -- 999. (RESERVED).

APPENDICES:

- A Health Carrier Disclosures - "Your Right to an Independent External Review"**
- B Health Carrier Notice - "Notice of Your Right to an Independent External Review"**
- C Authorization for Release of Medical Records**
- D Health Carrier's Notice of Initial Determination**

APPENDIX A

The summary description below provides an acceptable format approved by the director as meeting the requirements of Idaho Code Section 41-5916. A health carrier may change the terms “you, your” to “covered person” and “we, our” to the health carrier’s name, or similar references consistent with the health carrier’s typical terminology.

YOUR RIGHT TO AN INDEPENDENT EXTERNAL REVIEW

Please read this notice carefully. It describes a procedure for review of a disputed health claim by a qualified professional who has no affiliation with your health plan. If you request an independent external review of your claim, the decision made by the independent reviewer will be binding and final. Except in limited circumstances, you will have no further right to have your claim reviewed by a court, arbitrator, mediator or other dispute resolution entity.

If we issue a final adverse benefit determination of your request to provide or pay for a health care service or supply, you may have the right to have our decision reviewed by health care professionals who have no association with us. You have this right only if our denial decision involved:

- The medical necessity of your health care service or supply, or
- Our determination your health care service or supply was investigational.

You must first exhaust our internal grievance and appeal process. Exhaustion of that process includes completing all levels of appeal, or unless you requested or agreed to a delay, our failure to respond to a standard appeal within 35 days in writing or to an urgent appeal within three business days of the date you filed your appeal. We may also agree to waive the exhaustion requirement for an external review request.

You may submit a written request for an external review to:

Idaho Department of Insurance
ATTN: External Review
700 W State St., 3rd Floor
Boise ID 83720-0043

For more information and for an external review request form:

- See the department’s web site, www.doi.idaho.gov, or
- Call the department’s telephone number, (208) 334-4250, or toll-free in Idaho, 1-800-721-3272.

You may represent yourself in your request or you may name another person, including your treating health care provider, to act as your authorized representative for your request. If you want someone else to represent you, you must include a signed “Appointment of an Authorized Representative” form with your request.

Your written external review request to the Department of Insurance must include a completed form authorizing the release of any of your medical records the independent review organization may require to reach a decision on the external review, including any judicial review of the external review decision pursuant to ERISA, if applicable. The department will not act on an external review request without your completed authorization form.

If your request qualifies for external review, our final adverse benefit determination will be reviewed by an independent review organization selected by the department. We will pay the costs of the review.

Standard External Review Request: You must file your written external review request with the department within four months after the date we issue a final notice of denial.

1. Within seven days after the department receives your request, the department will send a copy to us.
2. Within 14 days after we receive your request from the department, we will review your request for eligibility. Within five business days after we complete that review, we will notify you and the department in writing if your request is eligible or what additional information is needed. If we deny your eligibility for review, you may appeal that determination to the department.

3. If your request is eligible for review, the department will assign an independent review organization to your review within seven days of receipt of our notice. The department will also notify you in writing.
4. Within seven days of the date you receive the department's notice of assignment to an independent review organization, you may submit any additional information in writing to the independent review organization that you want the organization to consider in its review.
5. The independent review organization must provide written notice of its decision to you, to us and to the department within 42 days after receipt of an external review request.

Expedited External Review Request: You may file a written "urgent care request" with the department for an expedited external review of a pre-service or concurrent service denial.

"Urgent care request" means any pre-service or concurrent care claim for medical care or treatment for which application of the time periods for making a regular external review determination:

1. Could seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function;
2. In the opinion of the treating health care professional with knowledge of the covered person's medical condition, would subject the covered person to severe pain that cannot be adequately managed without the disputed care or treatment; or
3. The treatment would be significantly less effective if not promptly initiated.

The department will send your request to us. We will determine, no later than the second full business day, if your request is eligible for review. We will notify you and the department no later than one business day after our decision if your request is eligible. If we deny your eligibility for review, you may appeal that determination to the department.

If your request is eligible for review, the department will assign an independent review organization to your review upon receipt of our notice. The department will also notify you. The independent review organization must provide notice of its decision to you, to us and to the department within 72 hours after the date of receipt of the external review request. The independent review organization must provide written confirmation of its decision within 48 hours of notice of its decision. If the decision reverses our denial, we will notify you and the department of the approval of coverage as soon as reasonably practicable, but not later than one business day after making the determination.

Binding Nature of the External Review Decision: If your plan is subject to federal ERISA laws (generally, any plan offered through an employer to its employees), the external review decision by the independent review organization will be final and binding on us. You may have additional review rights provided under federal ERISA laws.

If your plan is not subject to ERISA requirements, the external review decision by the independent review organization will be final and binding on both you and us. **This means that if you elect to request external review, you will be bound by the decision of the independent review organization. You will not have any further opportunity for review of our denial after the independent review organization issues its final decision.** If you choose not to use the external review process, other options for resolving a disputed claim may include mediation, arbitration or filing an action in court.

Under Idaho law, the independent review organization is immune from any claim relating to its opinion rendered or acts or omissions performed within the scope of its duties unless performed in bad faith or involving gross negligence.

APPENDIX B

The notice below provides an acceptable format approved by the director as meeting the requirements of Idaho Code Section 41-5905. A health carrier may change the terms “you, your” to “covered person” and “we, our” to the health carrier’s name, or similar references consistent with the health carrier’s typical terminology.

NOTICE OF YOUR RIGHT TO AN INDEPENDENT EXTERNAL REVIEW

Please read this notice carefully. It describes a procedure for review of a disputed health claim by a qualified professional who has no affiliation with your health plan. If you request an independent external review of your claim, the decision made by the independent reviewer will be binding and final. Except in limited circumstances, you will have no further right to have your claim reviewed by a court, arbitrator, mediator or other dispute resolution entity.

We have denied your request to provide or pay for a health care service or supply. You may have the right to have our decision reviewed by health care professionals who have no association with us. You have this right only if our denial decision involved:

- The medical necessity of your health care service or supply, or
- Our determination your health care service or supply was investigational.

No later than four months from the date of this denial, you may submit a written request for an external review to:

Idaho Department of Insurance
ATTN: External Review
700 W State St., 3rd Floor
Boise ID 83720-0043

For more information and for an external review request form:

- See the department’s web site, www.doi.idaho.gov, or
- Call the department’s telephone number, (208) 334-4250, or toll-free in Idaho, 1-800-721-3272.

You may represent yourself in your request or you may name another person, including your treating health care provider, to act as your authorized representative for your request. If you want someone else to represent you, you must include a signed “Appointment of an Authorized Representative” form with your request.

Your written external review request to the Department of Insurance must include a completed form authorizing the release of any of your medical records the independent review organization may require for review to reach a decision on the external review. The department will not act on an external review request without your completed authorization form.

If your request qualifies for external review, our decision will be reviewed by an independent review organization selected by the department. We will pay the costs of the review.

Standard External Review Request: You must file your written external review request with the department **within four months** after the date we issued this notice of denial.

1. Within seven days after the department receives your request, the department will send a copy to us.
2. Within 14 days after we receive your request from the department, we will review your request for eligibility. Within five business days after we complete that review, we will notify you and the department in writing if your request is eligible or what additional information is needed. If we deny your eligibility for review, you may appeal that determination to the department.
3. If your request is eligible for review, the department will assign an independent review organization to your review within seven days of receipt of our notice. The department will also notify you in writing.
4. Within seven days of the date you receive the department’s notice of assignment to an independent review organization, you may submit any additional information in writing to the independent review organization that you want the organization to consider in its review.

5. The independent review organization must provide written notice of its decision to you, to us and to the department within 42 days after receipt of an external review request.

Expedited External Review Request: You may file a written “urgent care request” with the department for an expedited external review of a pre-service or concurrent service denial.

“**Urgent care request**” means any pre-service or concurrent care claim for medical care or treatment for which application of the time periods for making a regular external review determination:

1. Could seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function;
2. In the opinion of the treating health care professional with knowledge of the covered person’s medical condition, would subject the covered person to severe pain that cannot be adequately managed without the disputed care or treatment; or
3. The treatment would be significantly less effective if not promptly initiated.

The department will send your request to us. We will determine, no later than the second full business day, if your request is eligible for review. We will notify you and the department no later than one business day after our decision if your request is eligible. If we deny your eligibility for review, you may appeal that determination to the department.

If your request is eligible for review, the department will assign an independent review organization to your review upon receipt of our notice. The department will also notify you. The independent review organization must provide notice of its decision to you, to us and to the department within 72 hours after the date of receipt of the external review request. The independent review organization must provide written confirmation of its decision within 48 hours of notice of its decision. If the decision reverses our denial, we will notify you and the department of the approval of coverage as soon as reasonably practicable, but not later than one business day after making the determination.

Binding Nature of the External Review Decision: *[NOTE TO HEALTH CARRIERS: The carrier must include one of the applicable paragraphs below for the covered person’s health benefit plan.]*

[Your plan is subject to federal ERISA laws (generally, any plan offered through an employer to its employees). The external review decision by the independent review organization will be final and binding on the health insurer, but you may have additional review rights provided under federal ERISA laws.]

*[The external review decision by the independent review organization will be final and binding on both you and us. **This means that if you elect to request external review of your claim, you will be bound by the decision of the independent review organization. You will not have any further opportunity for review of your claim after the independent review organization issues its final decision.** If you choose not to use the external review process, other options for resolving a disputed claim may include mediation, arbitration or filing an action in court.]*

Under Idaho law, the independent review organization is immune from any claim relating to its opinion rendered or acts or omissions performed within the scope of its duties unless performed in bad faith or involving gross negligence.

APPENDIX C-1



AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

I have requested an external review pursuant to Idaho Code Section 41-5906. In order to obtain that review, I understand that I must sign below to authorize my health carrier, whose decision is the subject of this request, and its subcontractors and all applicable medical providers, to release all information relating to the decision to be reviewed including, but not limited to, my files and medical record information, which may include mental health information to the Idaho Department of Insurance (DOI). I authorize the DOI to provide or to instruct the health carrier and/or its subcontractors and providers to provide such information to the independent review organization (IRO) assigned by the DOI to perform the external review.

I, _____, hereby reaffirm my request for an external review. I attest that the information provided in this request is true and accurate to the best of my knowledge. I authorize my health carrier, its subcontractors and agents, and my health care providers to release all relevant medical or treatment records to the independent review organization (IRO) and the Idaho Department of Insurance (DOI). I understand the IRO will use this information to make a determination on my external review and the information will be kept confidential and not be released to anyone else. This release is valid for one year unless it expires sooner upon the IRO rendering a final decision or upon revocation. I understand that the decision of the IRO may be binding and that neither the DOI nor the IRO may authorize services in excess of those covered by my health plan.

I acknowledge that I may revoke this authorization at any time. My revocation will be effective upon receipt, but will not affect actions already taken on the basis of the authorization. In any event, this authorization expires upon the IRO rendering a final decision regarding this external review.

Signature of Covered Person (or authorized representative)*

Date

*(Parent, Guardian, Conservator or Other - Please Specify)

Printed Name of Authorized Representative

Complete the following form only if applicable:

APPENDIX C-2



**AUTHORIZATION FOR RELEASE OF DRUG OR ALCOHOL ABUSE RECORDS
AND PSYCHOTHERAPY NOTES**

I have requested an external review pursuant to Idaho Code Section 41-5906. In order to obtain that review, I understand that I must sign below to authorize my health carrier, whose decision is the subject of this request, and its subcontractors and all applicable medical providers, to release all information relating to the decision to be reviewed including, but not limited to, my files and medical record information, which may include mental health information to the Idaho Department of Insurance (DOI). I authorize the DOI to provide or to instruct the health carrier and/or its subcontractors and providers to provide such information to the independent review organization (IRO) assigned by the DOI to perform the external review. I acknowledge that information to be used or disclosed as a result of this authorization may include records that are protected by federal and/or state laws applicable to substance abuse and psychotherapy. I SPECIFICALLY AUTHORIZE THE RELEASE OF CONFIDENTIAL INFORMATION RELATING TO PSYCHOTHERAPY, DRUG AND/OR ALCOHOL ABUSE. The recipient of drug and/or alcohol abuse and psychotherapy information disclosed as a result of this authorization will need my further written authorization to re-disclose this information.

I, _____, hereby reaffirm my request for an external review. I attest that the information provided in this request is true and accurate to the best of my knowledge. I authorize my health carrier, its subcontractors and agents, and my health care providers to release all relevant medical or treatment records to the independent review organization (IRO) and the Idaho Department of Insurance (DOI). I SPECIFICALLY AUTHORIZE THE RELEASE OF CONFIDENTIAL INFORMATION RELATING TO PSYCHOTHERAPY, DRUG AND/OR ALCOHOL ABUSE. I understand the IRO will use this information to make a determination on my external review and the information will be kept confidential and not be released to anyone else. This release is valid for one year unless it expires sooner upon the IRO rendering a final decision or upon revocation. I understand that the decision of the IRO may be binding and that neither the DOI nor the IRO may authorize services in excess of those covered by my health plan.

I acknowledge that I may revoke this authorization at any time. My revocation will be effective upon receipt, but will not affect actions already taken on the basis of the authorization. In any event, this authorization expires upon the IRO rendering a final decision regarding this external review.

Signature of Covered Person (or authorized representative)*

Date

*(Parent, Guardian, Conservator or Other - Please Specify)

Printed Name of Authorized Representative

*Parent (if patient is under 18 years old), guardian (if other than patient), conservator, attorney or other. If other than parent of minor, attach a written authorization to represent patient.

Return to:

Idaho Dept of Insurance
PO Box 83720
Boise, ID 83720-0043

APPENDIX D

HEALTH CARRIER'S NOTICE OF INITIAL DETERMINATION

[Date]

[Covered Person/Authorized Representative]

[Address]

RE: Initial Determination of Your Request for an External Review

We completed our preliminary review of your request for an external review sent to us by the Idaho Department of Insurance. As part of our review, we considered:

1. Eligibility of the covered person under the health benefit plan at the time the health care service was requested, or, for a post-service review, the health care service was performed;
2. If the health care service is a covered service under the health benefit plan, except for our determination the health care service does not meet our requirements for medical necessity or the service or supply is investigational;
3. If the covered person has exhausted our internal grievance process, or if we failed to provide a timely determination to a grievance under that process or if we waived the exhaustion requirement under that process; and
4. All information and forms required to process an external review, including your signed authorization to disclose protected health information.

[If the request is complete and eligible for review:

We determined your request is complete and eligible for external review. We sent a copy of this notice to the Idaho Department of Insurance. The Department of Insurance will assign an independent review organization to perform the review and will notify you of the name of that organization.]

[OR if the request is not complete:

We have determined your request is not complete. In order to complete your request, you must provide the following: *(Provide details of what information or materials are needed to make the request complete.)*

[OR if the request is not eligible for external review:

We have determined your request is not eligible for external review. Your request is ineligible for the following reasons: *(Provide details of the reasons for denial.)*

If you disagree with our initial determination that your request is ineligible, you may file a written appeal with the Director of the Idaho Department of Insurance within 30 days of the date of this notice. Your appeal must include adequate detail and documentation to show proof of your eligibility. The Director may determine a request is eligible based on the terms and conditions of the covered person's health benefit plan and the applicable provision of Idaho Code, Title 41, Chapter 59.]

[Include the following for all notices:]

For further information, please contact the Idaho Department of Insurance, (208) 334-4250, or toll-free, 1-800-721-3272. The department's fax number is (208) 334-4398. The department's web site is: www.doi.idaho.gov

Sincerely,

[Health Carrier]

C: Idaho Department of Insurance/External Review

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.53 - CONTINUING EDUCATION

DOCKET NO. 18-0153-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 41-1013, Idaho Code.

DESCRIPTIVE SUMMARY: The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 80 through 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: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jim Genetti, 208-334-4250.

DATED this 30th day of October, 2009.

Jim Genetti
Bureau Chief
Idaho Department of Insurance
700 W. State Street 3rd Floor
P.O. Box 83720, Boise ID 83720-0043
Phone: 208/334-4250
Fax: 208/334-4398
E-mail: jim.genetti@doi.idaho.gov

DOCKET NO. 18-0153-0901 - 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 09-10, October 7, 2009, Book 2, pages 80 through 85.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 20 - DEPARTMENT OF LANDS

20.01.01 - RULES OF PRACTICE AND PROCEDURE BEFORE THE STATE BOARD OF LAND COMMISSIONERS

DOCKET NO. 20-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 58-104(6), 58-105, Idaho Code.

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

No changes have been made to the pending rule. The proposed rule changes correct outdated physical location information and provide current telephone, facsimile, mailing, and website information. This rule change is necessary to provide accurate information to the public. This information will enable the public to access meetings of the State Board of Land Commissioners as well as conduct business with the Idaho Department of Lands. This current office information will be reflected in other chapters of the rules of the Department of Lands.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 101 and 102.

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 the undersigned.

DATED this 27th day of October, 2009.

George Bacon
Director
Department of Lands
300 North 6th Street, Suite 103
P. O. Box 83720
Boise, ID 83720-0050
Phone: (208) 334-0242
Fax: (208) 334-3698

DOCKET NO. 20-0101-0901 - 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 09-8, August 5, 2009, pages 101 and 102.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 20 - DEPARTMENT OF LANDS

20.03.14 - RULES GOVERNING GRAZING LEASES AND CROPLAND LEASES

DOCKET NO. 20-0314-0901

NOTICE OF RULEMAKING

ADOPTION OF PENDING RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is November 1, 2009. This pending rule has been adopted by the agency and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule becomes final and effective at the conclusion of the legislative session, unless the rule is approved, rejected, amended or modified by concurrent resolution in accordance with Section 67-5224 and 67-5291, Idaho Code. If the pending rule is approved, amended or modified by concurrent resolution, the rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending rule and amended a temporary rule. The action is authorized pursuant to Section 58-104(6), Idaho Code.

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

The rule provides for (1) acceptance of lease applications for competing uses; (2) development of lease terms by the Department and the applicant based on pre-identified criteria; (3) minimum bids at conflict auctions; (4) penalties for applicant withdrawal prior to or after a conflict auction; and (5) new improvement crediting procedures for improvements approved after July 1, 2009.

Section 010, Definitions, is amended to reinsert the term Animal Unit Month (AUM). The amendment serves to eliminate confusion regarding the use of AUMs in the calculation of rental rates. Section 090, Trespass, was removed to eliminate redundancy. Trespass is appropriately addressed in existing lease language, existing Department policy, and existing statutes.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code, and is being republished following this notice. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, Department of Lands amended the temporary rule with the same revisions that have been made to the pending rule. Only the sections that have changes different from the proposed text are printed in this Bulletin. The original text of the proposed rule was published in the August 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 103 through 117.

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: Not Applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule and the amendment to temporary rule, contact Bob Brammer, Division Administrator (208) 334-0239.

DATED this 28th day of October, 2009.

Bob Brammer
Division Administrator
Idaho Department of Lands
300 N Sixth St. Suite 103
P.O. Box 83720
Boise, ID 83720-0500
Phone (208) 334-0239
Fax (208) 334-3698

DOCKET NO. 20-0314-0901 - ADOPTION OF PENDING RULE
AND AMENDMENT TO TEMPORARY RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that is being added.
Italicized text that is ~~underscoring and struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, [Volume 09-7, August 5, 2009, pages 104 through 117.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
TEXT OF THE PENDING RULE FOR DOCKET NO. 20-0314-0901

Section 010

010. DEFINITIONS.

01. Amortization. The purchase of Department authorized, lessee installed, lease improvements by the Department through allowance of credit to the lessee's annual lease payments. (3-13-02)

02. Animal Unit Month (AUM). *The amount of forage necessary to feed one (1) cow or one (1) cow with one (1) calf under six (6) months of age or one (1) bull for one (1) month. One (1) yearling is considered seven tenths (.7) of an AUM. Five (5) head of sheep, or five (5) ewes with lambs are considered one (1) AUM. One (1) horse is considered one and one-half (1 1/2) AUM.* (~~3-13-02~~)(7-1-09)T(11-1-09)T

~~**03. Appraisal.** The act or process of estimating the value of Department authorized improvements associated with a lease.~~ (3-13-02)

04. Assignment. The Department approved transfer of all, or a portion of, a lessee's right to another person wherein the second person assumes the lease contract with the Department. (3-13-02)

~~**05. Board.** The Idaho State Board of Land Commissioners or such representatives as may be designated.~~ (3-13-02)

06. Conflict Application. An timely application to lease state endowment trust land for grazing ~~or cropland purposes and that is submitted by someone other than the current/former lessee, or, in the case of unleased land, a situation,~~ farming, conservation, noncommercial recreation or communication site use when ~~more than~~ one (1) ~~or more~~ applications ~~is have been~~ submitted for the same parcel ~~and use of the state endowment trust land and for the same or an incompatible use.~~ (3-13-02)(7-1-09)T

~~**07. Department.** The Idaho Department of Lands.~~ (6-14-88)

08. Director. The Director of the Department of Lands, or such representative as may be designated by the Director. (3-13-02)

~~098.~~ **Extension.** An approved delay in the due date of the rental owed on a ~~cropland farming~~ lease without risk of loss of the lease. (3-13-02)(7-1-09)T

~~10.~~ **Grazing.** ~~The consumption of forage by domestic livestock.~~ (3-13-02)

~~089.~~ **Improvement Valuation.** The Land Board approved process or processes of estimating the value of Department authorized improvements associated with a lease. (7-1-09)T

~~110.~~ **Grazing Management Plan Lease.** A written agreement between the ~~lessee and the~~ Department, ~~or between the lessee and another public agency and approved by the Department, designed to meet the resource objectives identified by the Department~~ and a person containing the terms and conditions upon which the person will be authorized to use state endowment trust land. (3-13-02)(7-1-09)T

~~12.~~ **Herd Stock.** ~~Livestock leased or managed, but not owned, by the lessee.~~ (3-13-02)

~~131.~~ **Lease Application.** An application to lease state endowment trust land for grazing ~~or cropping,~~ farming, conservation, noncommercial recreation, or communication site purposes. (3-13-02)(7-1-09)T

~~142.~~ **Manageable Unit.** A unit of state endowment trust land designated by the Department, geographically configured and sufficiently large to ~~efficiently graze livestock or raise crops~~ achieve the proposed use. (3-13-02)(7-1-09)T

~~153.~~ **Mortgage Agreement.** Department authorization for the lessee to obtain a mortgage on a state ~~grazing or cropland~~ lease. (3-13-02)(7-1-09)T

~~164.~~ **Person.** An individual, partnership, association, corporation or any other entity qualified to do business in the state of Idaho and any federal, state, county, or local unit of government. (3-13-02)

~~175.~~ **Sublease.** An agreement in which the state lease holder conveys the right of use and occupancy of the property to another party on a temporary basis. (3-13-02)

New Reserved Sections 073 through 099

~~073. -- 07899.~~ (RESERVED).

Section 090

~~090.~~ **TRESPASS.**

~~01.~~ **Loss or Waste.** ~~The lessee shall use the property within the lease in such manner as will best protect the state of Idaho against loss or waste. Unauthorized activities occurring on state endowment trust land shall be considered trespass; these include dumping of garbage, constructing improvements without a permit, and other unauthorized actions.~~ (3-13-02)(7-1-09)T

~~02.~~ **Civil Action by Lessee.** ~~The lessee is encouraged to take civil action against owners of trespass livestock on state endowment trust lands to recover damages to the lessee for lost forage or other values incurred by the lessee.~~ (3-13-02)(7-1-09)T

~~03.~~ **Continuing Trespass.** ~~When continued trespass causes resource damage, the Department will initiate proceedings to restrict further trespass and recover damages as necessary.~~ (3-13-02)

~~04.~~ **Trespass Claims.** ~~Trespass claims initiated by the Department will be assessed as triple the current State AUM rate for forage taken.~~ (3-13-02)

~~091. -- 099.~~ (RESERVED).

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. 22-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-1806 (2) (4) and (11) and 54-1806A, 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:

The purpose of the change to the pending is to update the rule and ensure public health, safety and welfare by providing the Board an opportunity to collaborate with other medical regulatory bodies by providing the Board the authority to share information with other state boards. This opportunity increases the ability to restrict incompetent practitioners moving from state to state without disclosure or discovery of previous damaging or incompetent performance.

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 5, 2009 Idaho Administrative Bulletin, Vol. 09-8, pages 123 and 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:

There is no negative fiscal impact to the general fund as a result of this rulemaking.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact Nancy M. Kerr at 208-327-7000.

DATED this October 21, 2009.

Nancy M. Kerr
Executive Director
Board of Medicine
1755 Westgate Dr. #140
PO Box 83720
Boise, ID 83720-0058
Phone 208-327-7000
Fax 208-327-7005

DOCKET NO. 22-0101-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that has been added to the pending rule.

Only those sections or subsections 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 09-8, August 5, 2009, pages 123 and 124.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 22-0101-0901

Section 003 and 004

003. ADMINISTRATIVE APPEAL.

All contested cases shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedures of the Attorney General," and IDAPA 22.01.07, "Rules of Practice and Procedure of the Board of Medicine," *and this chapter.* (5-3-03)(____)

004. PUBLIC RECORD ACT COMPLIANCE.

These rules have been promulgated according to the provisions of Title 67, Chapter 52, Idaho Code, and are public records. Pursuant to Section 9-340C (9), Idaho Code, the Board may discuss, exchange and share complaints and the details of investigations with other Idaho state agencies or with other state boards in investigation and enforcement concerning violations of the Idaho Medical Practice Act and Board rules and comparable practice acts of other states. (5-3-03)(____)

Section 007

007. FILING OF DOCUMENTS - NUMBER OF COPIES.

All original documents in rulemaking or contested case proceedings must be filed with the office of the Board. *The original and ten (10) copies of all documents must be filed with the office of the Board.* (5-3-03)(____)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-312, 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 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, 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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0101-0901 - 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 09-10, October 7, 2009, Book 2, pages 113 and 114.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - RULES OF THE IDAHO BOARD OF ARCHITECTURAL EXAMINERS

DOCKET NO. 24-0101-0902

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is September 18, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-312, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 16, 2009.

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:

The 2009 Legislature passed House Bill 92 which allows an applicant who meets the education requirement and is currently enrolled in the Intern Development Program (IDP) to apply for the Architect Registration Examination (ARE). These rules implement this change in the law.

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

This temporary rule is necessary to comply with a deadline to amendments in governing law.

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 negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the change is due to changes in the Architect law.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

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 23, 2009.

DATED this 22nd day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233 phone (208) 334-3945 fax

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 24-0101-0902

250. QUALIFICATIONS OF APPLICANTS (RULE 250).

01. ARE Applicants. All applicants for the Architectural Registration Examination (ARE) shall possess the minimum qualifications required by the NCARB Handbook for Interns and Architects, where such handbook does not conflict with Idaho law. All applicants for the ARE must have started or completed the Intern Development Program (IDP) requirements. ~~(4-11-06)~~(9-18-09)T

02. Experience in Lieu of Degree Applicants. The Board may allow an applicant without an architecture degree to sit for the architecture examination upon determining that such applicant has attained the knowledge and skill approximating that attained by graduation from an accredited architecture curriculum including the submission of a record of eight (8) years or more of experience in architecture work of a character deemed satisfactory by the Board. Said experience shall be in addition to that necessary for completion of the Intern Development Program (IDP) requirements. Two (2) years of eight (8) or more years of experience may be accepted if determined that such experience is directly related to architecture under the direct supervision of a registered engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction) or a registered landscape architect. At least six (6) years of such experience must be obtained while working under the direct supervision of a licensed architect. A person is qualified for the examination once they have met the experience requirement and started the Intern Development Program (IDP). ~~(4-6-05)~~(9-18-09)T

251. – 299. (RESERVED).

300. APPLICATION (RULE 300).

01. Licensure by Examination. (7-1-93)

a. Application for licensure by examination shall be made on the uniform application form adopted by the Board and furnished to the applicant by the Bureau. ~~(3-15-02)~~(9-18-09)T

b. Applicants shall furnish all information required by the uniform application form and shall include the following: (3-15-02)

i. Certified transcript of all subjects and grades received for all college courses taken. (7-1-93)

ii. If graduated from a college or university, furnish certification of graduation and a certified transcript of all work completed. (7-1-93)

iii. Furnish statement or statements, of all actual architectural or other applicable experience signed by the person under whose supervision the work was performed, giving kind and type of work done, together with dates of employment. (7-1-93)

iv. A recent passport photograph taken within the previous year for identification purposes. (3-30-01)

v. In addition to the above required information, an applicant having credits or a degree or degrees from any college or university shall furnish the Board a certified statement from each above institution stating by what accrediting group, if any, such credits or degree or degrees are accredited. (7-1-93)

c. Application shall not be reviewed by the Board until all required information is furnished and the required fee is paid. (3-15-02)

d. To be considered by the Board, properly completed applications must be received by the Bureau at least thirty (30) days prior to the first day of the month in which the Board will meet. (3-15-02)

02. Licensure by Endorsement -- Blue Cover. (7-1-97)

a. General requirements. Application shall be accompanied by a current blue cover dossier compiled by the NCARB certifying that the applicant has satisfactorily passed the standard NCARB examinations, or NCARB authorized equivalent and shall include letters, transcripts, and other documents substantiating all statements relative to education and experience made in said application as required by the Board. (7-1-97)

b. Seismic knowledge requirements for endorsement applicants. Each applicant for license under endorsement to practice architecture in the state of Idaho shall submit evidence of his skill and knowledge in seismic design and such evidence shall be submitted and signed by the applicants acknowledged before a notary public, and shall contain one of the following statements: (7-1-97)

i. "I have passed the examinations in Building Construction and Structural Design of the Western Conference of State Architectural Registration Boards in June 1963 or since and/or the NCARB in 1965 or since." (7-1-97)

ii. "I am registered in the State of _____ in 20____, where competence in seismic was a requirement for registration since _____, 20____." (7-1-93)

iii. Certification of the successful completion of the seismic seminar approved by the National Conference of Architectural Registration Boards. (7-1-93)

c. All applicants shall attach to their statement a certification from the State architectural registration agency of the cited state attesting the adequacy of the cited seismic examination. (7-1-93)

03. Licensure by Endorsement -- Equivalency. (7-1-97)

a. Application shall be made on the uniform application form adopted by the Board and furnished to the applicant by the Bureau. (3-15-02)

b. Applicant shall comply with all requirements set forth in Subsections 300.01, 300.02.b.i., 300.02.b.ii., 300.02.b.iii., and 300.02.c. (7-1-97)

c. Applicant shall provide proof of holding a current and valid license issued by another state, a licensing authority recognized by the Board. (7-1-97)

d. Applicant shall provide proof of satisfactorily passing the NCARB examinations or NCARB authorized equivalent examination, as determined by the Board. (7-1-97)

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.03.01 - RULES OF THE STATE BOARD OF CHIROPRACTIC PHYSICIANS

DOCKET NO. 24-0301-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 115 through 117.

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 Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0301-0901 - 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 09-10, October 7, 2009, Book 2, pages 115 through 117.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.04.01 - RULES OF THE IDAHO BOARD OF COSMETOLOGY

DOCKET NO. 24-0401-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-821, 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 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 306 and 307.

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

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0401-0901 - 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 09-9, September 2, 2009, pages 306 and 307.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.06.01 - RULES FOR THE LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

DOCKET NO. 24-0601-0901

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 2010 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 fee rule. The action is authorized pursuant to Section 54-3717, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 126 through 139.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 54-3712, Idaho Code:

The 2009 Legislature passed House Bill 261 which amended Title 54, Chapter 37 of Idaho Code. Per 54-3712, Idaho Code, the Board of Occupational Therapists is setting fees in its rules for a license, a renewal, and an application.

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

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0601-0901 - 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 09-10, October 7, 2009, Book 2, pages 126 through 139.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0801

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-3003, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the December 3, 2008 Idaho Administrative Bulletin, Vol. 08-12, pages 63 and 64.

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

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0701-0801 - 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 08-12, December 3, 2008, pages 63 and 64.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.07.01 - RULES OF THE IDAHO STATE BOARD OF LANDSCAPE ARCHITECTS

DOCKET NO. 24-0701-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-3003, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 140 and 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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0701-0901 - 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 09-10, October 7, 2009, Book 2, pages 140 and 141.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.08.01 - RULES OF THE STATE BOARD OF MORTICIANS

DOCKET NO. 24-0801-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 142 through 144.

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 Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-0801-0901 - 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 09-10, October 7, 2009, Book 2, pages 142 through 144.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.10.01 - RULES OF THE STATE BOARD OF OPTOMETRY

DOCKET NO. 24-1001-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-1509, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 145 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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1001-0901 - 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 09-10, October 7, 2009, Book 2, pages 145 through 148.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.11.01 - RULES OF THE STATE BOARD OF PODIATRY

DOCKET NO. 24-1101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, 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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1101-0901 - 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 09-10, October 7, 2009, Book 2, pages 149 and 150.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-0901

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 2010 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 fee rule. The action is authorized pursuant to Section 54-2305, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 151 through 156.

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 54-2307, 54-2312, and 54-2312A, Idaho Code:

The proposed set of rules increases certain fees to assist the Board of Psychologist Examiners with its cash balance and creates an inactive status. Annual renewal fee for inactive license will be \$150. Original application fee for licensure by exam will be \$200. Original application fee for licensure by endorsement/senior psychologist will be \$300.

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 fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1201-0901 - 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 09-10, October 7, 2009, Book 2, pages 151 through 156.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.12.01 - RULES OF THE IDAHO STATE BOARD OF PSYCHOLOGIST EXAMINERS

DOCKET NO. 24-1201-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2305, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 157 through 160.

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 Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1201-0902 - 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 09-10, October 7, 2009, Book 2, pages 157 through 160.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

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. 24-1501-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-3404, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 161 through 168.

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 Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1501-0901 - 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 09-10, October 7, 2009, Book 2, pages 161 through 168.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.16.01 - RULES OF THE STATE BOARD OF DENTURITRY

DOCKET NO. 24-1601-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 169 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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1601-0901 - 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 09-10, October 7, 2009, Book 2, pages 169 through 171.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.17.01 - RULES OF THE STATE BOARD OF ACUPUNCTURE

DOCKET NO. 24-1701-0901

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 2010 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 fee 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 172 and 173.

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 54-1115A, Idaho Code:

This change would reduce the following fees: application fee from \$200 to \$100; annual renewal fees for licensure and certification from \$200 to \$125; and annual renewal fees for technician certification from \$150 to \$75.

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:

This fee change would reduce the amount of fees collected for the Board of Acupuncture by approximately \$13,250 per year based on the number of licensees.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1701-0901 - 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 09-10, October 7, 2009, Book 2, pages 172 and 173.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.18.01 - RULES OF THE REAL ESTATE APPRAISER BOARD

DOCKET NO. 24-1801-0901

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 2010 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 fee rule. The action is authorized pursuant to Section 54-4106, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 174 through 185.

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 54-4113, Idaho Code:

The Board is increasing the license renewal fee from \$250 to \$350.

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 fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1801-0901 - 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 09-10, October 7, 2009, Book 2, pages 174 through 185.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES3

**24.19.01 - RULES OF THE BOARD OF EXAMINERS OF RESIDENTIAL
CARE FACILITY ADMINISTRATORS**

DOCKET NO. 24-1901-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-4205, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 186 through 188.

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 Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-1901-0901 - 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 09-10, October 7, 2009, Book 2, pages 186 through 188.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.22.01 - RULES OF THE IDAHO LIQUEFIED PETROLEUM GAS SAFETY BOARD

DOCKET NO. 24-2201-0901

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 2010 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 fee 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 189 and 190.

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 54-5308 and 54-5313, Idaho Code:

The Liquefied Petroleum Gas Safety Board is increasing the facility license fee and annual renewal fee from \$50 to \$100, increasing the bulk storage facility license fee and annual renewal fee from \$200 to \$400, increasing the dealer license and renewal fee from \$50 to \$75, and increasing the endorsement fee from \$50 to \$75.

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 fee rule, contact Cherie Simpson at 208 334-3233.

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-2201-0901 - 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 09-10, October 7, 2009, Book 2, pages 189 and 190.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

DOCKET NO. 24-2501-0901 (FEE RULE -- NEW CHAPTER)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is October 30, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 54-5403, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than December 16, 2009.

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:

The 2009 legislature passed Senate Bill 1133 which created the State Driving Businesses Licensure Board. The proposed rules are necessary in order to implement the provisions of Title 54, Chapter 54, Idaho Code. The proposed rules provide contact information for the Board and definitions. The rules set out the application process; the fees; the renewal process; the requirements for a driving business license and a driving instructor license; the curriculum components; the course of instruction; the instructor apprenticeship training program; and the grounds for discipline.

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

Senate Bill 1133 required that only licensed persons provide driver education. It created the Driving Businesses Licensure Board to issue licenses and enforce the minimum license standards and requirements. The rule sets the licensure fees needed for the Board to issue the required licenses. If licenses are not issued, persons and existing businesses will not be able to practice. Driving students would then face a shortage of driver education services.

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:

The 2009 Legislature passed Senate Bill 1133 which added Title 54, Chapter 54, Idaho Code. Per 54-5404, Idaho Code, the State Driving Businesses Licensure Board is setting fees in its rules for a license, a renewal, a permit and an application.

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

The proposed rules establish fees that will be deposited in the Bureau of Occupational Licenses dedicated fund. The fees will be used by the State Driving Businesses Licensure Board to administer its act. Since all self governing boards are expected to be self-supporting, these fees are based on the estimated costs and the anticipated number of licensees.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220, Idaho Code, negotiated rulemaking was not conducted because the change is due to the creation of Title 54, Chapter 54.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Cherie Simpson at (208) 334-3233.

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 23, 2009.

DATED this 6th day November, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St., STE 220
Boise, ID 83702
(208) 334-3233 phone (208) 334-3945 fax

THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 24-2501-0901

IDAPA 24
TITLE 25
CHAPTER 01

24.25.01 - RULES OF THE IDAHO DRIVING BUSINESSES LICENSURE BOARD

000. LEGAL AUTHORITY (RULE 0).

In accordance with Section 54-5403, Idaho Code, the Idaho Driving Businesses Licensure Board hereby promulgates rules that implement the provisions of Chapter 54, Title 54, Idaho Code. (10-30-09)T

001. TITLE AND SCOPE (RULE 1).

These rules are cited as IDAPA 24.25.01, "Rules of the Idaho Driving Businesses Licensure Board." (10-30-09)T

002. WRITTEN INTERPRETATIONS (RULE 2).

The Board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (10-30-09)T

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative appeals are governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (10-30-09)T

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document. (10-30-09)T

005. ADDRESS OF IDAHO DRIVING BUSINESSES LICENSURE BOARD (RULE 5).

The office of the Idaho Driving Businesses Licensure Board is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is drb@ibol.idaho.gov. The Board's official web site can be found at <http://www.ibol.idaho.gov>. (10-30-09)T

006. PUBLIC RECORDS (RULE 6).

The records associated with the Idaho Driving Businesses Licensure Board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (10-30-09)T

007. CHANGES IN LICENSEE INFORMATION (RULE 7).

01. Information Update. Each licensee must keep the Bureau current on the information that the licensee has placed on record with the Bureau. If a change occurs to the information that a licensee provided to the Bureau under Rules 150, 225 or 250, the licensee must notify the Bureau in writing of the change within twenty (20) calendar days after the change occurs. The licensee must provide the Bureau, upon request, with appropriate documentation reflecting the change. (10-30-09)T

02. Address for Notification Purposes. The most recent mailing address on file with the Bureau will be used for purposes of all written communication with a licensee including, but not limited to, notification of renewal and notices related to disciplinary actions. Each licensee must keep the Bureau informed of the licensee's current mailing address. (10-30-09)T

008. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The Idaho Driving Businesses Licensure Board as created in Section 54-5402, Idaho Code. (10-30-09)T

02. Bureau. The Idaho Bureau of Occupational Licenses as created in Section 67-2602, Idaho Code. (10-30-09)T

03. Student. A person aged fourteen and one-half (14 ½) up to seventeen (17) years. (10-30-09)T

011. -- 099. (RESERVED).

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet at least annually at such times and places as designated by the Chairman, or upon the written request of two (2) members of the Board. (10-30-09)T

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Chapter 23, Title 67, Idaho Code. (10-30-09)T

b. A minimum of three (3) Board members shall constitute a quorum and may exercise all powers and authority conferred on the Board in order to hold a meeting of the Board. A majority vote of the Board members present at a meeting shall be considered the action of the Board as a whole. (10-30-09)T

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (10-30-09)T

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (10-30-09)T

b. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. The Chief of the Bureau shall act as an agent of the Board and shall be the custodian of all records of the Board. (10-30-09)T

101. -- 149. (RESERVED).

150. APPLICATION (RULE 150).

Each applicant for a license, permit, or other authority from the Board must submit a complete application on Board-approved application forms. The application must be accompanied by required fee(s). The Board will not review completed applications received five (5) or fewer business days before a Board meeting. The Board also will not review incomplete applications, including applications submitted without the required fee(s). Further, an applicant

must provide, or facilitate the provision of, any supplemental information or documents requested by the Board. Any application on file with the Board where an applicant has failed to respond to a Board request or where the application has lacked activity for twelve (12) consecutive months will be deemed denied and will be terminated upon thirty (30) days written notice to the applicant unless good cause is established to the Board. (10-30-09)T

151. -- 174. (RESERVED).

175. FEES (RULE 175).

- 01. Fees.** The following fees are established by the Board: (10-30-09)T
 - a.** Initial application processing fee - fifty dollars (\$50). (10-30-09)T
 - b.** Original instructor license fee and renewal fee - fifty dollars (\$50). (10-30-09)T
 - c.** Instructor apprentice permit fee - fifty dollars (\$50). (10-30-09)T
 - d.** Original business license fee and renewal fee - five hundred dollars (\$500). (10-30-09)T
 - e.** Reinstatement fee - twenty-five dollars (\$25). (10-30-09)T
- 02. Refund of Fees.** All fees are non-refundable. (10-30-09)T

176. – 199. (RESERVED).

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. A license expires, unless renewed, on the birth date of an individual licensee, and on the anniversary date of the original license for a business, in accordance with Section 67-2614, Idaho Code. Licenses not renewed by those dates will be cancelled in accordance with Section 67-2614, Idaho Code. (10-30-09)T

02. Application for Renewal. In order to renew a license, a licensee must annually submit a timely, completed, Board-approved renewal application form and pay the required renewal fees. All renewals are subject to audit. When applying for renewal, the licensee must meet the following requirements: (10-30-09)T

a. The licensee must certify that the licensee continues to satisfy all requirements for the licensee's type of licensure, as set forth in Rules 225 and 250, and that the licensee is, and has been, in full compliance with Rule 007. The licensee must further certify that the licensee is in compliance with the Board's continuing education requirements. (10-30-09)T

b. An instructor licensee also must certify that the licensee does not suffer from any physical or mental condition or disease that would impair the licensee's ability to safely instruct drivers. (10-30-09)T

c. Every two (2) years, a driving instructor licensee must obtain a new medical certificate of the kind described in Subsection 250.05. The instructor licensee must annually certify that the licensee is in compliance with the requirements. (10-30-09)T

d. A business licensee that offers a Board-approved instructor apprentice training program must certify that the licensee's program has maintained compliance with the Board's program approval criteria as specified in Rule 275. (10-30-09)T

03. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with Section 67-2614, Idaho Code. (10-30-09)T

201 -- 224. (RESERVED).

225. DRIVING BUSINESS LICENSE (RULE 225).

A driving business license enables a licensee to operate a driver education business at one, principal classroom location as designated in the application. The licensee may also utilize secondary locations for classroom instruction, so long as the business does not conduct driver education at any given secondary location for more than sixty (60) days in a one-year period. A driving business license is not transferable. The business licensee must conspicuously display the license at the business's principal classroom location. Each applicant must apply as required by Rule 150. (10-30-09)T

01. Applicant Identity. The applicant must provide such identifying information as may be requested by the Board including, without limitation, the following: (10-30-09)T

a. The applicant's legal name (i.e., the name of the natural person or business entity to be issued the license) and assumed business name(s), if any. (10-30-09)T

b. The applicant's social security number, if the applicant has no employees and is a natural person (including a sole proprietor acting under an assumed business name). If the applicant has employees or is not a natural person (e.g., is a general or limited partnership, corporation, limited liability partnership, or limited liability company), then the applicant must provide its employer identification number. (10-30-09)T

c. The names and addresses of the applicant's officers and shareholders having a twenty-five percent (25%) or greater ownership interest (if a corporation), members and managers (if a limited liability company), and partners (if a partnership). (10-30-09)T

d. The applicant's contact information, including its mailing address, physical address, and telephone number. (10-30-09)T

02. Criminal History Background Check. The applicant, if a natural person, and all persons listed under Paragraph 225.01.c. and Subsection 225.05 of these rules, must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. Each applicant must ensure that such persons submit a full set of their fingerprints, and any relevant fees, directly to the organization that conducts the criminal history check, and that the organization delivers the results directly to the Bureau. The Board will not process the application until the Bureau has received all the criminal history checks. (10-30-09)T

03. Classroom Locations, and Certificates of Occupancy. Each applicant must list all principal and secondary classroom locations to be utilized by the business. The applicant must provide a certificate of occupancy issued to the building/room by the local fire marshal or the fire marshal's designated agent, for each classroom location other than a location in a public or private school building, government building, church or synagogue. (10-30-09)T

04. Certificate of Vehicle Insurance. The certificate of vehicle insurance for each vehicle utilized by the driving business for driver education must accompany the application. The minimum coverage will include: (10-30-09)T

a. Five thousand dollars (\$5,000) (each person) medical insurance; and (10-30-09)T

b. One hundred thousand dollars (\$100,000) liability, property damage; and (10-30-09)T

c. Five hundred thousand dollars (\$500,000) bodily injury and property liability, each person, each accident for each in-use vehicle. (10-30-09)T

05. List of Licensed Instructors. Before beginning to offer driver education, and at all times while offering driver education, a driving business must employ or have contracted with one (1) or more licensed driving instructors to teach the classroom instruction phase and behind-the-wheel training phase of the driver education to be provided by the business. The driving business must submit to the Bureau a current list of such licensed instructors with the application, and keep such list current after licensure. (10-30-09)T

06. Vehicles. An applicant for a driving business license must submit to the Bureau a list of the vehicles that the business will utilize when offering driver education. A business licensee may not utilize vehicles that

do not appear on the list. Each vehicle must have dual control brake pedals, safety restraints for all passengers, a side view mirror on each side of the vehicle, and an additional rear view mirror or compatible viewing device for the exclusive use of the instructor. A driving business must ensure that students are not allowed in a listed vehicle unless the vehicle is in a safe and proper operating condition. (10-30-09)T

a. Initial Inspection. An applicant may not include a vehicle on a business's vehicle list unless the vehicle has passed a vehicle inspection performed by an ASE mechanic or vehicle technician within the two (2) month period preceding the application. The inspection must be documented on the Board-approved inspection form included at Appendix A to these rules, or on such other similar forms as may be approved by the Board. The person who inspected the vehicle must sign the form, certifying that the vehicle generally is in a safe and proper operating condition, and that each inspected item passed inspection or, if found to be in need of repair, was repaired on a given date. The application must be accompanied by a separate, signed form for each listed vehicle. (10-30-09)T

b. Annual Inspection. A business licensee must ensure that each vehicle passes an inspection every twelve (12) months, and that the inspection is performed by an ASE mechanic or vehicle technician documented on the Board-approved form referenced in Paragraph 225.06.a. of these rules. If a vehicle fails an annual inspection, the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes a subsequent inspection and the business licensee has submitted to the Bureau the inspection form evidencing that the vehicle has passed. (10-30-09)T

c. Incident Inspection. If a vehicle incident occurs that requires an investigation and report by law enforcement, or in which the damage exceeds one thousand five hundred dollars (\$1,500), the business licensee must withdraw the vehicle from service. The business licensee may not use the vehicle for behind-the-wheel training until the vehicle passes inspection by an ASE mechanic or vehicle technician and the business licensee has submitted to the Bureau the inspection form evidencing that the vehicle has passed. (10-30-09)T

d. Signage. The business licensee must ensure that the outside of each vehicle is equipped with safely secured signs. Signs must include "Student Driver," "Driver Education," "Driver Training," "Driving School," or similar language that clearly designates the vehicle as a driver training vehicle. (10-30-09)T

07. Course of Instruction. Each applicant for an original business license must provide with its application the course of instruction the applicant will use when instructing students. The course of instruction must be based on the minimum curriculum components outlined in Rule 226, and shall consist of: (10-30-09)T

a. Not less than thirty (30) hours of classroom instruction; and (10-30-09)T

b. Not less than six (6) hours of behind-the-wheel practice driving; and (10-30-09)T

c. Not less than six (6) hours of student, in-vehicle observation of other persons (e.g., parents, other student drivers, etc.) driving the vehicle. (10-30-09)T

08. Instructor Apprenticeship Training Program. A driving business may offer a Board-approved instructor apprenticeship training program under the conditions specified in Rule 275. (10-30-09)T

226. DRIVING BUSINESS -- MINIMUM CURRICULUM COMPONENTS (RULE 226).

In order to assure consistency among driving businesses, it is necessary that every business licensee ensure that its driver education curriculum include the following minimum curriculum components: (10-30-09)T

01. Component One for Classroom. (10-30-09)T

a. Conducting a parent/student orientation and course overview. (10-30-09)T

02. Component Two for Classroom. (10-30-09)T

a. Identifying vehicle gauges, alert and warning symbols. (10-30-09)T

b. Preparing to drive. (10-30-09)T

- c. Protecting occupants. (10-30-09)T
- 03. Component Three for Classroom.** (10-30-09)T
 - a. Identifying road signs and signals. (10-30-09)T
 - b. Identifying lane markings. (10-30-09)T
- 04. Component Four for Classroom.** (10-30-09)T
 - a. Understanding basic traffic laws including right-of-way rules. (10-30-09)T
- 05. Component Five for Classroom.** (10-30-09)T
 - a. Using good habits for reduced risk driving. (10-30-09)T
 - b. Using time and space management systems and strategies. (10-30-09)T
- 06. Component Six for Classroom.** (10-30-09)T
 - a. Explaining the effect of gravity and energy of motion on a vehicle. (10-30-09)T
 - b. Understanding procedures to maintain vehicle balance and traction. (10-30-09)T
 - c. Identify strategies to negotiate hills and curves. (10-30-09)T
- 07. Component Seven for Classroom.** (10-30-09)T
 - a. Identifying strategies to use when driving in rural and urban environments. (10-30-09)T
 - b. Identifying strategies to use when driving on freeways. (10-30-09)T
- 08. Component Eight for Classroom.** (10-30-09)T
 - a. Identifying strategies to use when driving in bad weather. (10-30-09)T
 - b. Identifying strategies to use when encountering roadside emergencies. (10-30-09)T
- 09. Component Nine for Classroom.** (10-30-09)T
 - a. Understanding ways to cooperate with other roadway users. (10-30-09)T
 - b. Identifying responsibilities after a collision. (10-30-09)T
 - c. Identifying the procedure for obtaining a driver's license. (10-30-09)T
 - d. Identifying and avoiding common driver distractions. (10-30-09)T
 - e. Identifying ways to prevent drowsiness while driving. (10-30-09)T
 - f. Resisting aggressive driving behaviors. (10-30-09)T
- 10. Component Ten for Classroom.** (10-30-09)T
 - a. Explaining the effects of alcohol on the body. (10-30-09)T

- b. Explaining the effects of alcohol on the driving task. (10-30-09)T
- c. Correlating drinking and driving with vehicle crashes. (10-30-09)T
- d. Identifying Idaho laws related to drinking and driving. (10-30-09)T
- e. Explaining the dangers of alcohol and other drug use. (10-30-09)T
- 11. Component Eleven for In-Car. (10-30-09)T**
 - a. Performing pre-drive procedure. (10-30-09)T
 - b. Identifying vehicle controls. (10-30-09)T
 - c. Starting the vehicle. (10-30-09)T
 - d. Backing the vehicle. (10-30-09)T
 - e. Demonstrating approved steering technique. (10-30-09)T
 - f. Smoothly stopping the vehicle. (10-30-09)T
 - g. Demonstrating proper signaling and turning technique. (10-30-09)T
 - h. Recognizing relevant signs and markings. (10-30-09)T
 - i. Distinguishing between four-way and two-way stops. (10-30-09)T
- 12. Component Twelve for In-Car. (10-30-09)T**
 - a. Negotiating controlled and uncontrolled intersections. (10-30-09)T
 - b. Negotiating hills and curves. (10-30-09)T
 - c. Angle parking in a parking lot. (10-30-09)T
 - d. Driving in rural environment. (10-30-09)T
 - e. Making lane changes. (10-30-09)T
- 13. Component Thirteen for In-Car. (10-30-09)T**
 - a. Driving in an urban environment (one with one-way and two-way streets, if available). (10-30-09)T
 - b. Dealing with signal lights, pedestrians, and city traffic. (10-30-09)T
 - c. Performing a perpendicular park. (10-30-09)T
 - d. Merging onto the freeway. (10-30-09)T
 - e. Driving on the freeway. (10-30-09)T
 - f. Exiting the freeway and merging with traffic on surface streets. (10-30-09)T
- 14. Component Fourteen for In-Car. (10-30-09)T**

- a. Performing a parallel park/street park. (10-30-09)T
- b. Performing turnabouts. (10-30-09)T
- c. Passing another vehicle. (10-30-09)T
- d. Driving independently with the instructor. (10-30-09)T

227. DRIVING BUSINESS - COURSE OF INSTRUCTION (RULE 227).

01. Student Permit Required. No enrollee of any class D driver's training course will be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit, or a class D instruction permit, as provided in Section 49-307(4), Idaho Code. (10-30-09)T

02. In-Car Documentation. A business licensee must ensure that each listed vehicle contains documentation that identifies each student and the student's permit number. Permits will be given to the students following the completion of the course and used during the required graduate licensing process. (10-30-09)T

03. Maximum Daily Driving and Observation Time. Neither a business licensee nor an instructor licensee may permit an enrolled student to receive more than two (2) hours of behind-the-wheel driving time per day. Maximum observation time is two (2) hours per student, per day, and may be completed with a parent or legal guardian. (10-30-09)T

04. Maximum Number of Students In Vehicle. Neither a business licensee nor an instructor licensee may permit more than three (3) students in a vehicle at one (1) time. (10-30-09)T

05. Grading Criteria. A business licensee may not permit a student to graduate from the business's driver education program unless the student has achieved an eighty percent (80%) or higher in each of the three (3) course areas described in Subsection 225.07. The business licensee must utilize written grading criteria for each of the minimum components in Rule 226. Criteria may include student attitude and such other criteria as the driving business may deem appropriate. The business licensee must maintain records of the student's grades. (10-30-09)T

06. Driving Log. Each driving instructor must complete a log for each student's behind-the-wheel driving and each driving business licensee must ensure that its driving instructors complete the log. The log must include, for each student, at least the student's name, birthdate, phone number, driving permit number, class date, instructor's name, lesson objective, total instruction time, total observation time, final grade, and date the student passed. (10-30-09)T

07. Parental Involvement. Each business licensee should encourage parental involvement in the education of the student. (10-30-09)T

08. Record Retention. The business licensee must maintain all logs and other records required under Rule 227 for at least three (3) years from date on which the student completes, or is no longer enrolled in, the business's driver education course. The business licensee may not release these records without written consent from the student and the student's parent or legal guardian. The Board and its agents, however, may inspect these records at any time. (10-30-09)T

228. DRIVING BUSINESS - INITIAL AUDIT (RULE 228).

After July 1, 2009, all new driving business licensees issued licenses will automatically be audited for compliance with the Board's laws and rules following their first renewal. (10-30-09)T

229. -- 249. (RESERVED).

250. DRIVING INSTRUCTOR LICENSE (RULE 250).

01. Application. Each applicant for a driving instructor license must apply as required by Rule 150. Each applicant is required to provide his name, date of birth, and contact information, including mailing address and

telephone number, on the Board-approved application form. (10-30-09)T

02. Age. An applicant for a driving instructor license must be at least twenty-one (21) years old. (10-30-09)T

03. Driving Record and Drivers License. Each applicant must submit a copy of a valid driver's license in good standing and a copy of a satisfactory driving record. An unsatisfactory record includes, but is not limited to, two (2) moving violations in the past twelve (12) months, or suspension or revocation of a driver's license in the last thirty-six (36) months, or a conviction involving alcohol or controlled substances within the last thirty-six (36) months. (10-30-09)T

04. Criminal History Background Check. Each applicant must submit to a current, fingerprint-based criminal history check conducted by an organization approved by the Board. Each applicant must submit a full set of the applicant's fingerprints, and any relevant fees, directly to the organization that conducts the criminal history check, and ensure that the organization delivers the results directly to the Bureau. The Board will not process the application until the completed criminal history check has been received. (10-30-09)T

05. Medical Certificate. A driving instructor licensee may not provide in-vehicle instruction to students if the instructor suffers from a medical condition that may impair the instructor's ability to safely instruct student drivers. Accordingly, each applicant for an instructor's license must obtain a medical examination conducted in accordance with the Federal Motor Carriers Safety Regulations (49 CFR 391.41-391.49). The examination must occur within the thirty (30) days preceding the application. The applicant must submit a medical affidavit or certificate, issued and signed by a qualified medical professional, licensed under Title 54, Idaho Code, documenting that the examination occurred and that the applicant does not suffer from any physical or mental condition or disease that would impair the applicant's ability to safely instruct student drivers. If a medical condition exists, the applicant must re-certify as the physician requires. (10-30-09)T

06. Coursework. Applicants who apply for licensure before July 1, 2010, must submit to the Bureau along with their application official transcripts showing: (10-30-09)T

a. Completion of at least four (4) semester credits (amounting to at least sixteen (16) contact hours per credit) from a regionally or nationally accredited college or university. The four (4) semester credits must include at least two (2) semester credits of classroom driver education techniques, and at least a two (2) semester credit in-car, behind-the-wheel, practicum of instructional techniques. Classroom or theory coursework from an accredited college or university may be completed through distance learning or online instruction. If the applicant has not actively taught driver education within the five (5) year period immediately preceding the application, then applicant must have taken the four (4) semester credits, referenced in this Paragraph, within that five (5) year period. (10-30-09)T

b. Applicants for an original license must also have completed at least eight (8) semester credit hours in courses that will help prepare the applicant to be a teacher of drivers education. (10-30-09)T

07. Instructor Apprenticeship Training Program. On and after, July 1, 2010, applicants for licensure must demonstrate to the Board's satisfaction that they have successfully completed all required classroom instruction and behind-the-wheel training hours from a Board-approved instructor apprenticeship training program. The applicant must have undertaken and completed the apprenticeship training program within the five (5) year period immediately preceding the application. (10-30-09)T

a. Proof of successful completion must include written certificate from a Board-approved apprenticeship training program certifying that the applicant has satisfactorily completed the program. An applicant need not have completed all required classroom instruction and behind-the-wheel training hours through a single program so long as the last program attended by the applicant ensures itself, and its business licensee certifies to the Board, that the applicant has satisfactorily completed all required hours through Board-approved apprenticeship training programs. (10-30-09)T

b. A person may not enroll in an apprenticeship training program unless the person has applied for, paid for, and obtained an apprenticeship permit from the Board. The applicant must apply on Board-approved forms, which must identify the applicant and the business licensee in whose approved apprenticeship training program the

applicant will be enrolled. An apprenticeship permit automatically expires one (1) year after issuance. The Board also may suspend or revoke an apprenticeship permit, and refuse to issue another permit, if the permittee engages in any act or omission that would subject the permittee to discipline if the permittee had an instructor's license. No one may be a permittee for more than three (3) years. (10-30-09)T

251. -- 274. (RESERVED).

275. INSTRUCTOR APPRENTICESHIP TRAINING PROGRAM (RULE 275).

01. Application for Approval. A business licensee may operate a Board-approved instructor apprenticeship training program. The business licensee must apply for program approval on forms provided by the Board, and submit with the application such documentation as the Board may require to enable the Board to assess whether the proposed program meets the Board's approval criteria, as specified in Subsections 275.03 through 275.08 of these rules. (10-30-09)T

02. Suspension or Revocation of Approval, and Discipline. If an approved program fails to consistently adhere to the approval criteria in Subsections 275.03 through 275.08 of these rules, the Board may suspend or revoke the approval. Further, if a business licensee that operates an approved program fails to cooperate with the Board in any inspection or audit of the program, the licensee may be disciplined. (10-30-09)T

03. Apprentices. The business licensee must ensure that all persons who enroll in the licensee's program possess a valid instructor apprenticeship training permit from the Board, are at least twenty one (21) years old, hold a valid driver license and a satisfactory drivers record, have passed a criminal history background check, and have obtained a medical certificate, consistent with the requirements of Subsections 250.02 through 250.05. (10-30-09)T

04. Instruction and Training Hours. The Board must be satisfied that the program has designed its proposed instruction and training to produce safe and effective driving instructors. The business licensee must ensure that the program includes at least the following instruction and training components: (10-30-09)T

a. Each apprentice must receive at least sixty (60) hours of classroom instruction covering the curriculum components for student classroom instruction specified in Subsections 226.01 through 226.10 of these rules. These hours must include both a didactic component, in which a program instructor provides in-class instruction to the apprentice, and a practical component in which the apprentice provides in-class instruction to students. A program instructor must be physically present in the classroom to supervise at least thirty (30) hours of the apprentice's in-class instruction to students. (10-30-09)T

b. Each apprentice must receive at least one hundred eight (108) hours of behind-the-wheel-training covering the curriculum components for student in-car instruction specified in Subsections 226.11 through 226.14 of these rules. When an apprentice begins to provide behind-the-wheel driving instruction to students, a program instructor must supervise the apprentice by riding in the vehicle with the apprentice and students for the first six (6) hours. A program instructor also must ride in the vehicle with the apprentice and students to evaluate the apprentice during the final two (2) hours of the apprentice's behind-the-wheel training. (10-30-09)T

05. Instructors. The business licensee must ensure that only licensed driving instructors with five (5) or more years of continuous driver education experience are allowed to teach in the program. A list of the instructors must accompany the application for approval. (10-30-09)T

06. Recordkeeping. The business licensee must ensure that the program maintains progress records for each apprentice. A program instructor and the apprentice must sign and date the records each month, and copies of the records must be provided to the apprentice. The records must, at a minimum, identify each lesson completed, the number of hours of instruction involved in the lesson, the date the apprentice completed the lesson, the instructor who taught the lesson, and whether the apprentice passed. When an apprentice's course of instruction has been completed or terminated, the program must maintain the records of the apprentice's progress, and the total hours recorded and maintained by the program for a period of five (5) years from completion or termination date. These records are subject to inspection by the Board at any time. (10-30-09)T

07. Certificate of Proficiency. The program must provide each apprentice with a certificate of proficiency evidencing all hours satisfactorily completed by the apprentice while in the program, and that the apprentice is proficient in all areas covered by the certificate. (10-30-09)T

08. Discontinuance of Program. If the business licensee ceases to operate the program, the business licensee must provide the program's current and prior apprentices with any progress or other records that the program is required to maintain under this Section. (10-30-09)T

276. -- 449. (RESERVED).

450. DISCIPLINE (RULE 450).

01. Grounds for Discipline. In addition to the grounds for discipline listed in Section 54-5408, Idaho Code, grounds for discipline also include: (10-30-09)T

a. Failure to cooperate with an inspection or audit conducted by the Board or its agents including, without limitation, any continuing education audit, as specified in Section 54-5403(6), Idaho Code. Failure to cooperate includes, without limitation, failure to provide documentation requested by the Board or its agents during an inspection or audit of the licensee's compliance with Board laws or rules. (10-30-09)T

b. Violating any of the following standards of conduct that have been adopted by the Board: (10-30-09)T

i. A licensee must not use fraud or deception in procuring or renewing, or in attempting to procure or renew, a license, permit, or other authorization issued by the Board. (10-30-09)T

ii. A licensee must not aid, abet, or assist any person or entity in conduct for which a license or permit is required under Idaho Driving Businesses Act, unless the person or entity has the required license or permit. (10-30-09)T

iii. A licensee must comply with final orders of the Board issued in contested cases to which the licensee is a party. (10-30-09)T

02. Disciplinary Sanctions. If the Board determines that grounds for discipline exist, it may impose disciplinary sanctions against the licensee including, without limitation, any or all of the following: (10-30-09)T

a. Revoke or suspend the licensee's license(s); (10-30-09)T

b. Restrict or limit the licensee's practice; (10-30-09)T

c. Require the licensee to pay an administrative fine not to exceed one thousand dollars (\$1000) for each violation identified in the Board's order. (10-30-09)T

d. Require the licensee to pay all or part of the costs and fees incurred by the Board in the investigation and prosecution of the licensee, including without limitation all costs and fees incurred by the Board in proceedings upon which the order was entered. (10-30-09)T

451. -- 999. (RESERVED).

APPENDIX "A"

IDAHO DRIVING BUSINESSES LICENSURE BOARD VEHICLE INSPECTION REPORT											
					DATE						
BUSINESS OWNER/OPERATOR AND BUSINESS NAME					INSPECTORS NAME (PRINT OR TYPE)						
ADDRESS											
CITY, STATE, ZIP CODE					VEHICLE IDENTIFICATION (LIC. PLATE NO. & VIN)						
VEHICLE TYPE (YEAR, MAKE and MODEL)					ODOMETER READING						
VEHICLE COMPONENTS INSPECTED											
OK	Needs Repair	Repaired Date	Item	OK	Needs Repair	Repaired Date	Item	OK	Needs Repair	Repaired Date	Comments
			1. BRAKES SYSTEM				7. LIGHTING DEVICES				List any other condition which may prevent safe operation of this vehicle and whether or not the repair has been made.
			a. service brakes				a. headlights high and low beam				
			b. parking brake system				b. brake lights				
			c. brake drums/rotors/pads				c. taillights				
			d. brake hoses				d. turn signals				
			e. brake tubing				e. parking lights				
			f. low pressure warning device				f. other				
			g. hydraulic brakes				8. SUSPENSION				
			h. vacuum system				a. Any damaged or loose U-bolt(s), spring hangers or other part(s) that may cause axle to shift				
			i. dual control brake with stopping distance 20mph				b. spring assembly				
			2. EXHAUST SYSTEM				c. torque, radius or tracking components				
			a. any exhaust system determined to be leaking				d. wheel alignment				
			b. emission control				9. ELECTRICAL SYSTEM				
			3. FUEL SYSTEM				a. horn				
			a. visible leak				b. switches				
			b. fuel tank cap missing				c. wiring				
			4. STEERING MECHANISM				d. starting system				
			a. steering wheel free play				10. VISIBILITY				
			b. steering column				a. dual side view mirrors				
			c. front axle beam and all steering components other than steering column				b. rearview mirror				
			d. steering gear box				c. inside instructor mirror				
			e. pitman arm				d. windshield wipers				
			f. power steering				c. defroster				
			g. ball and socket joints				11. INTERIOR				
			h. tie rods and drag links				a. seatbelts for all occupants				
			i. nuts				b. airbag readiness light				
			j. steering system								
			5. TIRES								
			tire condition and wear								
			6. WINDSHIELD GLAZE								
			cracks, discoloration or lack of clarity								
Mechanic Verification											
I verify I have inspected this vehicle and completed this form. I certify that the vehicle appears to be in a safe and proper operating condition, and that each inspected item passed inspection, or if found to be in need of repair, was repaired on the date indicated.											
_____				_____				_____			
Print Name				ASE ID #				Signature			

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.26.01 - RULES OF THE IDAHO BOARD OF MIDWIFERY

DOCKET NO. 24-2601-0901 (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 2010 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 [54-5505]54-5404 and [54-5505]54-5405, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 196 through 210.

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 [54-5509]54-5409, Idaho Code:

The proposed rules establish the following fees: initial application processing fee of \$50; license fee of \$550; annual renewal fee of \$550; and reinstatement fee of \$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: None.

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

DATED this 28th day of October, 2009.

Tana Cory
Bureau Chief
Bureau of Occupational Licenses
1109 Main St. Ste. 220
Boise, ID 83702
(208) 334-3233 Ph. (208) 334-3945, fax

DOCKET NO. 24-2601-0901 - 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 09-10, October 7, 2009, Book 2, pages 196 through 210.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 25 - OUTFITTERS AND GUIDES LICENSING BOARD

25.01.01 - RULES OF THE OUTFITTERS AND GUIDES LICENSING BOARD

DOCKET NO. 25-0101-0901

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 2010 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) (36-2107(b) and (d), Idaho Code.

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

Rule 000 adds the Board's website address; Rule 002 adds additional activities to the definition of Hazardous Excursions; Rule 015 eliminates the multiple year license and clarifies on line fees; Rule 029 clarifies Outfitter bond cancellations; Rule 053 clarifies the fee for controlled hunts; Rule 056 eliminates the rule associated with cash bonds; and Rule 064 clarifies the Executive Director's limited authority to grant or deny certain license applications or temporary authorization applications

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2009, Idaho Administrative Bulletin, Vol. 09-10, pages 211 through 220.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: There are no fees or charges being imposed through this rulemaking. Fees being removed from this rule are detailed in 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 resulting from this rulemaking: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending rule, contact: Jake Howard, Executive Director (208) 327-7380 - FAX (208) 327-7382.

DATED this 4th day of November, 2009.

Jake Howard
Executive Director
Outfitters and Guides Licensing Board
1365 North Orchard, Suite 172
Boise, ID 83706
(208) 327-7380
FAX (208) 327-7382

DOCKET NO. 25-0101-0901 - 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 09-10, October 7, 2009, page 211 through 220.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 231 and 232.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0901 - 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 09-10, October 7, 2009, Book 2, pages 231 and 232.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0902

NOTICE OF RULEMAKING

ADOPTION OF PENDING FEE RULE AND AMENDMENT TO TEMPORARY RULE

EFFECTIVE DATE: The effective date of the amendment to the temporary rule is July 1, 2009. This pending rule has been adopted by the agency and is now pending review by the 2010 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 Sections 67-5224 and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a pending fee rule and amended a temporary rule. The action is authorized pursuant to Section 54-1717, Idaho Code.

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

In response to the public comment that was received, the Board has determined to adopt the pending rule which includes a change in text from the temporary and proposed rule. The change in text is necessary to clarify procedures required by institutional and central pharmacies.

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Rather than keep the temporary rule in place while the pending rule awaits legislative approval, the Board amended the temporary rule with the same revisions that have been made to the pending rule. Only the sections that have changes differ from the proposed text are printed in this bulletin. The original text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 233 through 243.

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. This fee or charge is being imposed pursuant to Section 54-1723A, Idaho Code. The following is a specific description of the fee or charge imposed or increased:

Temporary status regarding the imposition of the fee to be paid by out-of-state pharmacists who must be registered by the Board in order to provide telepharmacy across state lines services to a patient in Idaho would avoid the immediate danger of delaying the start of the practice of telepharmacy across state lines. No pharmacist who is not licensed to practice pharmacy within the state of Idaho may engage in the practice of telepharmacy across state lines unless registered by the Board pursuant to the terms of Section 54-1723A, Idaho Code. The statute provides that in addition to the mandatory requirements in subsection (2)(a)(b) and (d) of the foregoing Section, the applicant "shall. . .(c) Pay the fee(s) specified by the board for the issuance of the registration. . ." The use of the word "shall" in a statute indicates a mandatory act. Additionally, Section 54-1729(2)(b), Idaho Code, requires that all employees or personnel of a telepharmacy drug outlet across state lines "be registered by the board pursuant to section 54-1723A, Idaho Code." An institution engaged in the practice of telepharmacy across state lines must be registered by the Board as a telepharmacy drug outlet across state lines. Section 54-1729(5), Idaho Code, however, specifies the exact registration fee to be paid for registration by an institution applying for registration as a telepharmacy. Thus, there is the incongruity of the drug outlet registration fee being fixed by statute, the pharmacist employees of such drug outlets being mandatorily required to obtain registration in order to engage in the practice of telepharmacy across state lines, and the registrant being mandatorily required as a condition of obtaining registration to "pay the fee(s) specified by the board for issuance of the registration." That incongruity creates the danger of potentially delaying the operation of telepharmacy drug outlets across state lines since the nature of the statutory framework is such that they can only provide telepharmacy services into Idaho through a pharmacist who is either licensed by the Board to practice pharmacy in Idaho or who is licensed in another state and registered by the Board in Idaho to practice telepharmacy across state lines. Permitting the pharmacist registration fee to proceed as both a temporary and

proposed rule avoids the danger that the effective operation of telepharmacy across state lines would be delayed until the legislature could approve, amend, or modify by concurrent resolution a fee rule. Delay of full implementation of the statute also carries a risk of potential danger to public health, safety, or welfare in that institutions within Idaho having legitimate patient care needs which could be serviced by outsourcing certain pharmacy services to a telepharmacy drug outlet across state lines could be effectively delayed in obtaining such care for several months.

Pursuant to Section 54-1723A, the fee for registration to engage in the practice of telepharmacy across state lines will be two hundred fifty dollars (\$250) and the annual registration renewal fee will be two hundred fifty dollars (\$250).

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the pending fee rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

**DOCKET NO. 27-0101-0902 - ADOPTION OF PENDING FEE RULE
AND AMENDMENT TO TEMPORARY RULE**

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that is being added.
Italicized text that is ~~underscored and struck through~~ is codified temporary text that is being removed from the temporary rule. This is also an amendment to the pending rule text.

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

The text of the temporary/proposed rule was published in the Idaho Administrative Bulletin, [Volume 09-10, October 7, 2009, Book 2, pages 233 through 243.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEMPORARY RULE AND THE
AMENDED PENDING RULE TEXT FOR DOCKET NO. 27-0101-0902

Paragraph 257.01.c. and new Subparagraphs 257.02.a.x. through 257.02.a.xiii.

257. ~~DRUGS FROM OUTSIDE SOURCES~~ OUTSOURCING.

01. Institutional Pharmacies. An institutional pharmacy may outsource centralized prescription processing or filling services to a central pharmacy for the limited purpose of assuring that drugs or devices are attainable to meet the immediate needs of patients and residents of the institutional facility or when the institutional pharmacy cannot provide services on an ongoing basis, provided that the institutional pharmacy: (7-1-09)T

c. Provides a valid chart order and patient profile to the central pharmacy it has contracted with for the centralized prescription processing or filling services; and ~~(7-1-09)T~~(7-1-09)T

02. Policies, Procedures, and Documentation for Institutional Pharmacies and Central Pharmacies. Each party performing or contracting for centralized prescription processing or filling services under Subsection 257.01 of these rules must: (7-1-09)T

a. Maintain a policies and procedures manual and documentation that implementation of such policies and procedures is occurring. The manual and documentation must include, but are not limited to, the following: (7-1-09)T

x. A mechanism for the licensed or registered pharmacist within the central pharmacy to readily communicate with the practitioners within the institutional facility that has outsourced centralized processing or filling services. (7-1-09)T

xi. A training and orientation program that ensures that licensed or registered pharmacists who are providing centralized prescription processing or filling services are competent to review and approve medication orders. (7-1-09)T

xii. Essential information utilized by the institutional facility, such as its therapeutic interchange list, formulary, standard drip concentrations, standard medication administration times, standardized or protocol orders, pharmacokinetic dosing policies, and renal dosing policies, as well as protocols for ensuring timely and complete communication of changes to said information. (7-1-09)T

xiii. Protocol for the central pharmacy to perform a review of the patient's profile, including but not limited to performing a drug regimen review. (7-1-09)T

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0903

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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:

In response to the public comment that was received, the Board has determined to adopt the pending rule which includes a change in text from the proposed rule. The change in text is necessary to change the timeframe for notice provided to the Board regarding the change of pharmacy hours of operation and to clarify that no notice to the Board is required for a change in hours of operation for a state recognized holiday.

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 244 through 246.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0903 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 2, pages 244 through 246.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 27-0101-0903

Subsection 180.08

180. DIFFERENTIAL HOURS.

08. Hours Open for Business. A pharmacy must notify the Board, on a form prescribed by the Board, of the hours that the pharmacy is open for business. Any pharmacy desiring to change the hours that it is open for business, must notify the Board, on a form prescribed by the Board, at least seven (7) days prior to commencing such hours. A pharmacy desiring to change its hours for a holiday as set forth in Section 73-108, Idaho Code, does not need to provide notice of the changes to the Board, but must provide at least seven (7) days notice to the public. A pharmacy must prominently display in a permanent manner on or adjacent to its entrance the hours it is open for business. A pharmacy must remain open for business the hours for which the Board has received such notification and that are prominently displayed. A pharmacy must maintain sufficient staffing by pharmacists in order to ensure that the pharmacy will be open during the hours of operation for which the pharmacy provided notice to the Board. If a pharmacy is located within a larger business establishment that has hours of operation different from the pharmacy, the hours the pharmacy is open for business shall be prominently displayed, in a permanent manner, at the pharmacy area and on, or adjacent to, the entrance to the mercantile establishment. ~~(7-1-93)()~~

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0905

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 251 and 252.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0905 - 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 09-10, October 7, 2009, Book 2, pages 251 and 252.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0906

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 253 through 257.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0906 - 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 09-10, October 7, 2009, Book 2, pages 253 through 257.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0907

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 258 through 261.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0907 - 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 09-10, October 7, 2009, Book 2, pages 258 through 261.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 27 - BOARD OF PHARMACY

27.01.01 - RULES OF THE IDAHO STATE BOARD OF PHARMACY

DOCKET NO. 27-0101-0908

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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:

In response to the public comment that was received, the Board has determined to adopt the pending rule which includes a change in text from the proposed rule. The change in text is necessary to clarify that all prescriptions, including those for controlled substances, are within the scope of the rule. This change is also necessary to make Idaho's rules regarding prescription transfer in conformity with those of the Drug Enforcement Administration.

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 262 through 264.

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 proposed rule, contact Mark Johnston, R.Ph., Executive Director, (208) 334-2356.

DATED this 4th day of November, 2009.

Mark Johnston, R.Ph.
Executive Director
Board of Pharmacy
3380 Americana Terrace, Ste. 320
P. O. Box 83720
Boise, ID 83720-0067
Phone: (208) 334-2356
Fax: (208) 334-3536

DOCKET NO. 27-0101-0908 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 2, pages 262 through 264.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 27-0101-0908

Paragraphs 160.07.a. through 160.07.c.

160. PRESCRIPTION TRANSFER.

A pharmacist may transfer prescription order information for the purpose of filling or refilling a prescription only if the information is communicated orally directly from pharmacist to pharmacist. Such oral information can be communicated by a student pharmacist, under the direct supervision of a pharmacist, to another pharmacist as long as one (1) of the parties involved in the communication is a pharmacist. In the alternative, the transferring pharmacist may transfer the prescription order information by facsimile transmission to the receiving pharmacist. In the case of a facsimile transmission, the transmission shall be signed by the transferring pharmacist. ~~(5-8-09)~~(____)

067. Transferring Prescription Between Pharmacies Using Common Electronic Prescription Files. (7-1-98)

a. ~~For prescriptions written for drugs other than controlled substances~~ ~~Two (2) or more~~ pharmacies may establish and use a common electronic prescription file to maintain required dispensing information. Pharmacies using the common file are not required to transfer prescriptions or information for dispensing purposes between or among other pharmacies using in the same common electronic prescription file. ~~(7-1-98)~~(____)

b. ~~For controlled substances pharmacies using a common electronic prescription must satisfy all documentation requirements of a manual prescription transfer.~~ (7-1-98)

eh. All common electronic prescription files must contain complete and accurate records of each prescription and refill dispensed. Hard copies must be generated and treated as new prescriptions by the receiving pharmacies. (7-1-98)

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION

31.11.01 - SAFETY AND ACCIDENT REPORTING RULES FOR UTILITIES REGULATED BY THE IDAHO PUBLIC UTILITIES COMMISSION

DOCKET NO. 31-1101-0901

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 2010 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 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:

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 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 311 through 315. There were no comments filed in response to the proposed changes. Upon further consideration, the Commission decided not to impose a new requirement that utilities report property damage in excess of \$200,000 in Rules 301.02 and 302.01. Consequently, these two rule subsections were amended to remove the proposed reporting requirement.

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 resulting from this rulemaking.

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, 2009.

Jean D. Jewell
Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074
Telephone: (208) 334-0338
Facsimile: (208) 334-3762

Street address for express delivery:

472 W Washington
Boise, Idaho 83702-5918

DOCKET NO. 31-1101-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.

Italicized text that is underscoring is new text that has been added to the pending rule.

Only those sections or subsections 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 09-9, September 2, 2009, pages 311 through 315.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 31-1101-0901

Section 301 (amended and the Subsections have been renumbered)

301. IMMEDIATE REPORTING OF FATALITIES AND CERTAIN ACCIDENTS AND MAJOR NATURAL GAS INTERRUPTIONS (RULE 301).

01. Fatality and ~~Accident~~ Hospitalization Reporting. Whenever any employee of an electrical corporation, gas corporation, pipeline corporation, telephone corporation, or water corporation or any member of the public dies or requires in-patient hospitalization as a result of contact with or proximity to utility operating property, the utility must notify the Commission by telephone of the fatality or hospitalization no later than the first business day following discovery of the fatality or reporting of the hospitalization, except as provided in Subsection 31.11.01.301.02. Reports should be made to the Commission Secretary at (208) 334-0338. ~~(4-2-08)~~(____)

02. Operating Property -- ~~Automobile~~ Motor Vehicle Accident Exception. As used in this rule, operating property means electric plant as defined in Section 61-118, Idaho Code, gas plant as defined in Section 61-116, Idaho Code, pipelines as defined in Section 61-114, Idaho Code, telephone line as defined in Section 61-120, Idaho Code, or water systems as defined in Section 61-124, Idaho Code. This reporting rule does not apply to fatalities and hospitalizations arising out of automobile motor vehicle accidents, even if the automobile motor vehicle later comes into contact with utility plant. Office buildings or portions of office buildings not associated with the physical delivery of utility services or commodities are not considered operating property. ~~(4-1-98)~~(____)

03. Major Service Interruptions or Damage to Natural Gas Pipelines. The Commission incorporates by reference Section 260.9, Title 18, the Code of Federal Regulations (April 1, 2007~~9~~). Every natural gas corporation must report serious damage to natural gas facilities and serious interruptions of service to the Commission. Natural gas corporations should also report other serious damage not caused by natural disaster or terrorism if such damages create the potential for serious delivery problems on its own system or the pipeline grid. ~~(4-2-08)~~(____)

Paragraph 302.01.c. (reverted to codified text), Subsection 302.02 and 302.03

302. WRITTEN REPORTING OF ACCIDENTS AND NATURAL GAS INTERRUPTIONS (RULE 302).

01. Reporting Required. In addition to any telephone reporting required under Rule 301, a written report shall be submitted for: (4-2-08)

c. Serious damage or service interruption of natural gas pipelines. (4-2-08)

02. Submitting the Written Report. All written reports ~~must~~ shall be submitted to the Commission within twenty one (21) days after the fatality or ~~injury~~ hospitalization is discovered. Reports regarding serious damage or service interruption shall be submitted at the earliest feasible time. Reports should be mailed to:

COMMISSION SECRETARY

IDAHO PUBLIC UTILITIES COMMISSION
PO BOX 83720
BOISE, ID 83720-0074

Street Address for Express Mail:
472 W. WASHINGTON ST.
BOISE, ID 83702-598318

Copies of such reports may also be provided by facsimile at (208) 334-3762 or by electronic mail to secretary@puc.~~state.id.us~~idaho.gov. ~~(5-3-03)~~()

03. Contents of Written Accident Report. There is no standard form for written reports prescribed by this rule. Gas companies may file copies of reports submitted to federal regulators under 49 C.F.R. Part 191. All reports submitted ~~must~~ shall contain the following information: ~~(4-2-08)~~()

- a. Name of person(s) involved in the accident; (7-1-93)
- b. Status of persons involved in the accident (e.g., employees, children, contractors, etc.); (7-1-93)
- c. Time of day, day of the week and month, and location of the accident or discovery of the accident; (4-2-08)
- d. Description of the accident and events leading up to the accident; and (4-2-08)
- e. The company name, contact person, e-mail address and direct telephone number of the reporting official. ~~(4-2-08)~~()

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2007 and 54-2018(3), Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 306 and 307.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285.

DATED this 2nd day of November, 2009.

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

DOCKET NO. 33-0101-0901 - 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 09-10, October 7, 2009, Book 2, pages 306 and 307.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 33 - REAL ESTATE COMMISSION

33.01.01 - RULES OF THE IDAHO REAL ESTATE COMMISSION

DOCKET NO. 33-0101-0902

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2007 and 54-2013, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 308 and 309.

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 Jeanne Jackson-Heim, (208) 334-3285.

DATED this 2nd day of November, 2009.

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

DOCKET NO. 33-0101-0902 - 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 09-10, October 7, 2009, Book 2, pages 308 and 309.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 33 - REAL ESTATE COMMISSION

33.01.02 - RULES OF PRACTICE AND PROCEDURE OF THE IDAHO REAL ESTATE COMMISSION GOVERNING CONTESTED CASES

DOCKET NO. 33-0102-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-2007, Idaho Code.

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

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 310 and 311.

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 Jeanne Jackson-Heim, (208) 334-3285.

DATED this 2nd day of November, 2009.

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

DOCKET NO. 33-0102-0901 - 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 09-10, October 7, 2009, Book 2, pages 310 and 311.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 33 - REAL ESTATE COMMISSION

33.01.03 - RULES GOVERNING SUBDIVIDED LANDS REGISTRATION

DOCKET NO. 33-0103-0901

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 2010 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 55-1811, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 312 through 314.

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: Revenues deposited with the treasury and credited to the Special Real Estate Fund would be reduced by an estimated \$6,000 for FY2010/11.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Jeanne Jackson-Heim, (208) 334-3285.

DATED this 2nd day of November, 2009.

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

DOCKET NO. 33-0103-0901 - 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 09-10, October 7, 2009, Book 2, pages 312 through 314.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.03.01 - RULES GOVERNING GROUP INSURANCE

DOCKET NO. 38-0301-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 67-5761(1)(b), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 423 through 429.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: The cost of the 2-year supplemental reimbursement for individuals in the Medicare prescription drug gap will be \$400,000 per year (for a total of \$800,000), plus administrative expenses related to handling claims for reimbursement. It is estimated that the change to requiring part time employees to work 20 hours per week or more for five (5) consecutive months will save the State approximately \$150,000 per year. These rules also incorporate recent legislative changes regarding the retiree eligibility and recent plan design changes which achieve an estimated savings of \$9.9 million per year; plus the pro-rata contribution changes for part-time employees, effective in November 2009, which will further save the State approximately \$5.9 million per year.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Cynthia Ness, Employee Benefits Program Manager, Office of Group Insurance, Department of Administration at (208) 332-1865.

DATED this 29th day of October, 2009.

Melissa Vandenberg
Deputy Attorney General
Department of Administration
650 W. State Street, Room 100
P.O. Box 83720
Boise, ID 83720-0003
Ph: (208) 332-1832
Fax: (208) 334-2307

DOCKET NO. 38-0301-0901 - 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 09-10, October 7, 2009, Book 2, pages 423 through 429.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 67-5708, Idaho Code, and Senate Concurrent Resolution 135 (1976).

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, page 430.

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 general fund.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Tim Mason, Administrator, Division of Public Works, Department of Administration at (208) 332-1911.

DATED this 29th day of October, 2009.

Melissa Vandenberg
Deputy Attorney General
Department of Administration
650 W. State Street, Room 100
P.O. Box 83720
Boise, ID 83720-0003
Ph: (208) 332-1832
Fax: (208) 334-2307

DOCKET NO. 38-0404-0901 - 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 09-10, October 7, 2009, Book 2, page 430.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 38 - DEPARTMENT OF ADMINISTRATION

38.04.04 - RULES GOVERNING CAPITOL MALL PARKING

DOCKET NO. 38-0404-0902

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 2010 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 67-5708, Idaho Code, and Senate Concurrent Resolution 135 (1976).

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 431 through 439.

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 67-5708, Idaho Code, and Senate Concurrent Resolution 135 (1976).

Parking permit fees will be established by the Department of Administration, and will be administered by Capitol Mall Parking.

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 Tim Mason, Administrator, Division of Public Works, Department of Administration at (208) 332-1911.

DATED this 29th day of October, 2009.

Melissa Vandenberg
Deputy Attorney General
Department of Administration
650 W. State Street, Room 100
P.O. Box 83720
Boise, ID 83720-0003
Ph: (208) 332-1832
Fax: (208) 334-2307

DOCKET NO. 38-0404-0902 - 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 09-10, October 7, 2009, Book 2, pages 431 through 439.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.22 - RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION

DOCKET NO. 39-0222-0901

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 2010 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 fee rule. The action is authorized pursuant to Section 49-201, Idaho Code, as applied to the provisions for registration and permit fee administration in Sections 49-434 and 49-439, Idaho Code.

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

This rulemaking will allow the cancellation of future installment payment plan privileges after two or more suspensions, whether in the same or different years. Upon written request for consideration by the customer and subsequent approval by the department, it will provide for the reinstatement of installment payment plan privileges after 12 consecutive months of no suspensions of any type on their account. The rulemaking provides for the collection of a \$50.00 installment payment plan fee for each plan to cover administrative costs.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Volume 09-10, pages 440 through 443.

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 49-201(5), Idaho Code: A fee of \$50.00 is being imposed by this rulemaking to cover the administrative cost of setting up each installment payment plan.

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 5th day of November, 2009.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department

3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107

DOCKET NO. 39-0222-0901 - 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 09-10, October 7, 2009, Book 2, pages 440 through 443.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.41 - RULES GOVERNING SPECIAL PROVISIONS APPLICABLE TO FEES FOR SERVICES

DOCKET NO. 39-0241-0901

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 2010 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 49-201, Idaho Code.

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

This rulemaking removes fixed rates and replaces them with a reference to charges now specified in Section 49-202(2)(h), Idaho Code. It also updates technology references to currently used terms. (“microfilm” to “imaged” and “magnetic tapes” to “electronic media”)

The pending rule is being adopted as proposed. The original text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Volume 09-10, pages 444 through 446.

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 49-202, Idaho Code, as modified by House Bill 334, 2009, effective January 1, 2010: This rulemaking does not impose or increase a fee or charge but has been amended to refer to fee increases imposed in statute, in the above referenced House Bill 334, 2009.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than then thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending fee rule, contact Ed Pemble, Driver Services Manager, 332-7830.

DATED this 5th day of November, 2009.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department

3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107

DOCKET NO. 39-0241-0901 - 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 09-10, October 7, 2009, Book 2, pages 444 through 446.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.60 - RULES GOVERNING LICENSE PLATE PROVISIONS

DOCKET NO. 39-0260-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 49-201, Idaho Code.

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

This rule is being revised to include provisions for issuing Restricted Vehicle plates to Idaho licensed motorbike, all terrain vehicle, and utility vehicle dealers. Neither HB602, 2008, nor SB1098a, 2009, provided for issuing restricted vehicle dealer plates, which are necessary for dealers to conduct their business for demoing such vehicles to potential customers. Revisions to the rule are needed to add provisions for issuing wrecker plates to comply with SB1183, 2009. Revisions are being made to clarify unacceptable personalized plate messages to include prohibition against acts of violence, drug references, and sexual preference or orientation. A new section is being added to comply with HB226, 2009, providing for the creation of business logo plates available as permanent commercial trailer plates for businesses who wish to create their own logo plate for registering their commercial trailers and provides for the periodic validation for non-resident owners every 3 years.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in Book 2 of the October 7, 2009 Idaho Administrative Bulletin, Volume 09-10, pages 447 through 452.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than then thousand dollars (\$10,000) during the fiscal year: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Amy Smith, Vehicle services Manager, 334-8660.

DATED this 5th day of November, 2009.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department

3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107

DOCKET NO. 39-0260-0901 - 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 09-10, October 7, 2009, Book 2, pages 447 through 452.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.12 - RULES GOVERNING SAFETY REQUIREMENTS OF OVERLEGAL PERMITS

DOCKET NO. 39-0312-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 49-201, 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 Federal Motor Carrier Safety Regulations (FMCSR 393.87) have recently changed the required dimensions for flags from 12"x12" to 18"x18." This rule change is being made to ensure that the administrative rule is in compliance with federal regulation.

The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 7, 2009 Idaho Administrative Bulletin, Volume 09-10, page 453 and 454.

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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Regina Phipps, Vehicle Size and Weight Specialist, 334-8418.

DATED this 5th day of November, 2009.

Linda L. Emry
Office of Governmental Affairs
Idaho Transportation Department

3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-332-4107

DOCKET NO. 39-0312-0901 - 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 09-10, October 7, 2009, Book 2, pages 453 and 454.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 40 - COMMISSION ON THE ARTS

40.01.01 - RULES OF THE IDAHO COMMISSION ON THE ARTS

DOCKET NO. 40-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 67-5605, 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 466 through 471.

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

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Michael Faison, Executive Director, (208) 334-2119, ext. 29.

DATED this 29th day of October 2009.

Michael Faison
Executive Director
Idaho Commission on the Arts
The Warden's Residence
2410 Old Penitentiary Rd. N.
Boise, ID 83712
Phone: (208) 334-2119, ext. 29
Fax: (208) 334-2488

DOCKET NO. 40-0101-0901 - 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 09-10, October 7, 2009, Book 2, pages 466 through 471.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 46 - BOARD OF VETERINARY MEDICINE

46.01.01 - RULES OF THE STATE OF IDAHO BOARD OF VETERINARY MEDICINE

DOCKET NO. 46-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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.

Pursuant to comments received on the proposed rules, changes have been made to the language of Subsection 154.09 to clarify requirements concerning the return or disposal of expired pharmaceuticals and biologicals.

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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 472 through 488.

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 proposed rule, contact Karen Ewing, Executive Director, (208) 332-8588.

DATED this 29th day of October, 2009.

Karen Ewing
Executive Director
Board of Veterinary Medicine
2270 Old Penitentiary Rd.
P. O. Box 7249
Boise, ID 83707
Telephone: (208) 332-8588
Facsimile: (208) 334-2170

DOCKET NO. 46-0101-0901 - ADOPTION OF PENDING RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscoring is new text that has been added to the pending rule.

Only those sections or subsections 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 09-10, October 7, 2009, Book 2, pages 472 through 488.](#)

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED TEXT FOR DOCKET NO. 46-0101-0901

Subsection 154.09

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 (for example, herd, litter, and flock) treated by a veterinarian. (3-30-07)

09. Return or Disposal of Expired *Pharmaceuticals* and *Biologicals*. Except for controlled substances, which shall be disposed of in accordance with Paragraph 154.08.g. of these rules, all *pharmaceuticals* and *biologicals* that have exceeded *their* expiration date shall be removed from *inventory* and disposed of appropriately. ()

IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48.01.01 - RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

DOCKET NO. 48-0101-0901

NOTICE OF RULEMAKING - ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2010 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 54-3605(15), 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 2, 2009 Idaho Administrative Bulletin, Vol. 09-9, pages 327 through 329.

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

The Commission has been accepting gifts and donations to fund grants and may supplement such funds as its budget permits.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Moya Shatz, Executive Director, (208) 455-8354.

DATED this 2nd day of November, 2009.

Moya Shatz
Executive Director
Idaho Grape Growers and Wine Producers Commission
117 9th Ave., Ste. 2
P. O. Box 1218
Caldwell, ID 83606
Telephone: (208) 455-8354
Facsimile: (208) 455-8364

DOCKET NO. 48-0101-0901 - 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 09-9, September 2, 2009, pages 327 through 329.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 48 - IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

48.01.01 - RULES OF THE IDAHO GRAPE GROWERS AND WINE PRODUCERS COMMISSION

DOCKET NO. 48-0101-0902

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 2010 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 54-3605(15), 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 7, 2009 Idaho Administrative Bulletin, Vol. 09-10, pages 494 through 495.

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

The Commission may receive additional revenue from the proposed changes. Idaho Code provides persons subject to the tax with an opportunity to opt out of the tax. The Commission is not able to determine whether more taxpayers will opt out due to the revisions.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Moya Shatz, Executive Director, (208) 455-8354.

DATED this 2nd day of November, 2009.

Moya Shatz
Executive Director
Idaho Grape Growers and Wine Producers Commission
117 9th Ave., Ste. 2
P. O. Box 1218
Caldwell, ID 83606
Telephone: (208) 455-8354
Facsimile: (208) 455-8364

DOCKET NO. 48-0101-0902 - 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 09-10, October 7, 2009, Book 2, pages 494 and 495.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO****DOCKET NO. 58-0101-0901****NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE**

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2010 Idaho State Legislature for final approval. The pending rule will become final and effective if approved during the Second Regular Session of the Sixtieth Idaho Legislature by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. If the pending rule is approved 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 Board has adopted a pending fee rule. This action is authorized by Sections 39-105, 39-107, and 39-116B, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, June 3, 2009, Vol. 09-6, pages 105 through 109. The proposed rule has not been revised in response to public comments received; however, the rule has been revised at Sections 518 and 519. The remainder of the rule has been adopted as proposed. After further internal discussion and review, the inspection station and technician license fee requirements set out in Subsections 518.03 and 519.02 have been removed. The financial aspects of running and administering the program will be dealt with as part of the overall procurement process with the selected contractors or subcontractors. Section 39-116B, Idaho Code, only details a motor vehicle registration fee not to exceed \$20 per vehicle. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0901_pending.cfm or by contacting the undersigned.

FEE SUMMARY: This rule includes an inspection fee that shall not exceed \$20 per vehicle (Section 524). Imposition of the fee is authorized by Section 39-116B(2)(g), Idaho Code.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government nor is it more stringent than federal regulations. The Clean Air Act requires, in marginal ozone nonattainment areas, a vehicle inspection and maintenance program. This rule is broader in scope than the federal law as it applies to sources in an area not yet designated nonattainment. In addition, promulgation of this rule is required by Section 39-116B, Idaho Code.

This rule constitutes an important preemptive step for the Treasure Valley to take to attempt to avoid an ozone nonattainment designation. The ozone national ambient air quality standard is a standard designed to protect human health and the environment. It is clear under federal law that scientists have determined that a vehicle inspection and maintenance program is an important control measure to implement for ozone reduction.

FISCAL IMPACT STATEMENT: 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 rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Dated this 13th day of October, 2009.

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. 58-0101-0901 - ADOPTION OF PENDING FEE RULE

Substantive changes have been made to the pending rule.
Italicized text that is underscored is new text that has been added to the pending rule.

Only those sections or subsections 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 09-6, June 3, 2009, pages 105 through 109.**

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

THE FOLLOWING IS THE AMENDED PENDING RULE TEXT FOR DOCKET NO. 58-0101-0901

(Section 518 is being reprinted in its entirety)

518. REQUIREMENTS FOR LICENSING AUTHORIZED INSPECTION STATIONS OR RETEST STATIONS.

01. General. ()

a. No person or enterprise shall in any manner represent any place as an inspection station or retest station unless such station is operated under a valid license issued by the governing authority. ()

b. No license for any inspection station or retest station may be assigned, transferred or used by other than the original applicant for that specific station. ()

02. Applications for License. Applications for license as an inspection station or retest station shall be made on the forms provided by the governing authority. No license shall be issued unless the governing authority finds that the facilities, tools and equipment of the applicant comply with the requirements set forth in Subsections 518.03 or 518.04. ()

03. Requirements for Licensed Inspection Stations. In order to qualify for issuance and continuance of an inspection station license, an establishment must meet the following requirements: ()

a. Must have a permanent location: ()

b. Must sign a contract pledging the station will not make any emissions related adjustments or repairs on the vehicles it emissions tests; ()

c. Must ensure that at least one employee, who has been issued an emissions technician license by the governing authority, is on duty at all times of station operation; ()

d. Must demonstrate the ability to perform the emissions test and comply with reporting and recordkeeping requirements established by the governing authority; ()

- e. Must obtain and maintain in force appropriate business liability insurance; and ()
- f. Must have the tools, equipment and supplies, as required by the governing authority, available for performance of the emissions test. ()

04. Requirements for Licensed Retest Stations. In order to qualify for issuance and continuance of a retest station license, an establishment must meet the requirements listed in Subsection 518.03 with the exception of Subsection 518.03.b. ()

05. Approval Procedure. ()

a. Applications received by the governing authority will be reviewed for completeness and an inspection of the facility will be performed. An inspection report will be prepared for the governing authority's review. ()

b. Stations which meet the requirements of Subsections 518.01 through 518.04 will be granted an inspection station license or retest station license and issued a station sign. The station sign and license shall be posted in a conspicuous place, readily visible to the public. The station sign and license shall remain the property of the governing authority. ()

06. Revocation of Inspection Station or Retest Station License. The governing authority has the authority to issue warnings and suspend or revoke a station license upon a showing that emission tests are not being performed in accordance with these rules and any other specifications or procedures enacted by the governing authority. ()

(Section 519 is being reprinted in its entirety)

519. REQUIREMENTS FOR LICENSING AUTHORIZED EMISSIONS TECHNICIANS.

01. Applications for License. Application for a license as an emissions technician shall be filed with the governing authority. Applications for the emissions technician license shall be completed on forms provided by the governing authority. ()

02. Requirements for Issuance of an Emissions Technician License. An applicant must demonstrate the knowledge and skill necessary to perform an emissions test of motor vehicle engines. The governing authority shall require the minimum standards set forth in 40 CFR 51.367, incorporated by reference into these rules at Section 107. ()

03. Revocation of Emissions Technician License. The governing authority has the authority to issue warnings and suspend or revoke an emissions technician license upon a showing that emission tests are not being performed in accordance with these rules or any other specifications or procedures enacted by the governing authority. ()

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0902

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 2010 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 Sixtieth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 and 39-107, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, July 1, 2009, Vol. 09-7, pages 135 and 136. 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_0902_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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 rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Dated this 13th day of October, 2009.

Paula J. Wilson
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DOCKET NO. 58-0101-0902 - 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 09-7, July 1, 2009, pages 135 and 136.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.01 - RULES FOR THE CONTROL OF AIR POLLUTION IN IDAHO

DOCKET NO. 58-0101-0903

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 2010 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 Sixtieth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-105 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 5, 2009, Vol. 09-8, pages 134 through 139. DEQ received no public comments, and the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at http://www.deq.idaho.gov/rules/air/58_0101_0903_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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 rulemaking, contact Martin Bauer at (208) 373-0440 or martin.bauer@deq.idaho.gov.

Dated this 13th day of October, 2009.

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DOCKET NO. 58-0101-0903 - 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 09-8, August 5, 2009, pages 134 through 139.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.05 - RULES AND STANDARDS FOR HAZARDOUS WASTE

DOCKET NO. 58-0105-0901

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 2010 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 Sixtieth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by 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 5, 2009, Vol. 09-8, pages 140 through 146. DEQ 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_0901_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

FISCAL IMPACT STATEMENT: 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: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact John Brueck, john.brueck@deq.idaho.gov, (208)373-0458.

Dated this 13th day of October, 2009.

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DOCKET NO. 58-0105-0901 - 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 09-8, August 5, 2009, pages 140 through 146.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.16 - WASTEWATER RULES

DOCKET NO. 58-0116-0802

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 2010 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 Sixtieth Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Sections 67-5224 and 67-5291, Idaho Code. This rule was adopted as a temporary rule by the Board in February 2009 and is currently effective.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This 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, June 3, 2009, Vol. 09-6, pages 111 through 122. DEQ 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/wastewater/58_0116_0802_pending.cfm or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. There is no federal law or regulation comparable to the provisions governing wastewater treatment and collection system classification set forth in the Wastewater Rules; therefore, the changes to the rules are not broader in scope or more stringent than federal law or regulations.

FISCAL IMPACT STATEMENT: 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 rulemaking, contact Ester Ceja at ester.ceja@deq.idaho.gov, (208)373-0585.

Dated this 13th day of October, 2009.

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DOCKET NO. 58-0116-0802 - 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 09-6, June 3, 2009, pages 111 through 122.

This rule has been adopted as a pending rule by the Agency and is now awaiting review and approval by the 2010 Idaho State Legislature for final adoption.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.20 - RULES FOR ADMINISTRATION OF DRINKING WATER LOAN PROGRAM

DOCKET NO. 58-0120-0901 (FEE RULE)

NOTICE OF RULEMAKING - TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The temporary rule is effective December 2, 2009.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226(1), Idaho Code, notice is hereby given that the Board of Environmental Quality has adopted a temporary rule and the Department of Environmental Quality (DEQ) has initiated proposed rulemaking. This action is authorized by Chapters 1 and 76, Title 39, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency. Written requests for a hearing must be received by the undersigned on or before December 16, 2009. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: Currently, State General Fund monies support facility planning efforts. The recent strain on the State's General Fund resources is driving an effort to find alternative funding sources. If the Drinking Water Loan Program were to collect loan fees, those loan fees could be used as a substitute for State General Fund monies in supporting Idaho communities' infrastructure planning efforts. With the expected reduction of State General Fund support for drinking water facility planning efforts, the establishment of an alternate funding source will continue support for Idaho drinking water systems to prepare for infrastructure construction.

The purpose of this rulemaking is to revise the Rules for Administration of Drinking Water Loan Program to allow DEQ to collect a fee in the form of a percentage of each loan. The fees collected will be used to provide funds for supporting planning efforts and for loan program administration. The actual interest rate charged on Drinking Water State Revolving Fund (DWSRF) loans will be reduced by the amount of the fee charged so that there is no cost to the communities using the DWSRF loans. The fee revenues can then be used to fund planning grants (as currently allowed for in the Rules for Administration of Planning Grants for Public Drinking Water Facilities, IDAPA 58.01.22). The proposed revisions are consistent with the loan fee structure set out in Section 032 of the Rules for Administration of Water Pollution Control Loans, IDAPA 58.01.12.

Cities, counties, districts and associations that own and operate public drinking water systems may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. It is this addition to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the spring of 2010 for adoption as a pending rule. The pending rule is expected to be final and effective upon the adjournment of the 2011 legislative session if adopted by the Board and approved by the Legislature.

NEGOTIATED RULEMAKING: Adoption of this rule would reclassify a portion of the interest due on loans to a loan fee with no monetary effect on loan recipients. Due to the nature of this rulemaking, DEQ did not conduct negotiations.

SECTION 39-107D, IDAHO CODE, STATEMENT: This proposed rule does not regulate an activity not regulated by the federal government, nor is it broader in scope or more stringent than federal regulations.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is necessary for protection of public health and to confer a benefit. Adoption of this temporary rule would confer a benefit to the citizens of the state of Idaho in that a reserve fund would become available to supplement planning efforts. In addition, the Governor has found that the fee imposed in this rule meets the criteria set out in Section 67-5226(2), Idaho Code.

FEE SUMMARY: Unless this fee is implemented in FY 2010, DEQ will lose the capacity to assist drinking water systems' facility planning efforts and may have to curtail administrative oversight of the loan program due to shrinking administrative funds. Imposition of the fee is authorized by Sections 39-119 and 39-3627(4), Idaho Code.

FISCAL IMPACT STATEMENT: 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: not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning this rulemaking, contact Tim Wendland at (208)373-0439 or tim.wendland@deq.idaho.gov.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before December 30, 2009.

DATED this 12th day of November, 2009.

Paula J. Wilson
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THE FOLLOWING IS THE TEMPORARY AND PROPOSED TEXT FOR DOCKET NO. 58-0120-0901

010. DEFINITIONS.

For the purpose of the rules contained in this chapter, the following definitions apply: (3-23-98)

- 01. Applicant.** Any qualifying entity making application for Drinking Water loan funds. (5-3-03)
- 02. Board.** The Idaho Board of Environmental Quality. (4-2-08)
- 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 information document nor an environmental impact statement is required. (4-2-08)
- 04. Close or Closing.** The date on which the borrower issues and physically delivers to the Department the bond or note evidencing the loan to the borrower, specifically determining the principal, interest and fee amounts that shall be repaid and the schedule for payment. (12-2-09)T
- 045. Community Water System.** A public drinking water system that: (5-3-03)
- a.** Serves at least fifteen (15) service connections used by year round residents of the area served by the system; or (3-23-98)
- b.** Regularly serves at least twenty-five (25) year-round residents. (3-23-98)
- 056. Construction.** The building, erection, acquisition, alteration, reconstruction, improvement, or extension of public drinking water system facilities, including preliminary planning to determine the economic and engineering feasibility of public drinking water system 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 public water system facilities, the inspection and supervision of the construction, and start-up of the associated facilities. (5-3-03)

- 067. Contaminant.** Any physical, chemical, biological, or radiological substance or matter in water. (5-3-03)
- 078. Department.** The Idaho Department of Environmental Quality. (3-23-98)
- 089. Director.** The Director of the Idaho Department of Environmental Quality or the Director's designee. (4-2-08)
- 0910. Disadvantaged Community.** The service area of a public water system that meets affordability criteria established by the Department of Environmental Quality after public review and comment. (3-23-98)
- 101. Disadvantaged Loans.** Loans made to a disadvantaged community. (3-23-98)
- 112. 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. (5-3-03)
- 123. 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)
- 134. Eligible Systems.** Public and private community water systems and nonprofit noncommunity water systems. (3-23-98)
- 145. Engineering Report.** 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. (4-2-08)
- 156. Environmental Impact Statement (EIS).** A document prepared by the applicant when the Department determines that the proposed drinking water construction 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 an EIS. (4-2-08)
- 167. 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. (4-2-08)
- 178. 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. (4-2-08)
- 189. Financial Management System.** Uniform method of recording, summarizing, and analyzing

financial information about the public water system facility. (3-23-98)

1920. 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. (4-2-08)

201. Handbook. "Drinking Water Loan Handbook of Procedures." (5-3-03)

212. Ineligible Costs. Costs which are described in Subsection 041.05. (5-3-03)

223. Managerial Capability. The capabilities of the qualified entity to support the proper financial management and technical operation of the system. (5-3-03)

234. 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)

245. Noncommunity Water System. A public water system that is not a community water system. (3-23-98)

256. 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)

267. 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)

278. 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)

289. 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)

2930. 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)

301. 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)

312. 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." (4-2-08)

323. Qualifying Entity. 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 water system or irrigation system and which establishes and maintains a dedicated loan repayment source. (4-2-08)

- 334. Rehabilitation.** The repair or replacement of segments of drinking water facilities. (5-3-03)
- 345. Reserve Capacity.** That portion of the system in the planned facilities to handle future drinking water demand. (5-3-03)
- 356. State.** The state of Idaho. (3-23-98)
- 367. Supplier or Provider of Water.** Any person who owns and/or operates a public water system. (3-23-98)
- 378. Suspension.** An action by the Director to suspend a loan contract prior to project completion for a specified cause. Suspended contracts may be reinstated. (3-23-98)
- 389. Technical Capability.** The ability of the public drinking water system to comply with existing and expected drinking water rules. (5-3-03)
- 3940. Termination.** An action by the Director to permanently terminate a loan contract prior to project completion for a specific cause. Terminated contracts shall not be reinstated. (3-23-98)
- 401. Unreasonable Risks 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)
- 442. 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, which provides sufficient reserves and/or revenues for debt retirement, operation and maintenance, and replacement of the public water system. (4-2-08)
- 423. Water System Protection Ordinance.** An ordinance adopted pursuant to Chapter 32, Title 42, Idaho Code, or other applicable law which requires new connections to be properly designed and constructed, which prohibits cross-connections with non-potable water sources (and in all ways protects the water system from injection of contaminants), and which provides for fees for service from users or classes of users. (3-23-98)
- 434. Water Treatment Plant.** That portion of the public drinking water system whose primary purpose is to remove contaminants. (5-3-03)

(BREAK IN CONTINUITY OF SECTIONS)

032. LOAN FEE.

01. Loan Fee. The Department may elect to impose a loan fee when necessary to offset the costs of administering the loan program, to provide planning assistance, or to otherwise facilitate the operation of the Drinking Water State Revolving Fund (DWSRF) effort. The Department may impose a loan fee on loans scheduled to close after December 2, 2009. The loan fee shall not exceed one percent (1%) of the unpaid balance of the loan at the time each loan payment is due. (12-2-09)T

02. Determination of Loan Fee. The Department shall determine the amount of the loan fee on a yearly basis and shall charge the same loan fee on all loans closed during any one fiscal year. The amount of the loan fee shall be included in the Intended Use Plan, as described by Section 1452 of the Safe Drinking Water Act (42 U.S.C. Section 300j-12). In determining the amount of the loan fee, the Department shall consider: (12-2-09)T

a. The Department’s anticipated costs of administering the loan program for the upcoming fiscal year, including salaries and overhead; (12-2-09)T

b. Any Department costs related to providing technical assistance for the loan program for the upcoming fiscal year; (12-2-09)T

c. The amount of money generated from loan fees in previous fiscal years available for use in the upcoming fiscal year; and (12-2-09)T

d. The anticipated demand for planning assistance to supplement regular appropriations and other related needs to support the DWSRF loan program. (12-2-09)T

03. **Effect on Loan Interest Rate.** The loan interest rate, as described in Subsection 050.05, will be reduced by the corresponding percentage of the loan fee. (12-2-09)T

04. **Payment of Loan Fee.** The loan fee shall be due and payable concurrently with scheduled loan principal and interest repayments over the repayment period. (12-2-09)T

~~0323.~~ -- 039. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

050. LOAN OFFER AND ACCEPTANCE.

01. Loan Offer. Loan offers shall be delivered to successful applicants by representatives of the Department or by registered mail. (3-23-98)

02. Acceptance of Loan Offer. Applicants have sixty (60) days in which to officially accept the loan offer on prescribed forms furnished by the Department. The sixty (60) day acceptance period commences from the date indicated on the loan offer notice. If the applicant does not accept the loan offer within the sixty (60) day period, the loan funds may be offered to the next project on the priority list. (3-23-98)

03. Acceptance Executed as a Contract Agreement. Upon signature by the Director or the Director's designee and upon signature by the authorized representative of the qualifying entity, the loan offer shall become a contract. Upon accepting a loan offer, a qualifying entity becomes a loan recipient. The disbursement of funds, pursuant to a loan contract, is subject to a finding by the Director that the loan recipient has complied with all loan contract conditions and has prudently managed the project. The Director may, as a condition of disbursement, require that a loan recipient vigorously pursue any claims it has against third parties who shall be paid in whole or in part, directly or indirectly, with loan funds. No third party shall acquire any rights against the state or its employees from a loan contract. (4-2-08)

04. Estimate of Reasonable Cost. All loan contracts shall include the eligible costs of the project. Some eligible costs may be estimated and disbursements may be increased or decreased as provided in Section 060. (5-3-03)

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)

a. Terms consistent with these rules, the project step to be funded under the loan offer, and Chapter 76, Title 39, Idaho Code; (5-3-03)

b. Special clauses as determined necessary by the Department for the successful investigation, design, construction, and management of the project; (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; (4-2-08)

d. Requirement for the prime engineering firm(s), retained for engineering services, to carry professional liability insurance to protect the public from negligent acts of the engineer and errors of omission of a professional nature. The total aggregate of the professional liability of the engineer insurance shall be one hundred thousand dollars (\$100,000) or twice the amount of the fee of the engineer, whichever is greater. Professional liability insurance must cover all such services rendered for all project phases which are state funded; (4-2-08)

e. The project shall be bid, contracted, and constructed according to the current edition of Idaho Standards for Public Works Construction and the Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08) unless the qualifying entity has approved and adopted acceptable public works construction standards approved by the Department; (5-3-03)

f. The loan interest rate for loans made during the state fiscal year beginning July 1 shall be established by the Director. The interest rate shall be a fixed rate in effect for the life of the loan. The rate may equal but shall not exceed the current market rate; (5-3-03)

g. The loan fee pursuant to Section 032: (12-2-09)T

gh. All loans, except disadvantaged loans, must be fully amortized within a period not to exceed twenty (20) years after project completion. Disadvantaged loans must be fully amortized within a period not to exceed thirty (30) years. The borrower may elect for either a schedule of semi-annual repayments or annual repayments at the time the loan is finalized; and (3-23-98)

hi. Repayment default shall occur when a scheduled loan repayment is thirty (30) days past due. If default occurs, the Department may invoke appropriate loan contract provisions and/or bond covenants. (5-3-03)

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

58.01.23 - RULES OF ADMINISTRATIVE PROCEDURE BEFORE THE BOARD OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0123-0901

NOTICE OF RULEMAKING - PROPOSED RULEMAKING

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking. This action is authorized by Sections 39-105, 39-107 and 67-5206, Idaho Code.

PUBLIC HEARING SCHEDULE: No hearings have been scheduled. Pursuant to Section 67-5222(2), Idaho Code, a public hearing will be held if requested in writing by twenty-five (25) persons, a political subdivision, or an agency.

Written requests for a hearing must be received by the undersigned on or before December 16, 2009. If no such written request is received, a public hearing will not be held.

DESCRIPTIVE SUMMARY: This rulemaking has been initiated to make revisions to the Rules of Administrative Procedure Before the Board of Environmental Quality for clarification purposes and for consistency with the Idaho Administrative Procedure Act (APA) and the Environmental Protection and Health Act.

The proposed rule includes revisions to the following sections:

- (1) Section 052. Revisions made for consistency with Section 67-5273, Idaho Code.
- (2) Section 303. Revisions made to provide flexibility that would allow potential parties to enter into a tolling agreement.
- (3) Sections 353 through 355. Revisions made for clarity and to provide a time limit within which an intervenor, once granted permission to intervene, may file its response to the petition for contested case.
- (4) Section 720. Revisions made for clarity, to streamline the process, for consistency with Section 730, and for consistency with Sections 67-5244 and 67-5273, Idaho Code.
- (5) Section 730. Revisions made for clarity, to streamline the process, for consistency with Section 720, and for consistency with Sections 67-5245 and 67-5273, Idaho Code. Revisions made to this section remove the Board's discretion to hear petitions for review of preliminary orders. The APA does not provide discretion as to whether or not an agency will hear a petition for review.
- (6) Sections 740, 750, and 801. Revisions made for consistency with Section 67-5273, Idaho Code.
- (7) Section 790. Revisions made for consistency with Section 67-5270, Idaho Code.
- (8) Section 791. Revisions made for clarity and for consistency with Sections 39-107(6) and 67-5273, Idaho Code.
- (9) Section 860. Revisions made for clarity and for consistency with Section 39-107(6), Idaho Code.

Citizens of the state of Idaho and representatives of regulated industry having an interest in the procedures for obtaining Board review of an action of DEQ may be interested in commenting on this proposed rule. The proposed rule text is in legislative format. Language the agency proposes to add is underlined. Language the agency proposes to delete is struck out. It is these additions and deletions to which public comment should be addressed.

After consideration of public comments, DEQ intends to present the final proposal to the Board of Environmental Quality in the spring of 2010 for adoption as a pending rule. The pending rule is expected to be final and effective upon the adjournment of the 2011 legislative session if adopted by the Board and approved by the Legislature.

NEGOTIATED RULEMAKING: The text of the rule has been drafted based on discussions held and concerns raised during negotiations conducted pursuant to Idaho Code Section 67-5220 and IDAPA 58.01.23.810-815. On September 2, 2009, the "Notice of Intent to Promulgate - Negotiated Rulemaking" was published in the Idaho Administrative Bulletin, Vol. 09-9, pages 336 and 337, and a preliminary draft rule was made available for public review. One meeting was held on September 23, 2009. Members of the public participated in this negotiated rulemaking process by attending the meeting.

IDAHO CODE SECTION 39-107D STATEMENT: This rule does regulate an activity not regulated by the federal government. The federal government does not regulate administrative procedures for the state of Idaho; therefore, the proposed rule revisions are not broader in scope or more stringent than federal law or regulations.

FISCAL IMPACT STATEMENT: 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: not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning this rulemaking, contact Paula Wilson at paula.wilson@deq.idaho.gov, (208)373-0418.

Anyone may submit written comments by mail, fax or e-mail at the address below regarding this proposed rule. DEQ will consider all written comments received by the undersigned on or before December 30, 2009.

DATED this 20th day of October, 2009.

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

THE FOLLOWING IS THE PROPOSED TEXT FOR DOCKET NO. 58-0123-0901

052. PETITIONS FOR DECLARATORY RULINGS TO BE DECIDED BY ORDER.

01. Final Agency Action. The Board's decision on a petition for declaratory ruling on the applicability of any statute, rule or order administered by the Department is a declaratory ruling and a final agency action within the meaning of Section 67-5255, Idaho Code. (3-15-02)

02. Content. The Board's order issuing the declaratory ruling shall contain or must be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-15-02)

a. This is a final agency action issuing a declaratory ruling. (3-15-02)

b. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any person aggrieved by this declaratory ruling may appeal to district court by filing a petition for judicial review in the District Court in the county in which: ~~(3-15-02)~~()

i. A hearing was held; (3-15-02)

ii. The declaratory ruling was issued; (3-15-02)

iii. The party ~~appealing~~ seeking review resides, or operates its principal place of business in Idaho; or ~~(3-15-02)~~()

iv. The real property or personal property that was the subject of the declaratory ruling is located. (3-15-02)

c. ~~This appeal~~ The petition for judicial review must be filed within twenty-eight (28) days of the ~~service~~ date of issuance of the declaratory ruling. See Section 67-5273, Idaho Code. (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

303. DEFECTIVE, INSUFFICIENT OR UNTIMELY PLEADINGS.

Defective, insufficient or untimely pleadings shall not be considered unless the presiding officer determines ~~otherwise~~ that good cause exists, but the presiding officer shall not consider a petition that is filed outside the time limit set forth in Section 100 unless all parties agree to the tolling of the time limit. (3-15-02)()

(BREAK IN CONTINUITY OF SECTIONS)

3543. ~~ORDERS GRANTING INTERVENTION~~—OBJECTIONS TO PETITIONS TO INTERVENE.

Any party opposing a petition to intervene, must file the objection within seven (7) days after receipt of the petition to intervene and serve the objection upon all parties of record and upon the person petitioning to intervene. Responses shall be filed within seven (7) days after service of the objection. (3-20-04)()

3534. GRANTING PETITIONS TO INTERVENE.

01. General. If a petition to intervene shows direct and substantial interest in any part of the subject matter of a proceeding, does not unduly broaden the issues, and will not cause delay or prejudice to the parties, the presiding officer may grant intervention, subject to reasonable conditions. In addition, upon timely filing of a petition in accordance with Subsection 352.02, a permit applicant or permit holder may intervene as a matter of right in any contested case in which the permit is contested. (3-15-02)()

02. Intervenor Response. Within fourteen (14) days of the date of issuance of the order granting the petition to intervene, the intervenor shall file a response to the petition initiating the contested case. The response shall be in the form and content set out in Subsection 212.02. ()

355. REVIEW OF ORDERS GRANTING OR DENYING INTERVENTION.

Any party may petition the Board to review an order granting or denying intervention. Petitions for review shall be filed within fourteen (14) days ~~after service~~ of the date of issuance of the order. Responses shall be filed within fourteen (14) days after service of the petition for review. The Board may schedule oral argument in the matter before issuing a decision. (3-20-04)()

(BREAK IN CONTINUITY OF SECTIONS)

720. RECOMMENDED ORDERS.

01. Definition. Recommended orders are orders issued by the presiding officer that will become a final order of the Board only after review by the Board pursuant to Section 67-5244, Idaho Code. (3-15-02)

02. Content. Every recommended order must include a schedule for review of the order by the Board and must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-15-02)()

a. This is a recommended order of the presiding officer. It will not become final without action of the Board. (3-15-02)

~~b. Within twenty-one (21) days after the service date of this recommended order, any party may in writing support or take exceptions to any part of this recommended order and file briefs in support of the party's position on any issue in the proceeding. (3-15-02)~~

~~eb. Written briefs in support of or taking exceptions to the recommended order shall be filed with the hearing coordinator. Opposing parties shall have twenty-one (21) days to respond. The Board shall allow all parties an opportunity to file briefs in support or taking exceptions to the recommended order and may schedule oral argument in the matter before issuing a final order. The hearing coordinator shall issue a notice setting out the briefing schedule and date and time for oral argument. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived or extended by the parties or for good cause shown. The Board may hold additional hearings or may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (3-15-02)(____)~~

03. No Motions for Reconsideration. Motions for reconsideration of any recommended order shall not be considered. (3-15-02)

721. -- 729. (RESERVED).

730. PRELIMINARY ORDERS.

01. Definition. Preliminary orders are orders issued by the presiding officer that will become a final order of the Board unless reviewed by the Board pursuant to Section 67-5245, Idaho Code. (3-15-02)

02. Content. Every preliminary order must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-15-02)

a. This is a preliminary order of the presiding officer. It can and will become final without further action of the Board unless any party appeals to the Board by filing with the hearing coordinator a petition for review of the preliminary order; (3-15-02)(____)

b. Within fourteen (14) days ~~after the service of the~~ date of issuance of this preliminary order, any party may ~~appeal to the Board take exceptions to any part of this preliminary order by filing with the hearing coordinator a petition for review of the preliminary order or exceptions to any part of the preliminary order and may file briefs in support of the party's position on any issue in the proceeding to the Board.~~ Otherwise, this preliminary order will become a final order of the Board. The basis for review must be stated in the petition. The Board may review the preliminary order on its own motion. (3-15-02)(____)

c. If any party ~~appeals or takes exceptions to this~~ files a petition for review of the preliminary order, ~~opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the hearing coordinator. The Board may review the preliminary order on its own motion.~~ (3-15-02)

d. ~~If the Board grants a petition to review the preliminary order,~~ the Board shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. The hearing coordinator shall issue a notice setting out the briefing schedule and date and time for oral argument. The Board will issue a final order within fifty-six (56) days of receipt of the written briefs or oral argument, whichever is later, unless waived or extended by the parties or for good cause shown. The Board may hold additional hearings or may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. (3-15-02)(____)

ed. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition for judicial review in the district court of the county in which: (3-15-02)(____)

i. A hearing was held, (3-15-02)

- ii. The final agency action was taken, (3-15-02)
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho, or (3-15-02)
- iv. The real property or personal property that was the subject of the agency action is located. (3-15-02)

~~fe.~~ ~~This appeal~~ The petition for judicial review must be filed within twenty-eight (28) days of this preliminary order becoming final. See Section 67-5273, Idaho Code. The filing of ~~an appeal to a petition for judicial review in~~ district court does not itself stay the effectiveness or enforcement of the order under appeal review. (3-15-02)(____)

03. No Motions for Reconsideration. Motions for reconsideration of any preliminary order shall not be considered. (3-15-02)

731. -- 739. (RESERVED).

740. FINAL ORDERS.

01. Definition. Final orders are preliminary orders that have become final under Section 730 pursuant to Section 67-5245, Idaho Code, or orders issued by the Board pursuant to Section 67-5246, Idaho Code. An order shall be considered a final order pursuant to Section 67-5246, Idaho Code, if issued after a decision by the number of Board members necessary to constitute a quorum. Emergency orders issued under Section 67-5247, Idaho Code, shall be designated as final orders if the Board will not issue further orders or conduct further proceedings in the matter. (3-15-02)

02. Content. Every final order issued by the Board must contain or be accompanied by a document containing the following paragraphs or substantially similar paragraphs: (3-15-02)

a. This is a final order of the Board. (3-15-02)

b. Pursuant to Sections 67-5270 and 67-5272, Idaho Code, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition for judicial review in the district court of the county in which: (3-15-02)(____)

- i. A hearing was held; (3-15-02)
- ii. The final agency action was taken; (3-15-02)
- iii. The party seeking review of the order resides, or operates its principal place of business in Idaho; or (3-15-02)
- iv. The real property or personal property that was the subject of the agency action is located. (3-15-02)

c. ~~An appeal~~ The petition for judicial review must be filed within twenty-eight (28) days of the ~~service~~ date of issuance of this final order. See Section 67-5273, Idaho Code. The filing of ~~an appeal to a petition for judicial review in~~ district court does not itself stay the effectiveness or enforcement of the order under appeal review. (3-15-02)(____)

03. No Motions for Reconsideration. Motions for reconsideration of any final order shall not be considered. (3-15-02)

741. -- 749. (RESERVED).

750. ORDER NOT DESIGNATED.

If an order is not designated as recommended, preliminary or final at its ~~release~~ issuance, but is designated as recommended, preliminary or final after its ~~release~~ issuance, its effective issuance date for purposes of appeal judicial review is the date of the issuance of the order of designation. If a party believes that an order not designated as a recommended order, preliminary order or final order according to the terms of these rules should be designated as a recommended order, preliminary order or final order, the party may move to designate the order as recommended, preliminary or final, as appropriate. (3-15-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

790. PERSONS WHO MAY APPEAL RIGHT OF JUDICIAL REVIEW.

Pursuant to Section 67-5270, Idaho Code, any person aggrieved by a final order of the Board in a contested case ~~may appeal to district court~~ is entitled to judicial review. Pursuant to Section 67-5271, Idaho Code, a person is not entitled to judicial review of an agency action in district court until that person has exhausted all administrative remedies available with the Board, but a preliminary, procedural, or intermediate agency action or ruling is immediately reviewable in district court if administrative review of the final agency action would not provide an adequate remedy. (3-15-02)(____)

791. NOTICE OF APPEAL PETITION FOR JUDICIAL REVIEW.

~~The notice of appeal must be filed with the hearing coordinator as set out in Section 008 and with the district court and served on all parties.~~ (3-15-02)

01. Filing Appeal and Service. The petition for judicial review must be filed with the hearing coordinator as set out in Section 008 and with the district court and served on all parties. Pursuant to Section 39-107(6), Idaho Code, the petition for judicial review shall also be served upon the Chairman of the Board, the Director of the Department, and upon the Attorney General of the State of Idaho. Pursuant to Section 67-5272, Idaho Code, ~~appeals~~ petitions for judicial review may be filed in the District Court of the county in which: (3-15-02)(____)

- a. The hearing was held; (3-15-02)
- b. The final agency action was taken; (3-15-02)
- c. The party seeking review of the agency action resides; or (3-15-02)
- d. The real property or personal property that was the subject of the agency action is located. (3-15-02)

02. Filing Deadline. Pursuant to Section 67-5273, Idaho Code, a petition for judicial review of a final order in a contested case must be filed within twenty-eight (28) days of the ~~service~~ date of issuance of the final order. (3-15-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

801. BOARD RESPONSE TO PETITION.

01. Action of Board. The Board shall have until the first regularly scheduled meeting that takes place fourteen (14) or more days after submission of the petition to initiate rulemaking proceedings in accordance with Sections 67-5220 through 67-5225, Idaho Code, and these rules or deny the petition in writing, stating its reasons for the denial. (3-15-02)

02. Denial. If the petition is denied, the written denial shall state: (3-15-02)

- a. The Board has denied your petition to initiate rulemaking. This denial is a final agency action

within the meaning of Section 67-5230, Idaho Code. (3-15-02)

b. Pursuant to Section 67-5270, Idaho Code, any person aggrieved by this final agency action may seek review of the denial to initiate rulemaking by filing a petition for judicial review in the District Court of the county in which: (3-15-02)(____)

i. The hearing was held; (3-15-02)

ii. This final agency action was taken; (3-15-02)

iii. The party seeking review resides, or operates its principal place of business in Idaho; or (3-15-02)

iv. The real property or personal property that was the subject of the denial of the petition for rulemaking is located. (3-15-02)

c. ~~This appeal~~ The petition for judicial review must be filed within twenty-eight (28) days of the ~~service~~ date of issuance of this denial of the petition to initiate rulemaking. (3-15-02)(____)

(BREAK IN CONTINUITY OF SECTIONS)

860. ~~PERSONS WHO MAY SEEK~~ PETITION FOR JUDICIAL REVIEW OF AN ADMINISTRATIVE RULE OF THE DEPARTMENT.

Pursuant to Section 67-5270, Idaho Code, any person aggrieved by an administrative rule of the Department (either temporary or final) may seek judicial review in district court. (3-15-02)(____)

01. Filing and Service. The petition for judicial review must be filed with the hearing coordinator as set out in Section 008 and with the district court and served on all parties. Pursuant to Section 39-107(6), Idaho Code, the petition for judicial review shall also be served upon the Chairman of the Board, the Director of the Department, and upon the Attorney General of the State of Idaho. Pursuant to Section 67-5272, Idaho Code, petitions for review may be filed in the District Court of the county in which: (3-15-02)(____)

a. The hearing was held; (3-15-02)

b. The final agency action was taken; (3-15-02)

c. The party seeking review of the agency action resides, or operates its principal place of business in Idaho; or (3-15-02)

d. The real property or personal property that was the subject of the agency action is located. (3-15-02)

02. Time. Pursuant to Section 67-5273, Idaho Code, a petition for judicial review of a final rule (except for a challenge to procedures used in promulgating the rule) may be filed at any time. (3-15-02)

Sections Affected Index

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.04.31 - Rules Governing the Stockpiling of Agricultural Waste

Docket No. **02-0431-0901**

060. Penalties.	28
----------------------	----

02.06.10 - Rules Governing the Pale Cyst Nematode (*Globodera pallida*)

Docket No. **02-0610-0901 (New Chapter)**

000. Legal Authority.	39
001. Title And Scope.	39
002. Written Interpretations.	39
003. Administrative Appeal.	39
004. Incorporation By Reference.	39
005. Office -- Office Hours -- Mailing Address And Street Address.	39
006. Public Records Act Compliance.	40
007. -- 009. (Reserved).	40
010. Definitions And Terms.	40
011. Abbreviations.	40
012. Intrastate Movement.	40
013. Quarantined Areas.	40
014. Restrictions.	40
015. Conditions For Intrastate Or Interstate Movement Of Regulated Articles.	41
016. -- 019. (Reserved).	41
020. Inspection, Sampling, And Testing.	41
021. -- 024. (Reserved).	41
025. Penalties.	41
026. -- 999. (Reserved).	41

IDAPA 05 - DEPARTMENT OF JUVENILE CORRECTIONS

05.01.01 - Rules for Contract Providers

Docket No. **05-0101-0901**

266. Pat Down Searches And Visual Inspections For Contraband.	49
267. Juvenile offender Strip Searches Prohibited.	49

IDAPA 07 - DIVISION OF BUILDING SAFETY

07.02.05 - Rules Governing Plumbing Safety Licensing

Docket No. **07-0205-0901**

012. Journeyman.	52
-----------------------	----

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE

16.03.05 - Rules Governing Eligibility for Aid to the Aged, Blind, and Disabled (AABD)

Docket No. **16-0305-0904**

050. Application For Assistance.	86
810. Qualified Medicare Beneficiary (QMB).	86
811. Specified Low Income Medicare Beneficiary (SLMB).	87
812. Qualified Individual (QI).	87
813. Qualified Disabled And Working Individual (QDWI).	88
814. Sponsored Legal Non-Citizen.	88
815. Child Subject To Deeming.	88
816. Fugitive Felon Or Probation Or Parole Violator.	88
817. -- 830. (Reserved).	88

IDAPA 18 - DEPARTMENT OF INSURANCE

18.01.05 - Health Carrier External Review

Docket No. **18-0105-0901 (New Chapter)**

000. Legal Authority.....	90
001. Title And Scope.....	90
002. Written Interpretations.....	90
003. Administrative Appeals.....	90
004. Incorporation By Reference.....	90
005. Office -- Office Hours -- Mailing Address, Street Address, And Web Site.....	90
006. Public Records Act Compliance.....	91
007. -- 009. (Reserved).....	91
010. Definitions.....	91
011. Font Size For Printed Materials.....	91
012. -- 019. (Reserved).....	91
020. Notice Of Right To External Review.....	91
021. Request For External Review.....	92
022. Health Carrier Notice Of Initial Determination Of An External Review Request.....	92
023. Approval Of Independent Review Organizations.....	92
024. Annual Reporting Requirements.....	93
025. -- 029. (Reserved).....	93
030. Effective Date -- Existing Health Benefit Plans -- Grounds For Disapproval.....	93
031. -- 999. (Reserved).....	93

IDAPA 20 - DEPARTMENT OF LANDS

20.03.14 - Rules Governing Grazing Leases and Cropland Leases

Docket No. **20-0314-0901**

010. Definitions.....	104
073. -- 099. (Reserved).....	105

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. **22-0101-0901**

003. Administrative Appeal.....	107
004. Public Record Act Compliance.....	107
007. Filing Of Documents - Number Of Copies.....	107

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES

24.01.01 - Rules of the Idaho Board of Architectural Examiners

Docket No. **24-0101-0902**

250. Qualifications Of Applicants (Rule 250).....	110
251. -- 299. (Reserved).....	110
300. Application (Rule 300).....	110

24.25.01 - Rules of the Idaho Driving Businesses Licensure Board

Docket No. **24-2501-0901 (Fee Rule -- New Chapter)**

000. Legal Authority (Rule 0).....	129
001. Title And Scope (Rule 1).....	129
002. Written Interpretations (Rule 2).....	129
003. Administrative Appeals (Rule 3).....	129
004. Incorporation By Reference (Rule 4).....	129

005. Address Of Idaho Driving Businesses Licensure Board (Rule 5).....	129
006. Public Records (Rule 6).	129
007. Changes In Licensee Information (Rule 7).	130
008. -- 009. (Reserved).....	130
010. Definitions (Rule 10).....	130
011. -- 099. (Reserved).....	130
100. Organization (Rule 100).....	130
101. -- 149. (Reserved).....	130
150. Application (Rule 150).....	130
151. -- 174. (Reserved).....	131
175. Fees (Rule 175).	131
176. -- 199. (Reserved).	131
200. Renewal Of License (Rule 200).	131
201 -- 224. (Reserved).....	131
225. Driving Business License (Rule 225).	131
226. Driving Business -- Minimum Curriculum Components (Rule 226).....	133
227. Driving Business - Course Of Instruction (Rule 227).....	136
228. Driving Business - Initial Audit (Rule 228).....	136
229. -- 249. (Reserved).....	136
250. Driving Instructor License (Rule 250).....	136
251. -- 274. (Reserved).....	138
275. Instructor Apprenticeship Training Program (Rule 275).....	138
276. -- 449. (Reserved).....	139
450. Discipline (Rule 450).	139
451. -- 999. (Reserved).....	139

IDAPA 27 - BOARD OF PHARMACY**27.01.01 - Rules of the Idaho State Board of Pharmacy**Docket No. **27-0101-0902**

257. Outsourcing.....	146
-----------------------	-----

Docket No. **27-0101-0903**

180. Differential Hours.	148
-------------------------------	-----

Docket No. **27-0101-0908**

160. Prescription Transfer.....	153
---------------------------------	-----

IDAPA 31 - IDAHO PUBLIC UTILITIES COMMISSION**31.11.01 - Safety and Accident Reporting Rules for Utilities Regulated by the Idaho Public Utilities Commission**Docket No. **31-1101-0901**

301. Immediate Reporting Of Fatalities And Certain Accidents And Major Natural Gas Interruptions (Rule 301).	155
--	-----

302. Written Reporting Of Accidents And Natural Gas Interruptions (Rule 302).....	155
---	-----

IDAPA 46 - BOARD OF VETERINARY MEDICINE**46.01.01 - Rules of the State of Idaho Board of Veterinary Medicine**Docket No. **46-0101-0901**

154. Record Keeping Standards.....	170
------------------------------------	-----

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY**58.01.01 - Rules for the Control of Air Pollution In Idaho**Docket No. **58-0101-0901**

518. Requirements For Licensing Authorized Inspection Stations Or Retest Stations.....	174
519. Requirements For Licensing Authorized Emissions Technicians.....	175
58.01.20 - Rules for Administration of Drinking Water Loan Program	
Docket No. 58-0120-0901 (Fee Rule)	
010. Definitions.....	181
032. Loan Fee.....	184
033. -- 039. (Reserved).....	185
050. Loan Offer And Acceptance.....	185
58.01.23 - Rules of Administrative Procedure Before the Board of Environmental Quality	
Docket No. 58-0123-0901	
052. Petitions For Declaratory Rulings To Be Decided By Order.....	188
303. Defective, Insufficient Or Untimely Pleadings.....	189
353. Objections To Petitions To Intervene.....	189
354. Granting Petitions To Intervene.....	189
355. Review Of Orders Granting Or Denying Intervention.....	189
720. Recommended Orders.....	189
721. -- 729. (Reserved).....	190
730. Preliminary Orders.....	190
731. -- 739. (Reserved).....	191
740. Final Orders.....	191
741. -- 749. (Reserved).....	191
750. Order Not Designated.....	191
790. Right Of Judicial Review.....	192
791. Petition For Judicial Review.....	192
801. Board Response To Petition.....	192
860. Petition For Judicial Review Of An Administrative Rule Of The Department.....	193

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 latest publication of the state Administrative Bulletin.

*The written comment submission deadline is December 23, 2009 unless otherwise listed.
(Temp & Prop) indicates the rule is both temporary and proposed.
(*PH) indicates that a public hearing has been scheduled.*

IDAPA 02 - DEPARTMENT OF AGRICULTURE PO Box 790, Boise, ID 83701-0790

02-0610-0901, Rules Governing the Pale Cyst Nematode (*Globodera pallida*). (Temp & Prop) Incorporates by reference the changes listed in the final federal rule and makes some technical corrections.

IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE PO Box 83720, Boise, ID 83720-0036

16-0305-0904, Rules Governing Eligibility for Aid to the Aged, Blind and Disabled. (Temp & Prop) Changes align the Medicare Savings Program for Qualified Medicare Beneficiary (QMB), the Specified Low-Income Medicare Beneficiary (SLMB), and the Qualifying Individual (QI) for Medicare Part B with the Full-Benefit Low-Income Subsidy (LIS) Program resource limits in compliance with MIPPA Act of 2008.

IDAPA 18 - DEPARTMENT OF INSURANCE PO Box 83720, Boise, ID 83720-0043

18-0105-0901, Health Carrier External Review. (Temp & Prop) Implements the Idaho Health Carrier External Review Act by establishing requirements for notice of right to and the request for an external review and for the exhaustion of an internal grievance process; provides for standard or expedited external review, the binding nature of an external review decision, approval of independent review organizations and minimum qualifications for independent review organizations; holds harmless independent review organizations; and provides for reporting and disclosure requirements and funding of external review.

IDAPA 24 - BUREAU OF OCCUPATIONAL LICENSES 1109 Main St., Suite 220, Boise, ID 83702

24-0101-0902, Rules of the Idaho Board of Architectural Examiners. (Temp & Prop) Implements HB 92 by allowing an applicant who meets the education requirement and is currently enrolled in the Intern Development Program to apply for the Architect Registration Examination.

24-2501-0901, Rules of the Idaho Driving Businesses Licensing Board. (Temp & Prop) Implements SB 1133 by establishing the fees and requirements for licensure as a driving business and/or driving instructor; establishes application and license renewal processes; sets the curriculum components and courses of instruction; provides for an instructor apprenticeship training program; provides Board contact information, definitions, and grounds for disciplinary action.

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY 1410 N. Hilton, Boise, ID 83706-1255

58-0120-0901, Rules for Administration of Drinking Water Loan Program. (Temp & Prop) Allows DEQ to collect

a fee in the form of a percentage of each loan to provide funds for supporting planning efforts and for loan program administration. Comment by: 12/30/09.

58-0123-0901, Rules of Administrative Procedure Before the Board of Environmental Quality. Revisions provide clarity and consistency with the Idaho Administrative Procedure Act (APA) and the Environmental Protection and Health Act; provides flexibility to allow potential parties to enter into a tolling agreement; provides a time limit within which an intervenor, once granted permission to intervene, may file its response to the petition for contested case; removes the Board's discretion to hear petitions for review of preliminary orders. Comment by: 12/30/09.

Please refer to the Idaho Administrative Bulletin, **December 2, 2009, Volume 09-12**, for all rulemaking notices and for the text of temporary, proposed and final rules, public hearings and negotiated rulemaking meeting schedules, Governor's executive orders, and agency contact information.

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

To view the Bulletin or Code, or for information on purchasing the Bulletin and other rules publications, visit our website at adm.idaho.gov/adminrules/ or call (208) 332-1820 or write the Dept. of Administration, Office of the Administrative Rules Coordinator, 650 W. State St., Room 100, Boise, ID 83720-0306.

CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES

**FOR THE ABOVE LINK TO WORK,
YOU MUST BE CONNECTED TO THE INTERNET.**

**This index tracks the history of all agency rulemakings from 1993 to the present.
It includes all rulemaking activities on each chapter of rules
and includes negotiated, temporary, proposed, pending
and final rules, public hearing notices
and vacated rulemaking notices.**

Subject Index

A

Abbreviations 40
Acceptance Executed as a Contract Agreement, Loan Offer & Acceptance 185
Acceptance of Loan Offer, Loan Offer & Acceptance 185
Accreditation 92
Action of Board, Board Response to Petition 192
Address for Notification Purposes 130
Age & Disability, Disabled Worker 88
Age, Driving Instructor License 137
Amortization 104
Animal Unit Month (AUM) 104
Annual Reporting Requirements 93
APHIS, Animal & Plant Health Inspection Service 40
Applicant 181
Applicant Identity 132
Application 110, 130
Application for Approval, Instructor Apprenticeship Training Program 138
Application For Assistance 86
Application for Renewal 131
Application Required for Registration 92
Application Submitted by Participant, Application For Assistance 86
Application Submitted Through Social Security Administration (SSA) Low-Income Subsidy Data Transmission 86
Application, Driving Instructor License 136
Appointment of an Authorized Representative 92
Apprentices, Instructor Apprenticeship Training Program 138
Approval Of Independent Review Organizations 92
ARE Applicants 110
Assignment 104
Authorization Form 92

B

Board 104, 130, 181
Board Response To Petition 192
Bureau 130

C

Categorical Exclusion (CE) 181
Certificate of Proficiency, Instructor Apprenticeship Training Program 139
Certificate of Vehicle Insurance 132
Changes In Licensee Information 130

Child Subject To Deeming 88
Classroom Locations, & Certificates of Occupancy 132
Close or Closing 181
Comment Period on Applications 92
Community Water System 181
Component Eleven through Fourteen for In-Car 135
Component One through Ten for Classroom 133
Conditions For Intrastate Or Interstate Movement Of Regulated Articles 41
Conflict Application 104
Construction 181
Contaminant 182
Content, Final Order 191
Content, Petitions for Declaratory Rulings to be Decided by Order 188
Content, Preliminary Order 190
Content, Recommended Order 189
Contents of Written Report, Written Reporting of Accidents 156
Course Of Instruction 136
Course of Instruction 133
Coursework, Driving Instructor License 137
Coverage Limits, QI 88
Covered Person 91
Criminal History Background Check 132
Criminal History Background Check, Driving Instructor License 137

D

Defective, Insufficient Or Untimely Pleadings 189
Definition, Final Orders 191
Definition, Preliminary Orders 190
Definition, Recommended Orders 189
Definitions 91, 130
Definitions & Terms 40
Definitions, IDAPA 20.03.14, Grazing Leases/Cropland Leases 104
Denial, Board Response to Petition 192
Department 104, 182
Dependent Income, QMB 86
Determination of Loan Fee 184
Differential Hours 148
Director 91, 104, 182
Disadvantaged Community 182
Disadvantaged Loans 182
Disciplinary Sanctions 139
Discipline 139
Disclosure to Covered Persons 91
Discontinuance of Program, Instructor Apprenticeship Training Program 139

Distribution System 182
Driving Business -- Minimum Curriculum Components 133
Driving Business License 131
Driving Instructor License 136
Driving Log, Course of Instruction 136
Driving Record & Drivers License, Driving Instructor License 137

E

Effect on Loan Interest Rate, Loan Fee 185
Effective Date -- Existing Health Benefit Plans -- Grounds For Disapproval 93
Effective Dates, QI 88
Effective Dates, QMB 87
Effective Dates, SLMB 87
Eligible Costs 182
Eligible Systems 182
Engineering Report 182
Environmental Impact Statement (EIS) 182
Environmental Information Document (EID) 182
Estimate of Reasonable Cost, Loan Offer & Acceptance 185
Examination 52
Example of Pending Fee Rule Notice With No Changes to Text 74
Example of Pending Rule Notice With No Changes to Text 29, 43, 157, 158, 159, 160
Experience in Lieu of Degree Applicants, Qualifications of Applicants 110
Expiration Date, License 131
Extension 105

F

Facility Plan 182
Fatality & Hospitalization Reporting, Safety/Accident Reporting for Utilities 155
Fees 131
Filing and Service, Persons Who May Seek Judicial Review 193
Final Agency Action, Petitions for Declaratory Rulings to be Decided by Order 188
Final Orders 191
Financial Management System 182
Finding of No Significant Impact 183
Font Size For Printed Materials 91
Fugitive Felon Or Probation Or Parole Violator 88

G
Grading Criteria, Course of Instruction 136
Granting Petitions To Intervene 189
Grounds for Discipline 139

H
Handbook 183
Health Benefit Plan 91
Health Carrier 91
Health Carrier Notice Of Initial Determination Of An External Review Request 92
Hours Open for Business 148

I
Immediate Reporting Of Fatalities & Certain Accidents, Safety/Accident Reporting For Utilities 155
Improvement Valuation 105
Income, QDWI 88
Income, QI 88
Income, QMB 86
Income, SSI Cost of Living Increase 87
Ineligible Costs 183
Information Update 130
Initial Audit 136
Inspection, Sampling & Testing 41
Inspector 40
Institutional Pharmacies, Outsourcing 146
Instruction & Training Hours, Instructor Apprenticeship Training Program 138
Instructor Apprenticeship Training Program 133, 138
Instructor Apprenticeship Training Program, Driving Instructor License 137
Instructors, Instructor Apprenticeship Training Program 138
Interstate 40
Intrastate 40
Intrastate Movement 40
ISDA, Idaho State Department of Agriculture 40

J
Journeyman 52
Juvenile Offender Strip Searches Prohibited 49

L
Lease Application 105
Licensure by Endorsement 111
Licensure by Endorsement - Equivalency 111

Licensure By Examination 110
List of Licensed Instructors 132
Loan Fee 184
Loan Offer & Acceptance 185
Loan Offer, Loan Offer & Acceptance 185

M
Major Service Interruptions or Damage to Natural Gas Pipelines 155
Manageable Unit 105
Managerial Capability 183
Maximum Contaminant Level (MCL) 183
Maximum Daily Driving & Observation Time, Course of Instruction 136
Maximum Number of Students In Vehicle, Course of Instruction 136
Medical Certificate, Driving Instructor License 137
Medicare Part A, QI 87
Medicare Part A, QMB 86
Medicare Part A, SLMB 87
Meetings 130
Mortgage Agreement 105
Movement From a Non-Quarantined Area 40
Movement From a Quarantined Area 40

N
No Motions for Reconsideration, Final Orders 191
Noncommunity Water System 183
Nonfinancial Requirements, QDWI 88
Nonfinancial Requirements, QI 88
Nonfinancial Requirements, QMB 86
Nonfinancial Requirements, SLMB 87
Nonprofit Noncommunity Water System 183
Nontransient Noncommunity Water System 183
Notice Of Right To External Review 91
Notice to Covered Person 91
Notice to Director 92

O
O & M Manual 183
Operating Property -- Motor Vehicle Accident Exception, Safety/Accident Reporting for Utilities 155
Order Not Designated 191
Organization 130
Organization of the Board 130
Other Medicaid, QI 87
Other Medicaid, SLMB 87
Other Restrictions 41

Outsourcing 146

P
Parental Involvement, Course of Instruction 136
Pat Down Searches & Visual Inspections For Contraband 49
Payment of Loan Fee 185
PCN, Potato Cyst Nematode 40
Penalties 41
Person 105, 183
Petitions For Declaratory Rulings To Be Decided By Order 188
Plan of Operation 183
Policies, Procedures, & Documentation for Institutional Pharmacies & Central Pharmacies, Outsourcing 146
PPQ, Plant Protection & Quarantine 40
Preliminary Orders 190
Prescription Transfer 153
Priority List 183
Public Drinking Water System/Public Water System/Water System 183

Q
QMB Dependent Family Member Disregard 86
Qualifications Of Applicants 110
Qualified Disabled & Working Individual (QDWI) 88
Qualified Individual (QI) 87
Qualified Medicare Beneficiary (QMB) 86
Qualifying Entity 183
Quarantined Areas 40

R
Recommended Orders 189
Record Keeping Standards 170
Record Retention, Course of Instruction 136
Recordkeeping, Instructor Apprenticeship Training Program 138
Refund of Fees 131
Rehabilitation 184
Reinstatement, License 131
Renewal 92
Renewal Of License 131
Reporting Required, Written Reporting of Accidents 155
Request For External Review 92
Request Form 92
Requirements For Licensing Authorized Emissions Technicians 175
Requirements For Licensing Authorized Inspection Stations Or Retest

Stations 174
Reserve Capacity 184
Resource Limit, QDWI 88
Resource Limit, QI 88
Resource Limit, QMB 87
Resource Limit, SLMB 87
Restrictions 40
Review Of Orders Granting Or Denying
Intervention 189
Right Of Judicial Review 192

S

Section 1818a Medicare, QDWI 88
Seed Potatoes 41
Specified Low Income Medicare
Beneficiary (SLMB) 87
Sponsored Legal Non-Citizen 88
State 184
Student 130
Student Permit Required 136
Sublease 105
Supplier or Provider of Water 184
Suspension 184
Suspension or Revocation of Approval,
& Discipline, Instructor
Apprenticeship Training
Program 138

T

Technical Capability 184
Termination 184
Termination of Approval 93
Terms of Loan Offers 185
Transferring Prescription Between
Pharmacies Using Common
Electronic Prescription Files 153

U

Unreasonable Risks to Health
(URTH) 184
URAC 91
USDA, United States Department of
Agriculture 40
User Charge System 184

V

Vehicles 132
Visual Inspections 49

W

Water System Protection
Ordinance 184
Water Treatment Plant 184
Written Reporting Of Accidents 155